

regional initiatives and the UN 2001 conference

Building Mutual Support and Complementarity

Briefing 2

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Regional initiatives and the UN 2001 Conference: Building Mutual Support and Complementarity

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Executive Summary

As the agenda for the United Nations (UN) 2001 Conference on *The Illicit Trade in Small Arms and Light Weapons in All Its Aspects* takes shape, governments should begin to identify a set of standards, mechanisms and specific agreements that will help consolidate, reinforce and co-ordinate regional and national measures to address the problem of the proliferation and misuse of small arms. An important element of this approach will be to build upon the wealth of regional and national experiences and perspectives that illustrate the different contexts in which efforts to combat the proliferation and misuse of small arms and light weapons have occurred. At the same time, agreements reached at the UN 2001 Conference should be substantial, establishing an agreed comprehensive 'international action programme' for sustained global effort on this complex problem. However there remain issues and concerns that are common to all regions: these should be identified and addressed internationally within the context of the UN 2001 Conference.

This briefing, the second in the *Biting the Bullet* series, reviews some of the current regional efforts on small arms and light weapons. It identifies common approaches that have been used in different regions to counter the proliferation and misuse of small arms and light weapons, these include: law enforcement and crime control; supplier restraint and transparency; national legislation and regulation of arms; and arms reduction and control. The briefing analyses initiatives using these approaches that are moving forward in West Africa, Eastern and Southern Africa, the European Union (EU), and the development of cooperation between EU Member States and other countries and regional organizations, including Cambodia and the Southern African Development Community. The briefing identifies the impact and priorities of these initiatives, suggesting ways in which the UN 2001 Conference is both relevant to the region and what the region can contribute to the outcomes of the Conference. The briefing concludes with recommendations on the ways in which regional processes can be reinforced and further developed by the international community, focusing especially on the contribution of the UN 2001 Conference. Experience is showing that much of what happens nationally and regionally needs reinforcement and further development with assistance from the international community. The UN 2001 Conference comes at an important time for providing the framework – through the international action programme – to develop, reinforce and co-ordinate these national and regional processes, through developing appropriate international norms, standards, programmes and mechanisms. Using the illustration of combating illicit arms trafficking, this briefing outlines some of the processes that could be taken forward through the UN 2001 Conference which would build upon and strengthen national and regional efforts. The briefing contains an annex, which provides background information on many current regional and international initiatives, including those in Africa, the Americas, Asia, Europe and inter-regionally, such as the Organisation for Security and Co-operation in Europe and the North Atlantic Treaty Organisation.

Introduction

As the agenda for the United Nations (UN) 2001 Conference on *The Illicit Trade in Small Arms and Light Weapons in All Its Aspects* takes shape, governments should begin to identify a set of standards, mechanisms and specific agreements that will help consolidate, reinforce and co-ordinate regional and national measures to address the problem of the proliferation and misuse of small arms. An important element of this approach will be to build upon the wealth of regional and national experiences and perspectives that illustrate the different contexts in which efforts to combat the proliferation and misuse of small arms and light weapons have occurred. At the same time, agreements reached at the UN 2001 Conference should be substantial, establishing an agreed comprehensive 'international action programme' for sustained global effort on this complex problem.

Existing regional small arms initiatives should form the basis for many of the elements adopted into the international action programme to build upon work that is already underway and to avoid duplication in efforts to combat illicit trafficking. Such an approach will aid the UN and its Member States in developing proposals to support and complement existing measures, while moving beyond these achievements to establish a multi-faceted and holistic programme of action on small arms and light weapons at the global level.

Global measures are required to effectively address the international problem posed by the continued transfer and re-circulation of small arms and light weapons. Both the legal and the illicit trade in weapons transcend national borders and regional agreements. In particular, the illicit trafficking of weapons crosses the world, exploiting lax legislation and weak law enforcement and border controls. Therefore, while it is critical to develop practical measures, such as cross border co-operation, which are tailored to regional and sub-regional needs, the UN should take a central role in developing consensus in norms and standards worldwide and identify specific measures which require global application to be successful.

This briefing, the second in the *Biting the Bullet* series, sets out some of the key current regional initiatives. It identifies common approaches, analyses the impact and priorities of these initiatives, and suggests ways in which the UN 2001 Conference is both relevant to the region and what the region can contribute to the outcomes of the Conference. The briefing concludes with recommendations on the ways in which regional processes can be reinforced and further developed by the international community, focusing especially on the contribution of the UN 2001 Conference. The briefing includes an annex, which provides background information on many current regional and international initiatives.

Learning From Each Other

Practical and political initiatives to tackle small arms

The problems associated with small arms and light weapons vary from region to region and country-to-country. In Brazil, El Salvador, Jamaica, South Africa or the United States, the use of weapons in violent crime is a major cause for concern. In Albania, Cambodia and Mozambique, the collection and destruction of weapons left over from wars remains a high priority. In countries embroiled in conflict, it is important to stop legal or illegal transfers of weapons, while in others the use of weapons to violate human rights must be halted.

Building consensus by increasing co-operation and control at the regional level has proven to be one of the most successful approaches to implementing practical change. There are a number of high profile initiatives to combat trafficking already underway. The Organization of American States (OAS), the European Union (EU), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have all agreed important regional measures to tackle illicit weapons flows.

Whereas consensus often eludes larger institutions, the smaller size and common concerns of these groups can facilitate agreement more easily. Regional organisations are also better placed to develop specific control measures tailored to the dynamics of weapons problems in a particular region. Regional and sub-regional institutions can also address the challenges of combating small arms and light weapons in the context of shared regional concerns such as crime, drugs or conflict; and implement cross-border control by building on existing regional dialogue and confidence- and security-building measures. Consequently, regional initiatives have developed distinct frameworks and priorities for action. However there remain issues and concerns that are common to all regions: these should be identified and addressed internationally within the context of the UN 2001 Conference.

The variety of factors which have driven the proliferation of small arms in different regions and the variable impact upon societies has led to the development of a wide range of initiatives embodying different objectives and methodologies. Many of these initiatives have been grouped around common approaches. This briefing looks at key initiatives taken under each approach. Regional examples of these approaches include:

Law enforcement and crime control

The Americas have adopted an approach which focuses on law enforcement and crime control, where the problem of small arms proliferation has primarily been addressed as one of illicit arms manufacturing and trafficking linked with criminal networks and the drug trade. In response, the OAS in 1997 concluded a convention to prevent and combat the illicit manufacture of and transfer in firearms, reinforced by the adoption of model regulations. Parts of the Americas, such as Central America, have complemented this approach with a focus on weapons collection and reduction in the context of disarmament, demobilisation and re-integration of ex-combatants, the implementation of peace accords, and changing national controls on the civilian possession of weapons.

Supplier restraint and responsibility

European Union governments have focused on the ways in which small arms are undermining development and fuelling conflict outside the EU. European Union initiatives are, therefore, mainly focused on preventing flows of small arms from the EU to regions where there are already excessive accumulations, and assisting countries and regions affected by small arms proliferation.

Learning From Each Other

Practical and political initiatives to tackle small arms

National legislation and regulation of arms

In Southern Africa, the impact of small arms proliferation is felt directly by almost all governments and societies, and the priority is therefore to tackle small arms proliferation in order to reduce insecurity and suffering within their own region and societies. The incomplete nature of the disarmament processes in Mozambique and Angola in the mid-1990s left large numbers of small arms in circulation. These arms have fuelled an upsurge in violent crime across the region and have contributed to the continuation and lethality of the armed conflict in Angola. Declarations by the members of the Southern African Development Community (SADC) and Southern African Policy Chiefs Coordinating Organisation (SARPCCO) in 1998, together with the development of the *Southern Africa Action Programme on Light Arms and Illicit Trafficking*, have indicated recognition of the extent of the problem and outlined a comprehensive agenda for action. These have included measures to combat and prevent illicit arms trafficking; control and limit legal possession, transfer and accumulation of small arms; encourage information exchange; promote weapons reduction and destruction of confiscated and surplus arms; and reflect the dual concerns in the Southern African region relating to crime and conflict.

Arms reduction and control

In West Africa, the primary concerns relating to small arms and light weapons proliferation continues to be their use as a tool in the region's several ongoing internal conflicts, and the threat that illicit flows and wide availability of light weapons has posed to fragile peace accords. Large quantities of weapons have entered and/or are re-circulating within the region, fuelling conflict, undermining development, and increasing levels of violent crime and banditry. In an effort to stem the flow of small arms into and, their re-circulation within, the region the 16 members of the Economic Community of West African States (ECOWAS) agreed in November 1998 a moratorium on the import, export and transfer of small arms. Significantly, this effort to limit legal arms flows into the region is complemented and reinforced by the Programme for Co-ordination and Assistance on Security and Development (PCASED), which involves mobilising resources to enhance the capacity of governments and their agencies (judiciary, police and customs) to combat illicit trafficking, enhance legal controls on weapon flows and possession, and promote wider awareness and involvement of civil society.

The premise of this approach is that small arms proliferation undermines peace, structural stability and long-term development. Conceptually, this approach offers a more coherent and progressive framework for addressing the supply and demand for illicit weapons within the context of human security. However, without sufficient resources and implementation mechanisms, the broader framework risks being marginalised as a commendable but unattainable ideal when contrasted with the concrete and practical law enforcement approach.

Learning From Each Other

Developments at international level

National and regional initiatives have been encouraged and reinforced by initial global efforts to address the proliferation and misuse of small arms. The United Nations has provided an important arena for raising awareness, developing common understandings of the scope of the problem and recommendations for action, and stimulating international responses. A key focus of such activities has been the work of the UN Panel of Governmental Experts on Small Arms between 1996-97, and the UN Group of Governmental Experts on Small Arms between 1998-99. The 1997 Report of the UN Panel of Experts developed shared understandings of the nature, characteristics and scope of the problems associated with small arms proliferation, and made a number of initial recommendations for action. The 1999 Report of the UN Group of Experts reviewed progress in the implementation of these recommendations and negotiated further recommendations, including on the aims, objectives and scope of the UN 2001 Conference. The UN General Assembly overwhelmingly endorsed both reports.

Linked with this process, the UN has helped to arrange a number of regional workshops on illicit trafficking and small arms proliferation, and supported a number practical disarmament measures. A so-called 'Group of Interested States' has met regularly since 1998 under German chairmanship in the context of the UN to consider proposals for practical disarmament measures, and has helped to mobilise support for a number of initiatives, including for training and 'lessons-learned' workshops in Central Africa and Central America. The United Nations and its agencies have further supported weapons collection projects. These efforts are complemented by on-going negotiations of a protocol to prevent and combat the illicit manufacture of and transfer in firearms and their parts and components and ammunition, in the context of the UN convention against transnational organised crime.

Review of Regional Initiatives

The challenge of reviewing current initiatives is large. This section explores the impact of some key initiatives to address the proliferation of small arms and light weapons. It then identifies ways in which these initial steps should be developed in order to reach their full potential. The main purpose of this section, however, is to examine those elements of each approach that should inform the deliberations and outcomes of the UN 2001 process. The annex to this briefing contains full descriptions of these regional activities.

It is important to realise that the potential for success of any initiative relies on national commitment and implementation. For this to take hold, several factors need to be considered. First, those countries participating in the initiative should have the political support to follow through on implementation. Related to this, the initiative should have enough relevance to the country that it sees it as being in its interest to see it successfully concluded. Third, some countries may look at other measures, which reinforce but are outside the scope of the regional agreement, such as changing national arms export policies or controlling the civilian possession of small arms and light weapons. These individual efforts should also be supported under broader regional initiatives. As a final point, those outside these regions should look at ways to support, elaborate and assist in the development of additional approaches, through financial and technical assistance or other means. The UN 2001 Conference is therefore timely, as it will provide the forum for many of these discussions.

Controlling small arms through law enforcement: the Organization of American States

Developing regional consensus

For many years a lack of political will proved an overwhelming obstacle to controls on small arms in the Americas. However, the concept of a hemisphere-wide convention on illicit weapons trafficking, which emphasized common regional concerns of narcotics trafficking and organised crime, generated high-level political endorsement and met with more enthusiasm than previous bilateral efforts.

In November 1997, OAS Member States signed the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials*. The agreement is regarded as a remarkable success story and is seen as a groundbreaking initiative, influencing current policy debates and decisions beyond the Americas.

Aims of the convention

The OAS Convention seeks to “prevent, combat, and eradicate” illicit manufacturing and trafficking and to promote co-operation and information exchange among Member States. It establishes a broad set of commitments, control mechanisms, legal requirements, and co-operation procedures, including measures to:

- criminalise illicit manufacturing and trafficking;
 - mark weapons at manufacture and import;
 - establish an effective export, import and transit licensing system;
 - strengthen controls at export points;
 - exchange information on producers, dealers, importers and exporters, routes and techniques used in illicit trafficking; and
 - exchange experience and training in areas such as identification, detection, tracing and intelligence gathering.
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Review of Regional Initiatives

Controlling small arms through law enforcement: the Organization of American States

Strengths of the OAS approach

The OAS approach has significant strengths. In particular, the legally binding Convention emphasises shared regional concerns, specifically drug trafficking and transnational crime. It focuses on increasing co-operation rather than increasing sanctions against countries that are seen to facilitate the illicit arms trade in the region. The Convention also sets out clear responsibilities for states to combat trafficking through the courts, the police and domestic legislation.

Importantly, the Convention is focused on practical issues. Concurrent to the Convention negotiations, the OAS Member States also formulated a set of practical guidelines. Developed under the auspices of the Inter-American Drug Abuse Control Commission (CICAD), the *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*, also were adopted in November 1997. These guidelines serve as the minimum standards required for harmonised licensing and record-keeping of firearms imports and exports. The CICAD regulations complement the Convention with uniform measures for the practical implementation of an agreement that would otherwise be in danger of being solely a political symbol. However, unlike the OAS Convention itself, these model regulations are not legally binding and, to date, the United States is the only Member State to have adopted them.

Limitations and challenges of the OAS approach

As in any effort – especially a first effort – there are concerns that the Convention has some inherent weaknesses, which may become more pronounced when the Convention approach is adopted in other regions or in an international protocol. Specifically, the narrow scope disregards government transfers. The OAS Convention addresses only commercial transactions, making no reference to transfers by governments to other states or sub-state parties.

In addition, although the simplicity of the OAS Convention is often regarded as its strength, it can also be seen as its weakness. Its narrow focus emphasises the enforcement of *existing* laws and improved implementation of import and export procedures. The OAS Convention does little to change current policies. Finally, the Convention frames illicit trafficking as an issue of crime control and law enforcement, failing to address the linkage between arms trafficking and conflict. While this may have reflected the views of the most vocal countries negotiating the Convention at the time, increasingly countries in the region are recognising the need to look at the role of illicit arms trafficking in the context of conflict and post-conflict development.

Many OAS Member States also face challenges in the implementation of the Convention. Although ten countries were able to conclude ratification relatively quickly, legislative hurdles, insufficient resources and limited infrastructure are hindering efforts in others. The success of the OAS Convention will depend on the existence of strong national structures to ratify, implement and co-ordinate policies. In states in conflict or in the process of post-conflict reconstruction, which lack the bureaucratic structures necessary for proper enforcement, implementation will be difficult, if not impossible. Moreover, introducing new legislation or institutionalising provisions on record-keeping, identification and information exchange would, at the very least, demand a considerable investment of human and financial resources. Such measures may not be a top priority when allocating either new or existing funds.

Review of Regional Initiatives

**Controlling
small arms
through law
enforcement:
the
Organization
of American
States**

The relevance of the OAS Convention for the UN 2001 Conference

The OAS approach to illicit trafficking contains important elements that could inform the agenda and outcomes of the UN 2001 Conference. The OAS is made up of a diverse group of states, both major suppliers and major recipients of weapons. Despite their differences, these states were able to rapidly build consensus by focusing on common concerns. Key elements of the regional convention, such as harmonised licensing procedures and marking weapons, are relevant to all regions and require international controls in order to be truly effective. The experience of the Americas in getting agreement on these issues may be relevant to the UN 2001 Conference process.

While the OAS Convention should influence the international negotiations, the UN 2001 Conference also represents a critical opportunity for the international community to reinforce and strengthen the regional agreement. United Nations Member States should identify ways to support further ratifications and, more importantly, secure effective implementation of the Convention. The UN 2001 Conference provides a focus for donor countries to co-ordinate and commit the financial and technical assistance urgently required to enable States to implement the Convention. In addition, the Conference could provide a forum for OAS countries to share their experiences and insights with other regional organisations which are attempting to address illicit trafficking.

**Supplier
restraint and
responsibility:
the European
Union**

Co-operation on arms issues, and particularly small arms, among the EU Member States is a relatively recent phenomenon. It began in 1997 with agreement under the Dutch Presidency of the *EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*, which specified particular relevance for initiatives to tackle small arms. This co-operation was further developed in the *Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons* of December 1998. This initiative was reinforced by the agreement in May 1999 of a *Resolution on combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU's emergency aid, reconstruction and development programmes*, which effectively approved the use of EU development aid for tackling small arms proliferation.

EU restraint in small arms exports

In a move that heralded the global promotion of supplier restraint and responsibility in the field of arms exports, the EU agreed in June 1998, the EU Code of Conduct on Arms Exports.¹ While the development of EU-sponsored initiatives to reduce levels of small arms in affected regions was already underway, the adoption of the EU Code signified a crucial acknowledgement of the role of EU Member States in acting to prevent the proliferation and misuse of arms from their territories. Moreover, the EU Code was the first regional initiative that established terms of reference for consultation on, and the co-ordination of, arms transfer policies. Accordingly, the EU Code can be seen as marking the beginning of a new phase in multilateral efforts to control the export of arms, including small arms, by placing the issues of human rights, internal and regional security, and development at the centre of decisions on arms exports. The UN 2001 Conference thus presents an important opportunity to internationalise those concepts that underpin the EU Code.

Review of Regional Initiatives

Supplier restraint and responsibility: the European Union

Assessing the impact of the EU Code

The EU Code is the most progressive effort to date in terms of multilateral efforts to control arms transfers. Nevertheless, the jury is still out on whether the criteria and operational provisions of the EU Code are, in themselves, sufficient to make a significant impression on the trade in small arms and light weapons.

Guidelines open to interpretation

The bulk of the EU Code comprises guidelines of varying detail and sophistication. They are organised under the eight EU criteria on conventional arms transfers (agreed in 1991 and 1992), and require Member States to take into account the human rights record of the recipient, their internal and regional situation, and relative levels of military and social expenditure. Some of the guidelines (e.g., those relating to human rights) are substantially more developed than others (e.g., those relating to internal instability), reflecting the political pressures that weighed most heavily on the Member States as they negotiated the Code's provisions. However, even the more elaborate guidelines are open to a degree of flexible, subjective interpretation, raising concerns that the arms export policies of the Member States may continue to diverge.

Limited consultation mechanisms

In an effort to address the latitude with which the Member States can interpret the EU Code guidelines and to promote the harmonisation of policy, Operative Provisions were also agreed. These require Member States to notify all others when they have denied an arms export licence under the criteria of the Code. They also require that, should another Member State wish to take up such a licence, it must first inform the country that issued the denial. At the time the Code of Conduct was being negotiated, these provisions were widely criticised by some EU governments and NGOs as being insufficient to ensure the development of a common approach, since they would not allow for wide-ranging discussion on the implications of arms exports to sensitive end-users.

Lack of transparency hinders accurate assessment

Ultimately, the impact of the EU Code on exports of small arms is difficult to assess, in part due to a lack of transparency in EU Member States's arms export policies. Only a small number of governments produce detailed annual reports setting out information on their arms exports. A well-informed analysis of the impact of the Code on the arms export policies of all fifteen Member States is therefore impossible. The only indication, to date, of how the Code is functioning has been contained in the Consolidated Report of the first Annual Review of the EU Code of September 1999. This report recorded a fairly low level of denial notifications. Although the correlation between the level of denials and any tightening of policy may not be clear, this nevertheless suggests that Member States are not having to turn down a significant proportion of new arms export licence applications. Beyond this, rumours of undercutting, and the fact that several Member States have continued to conclude controversial deals, would also suggest that, in terms of tightening of arms export policy, the EU Code has not had a significant impact.

Review of Regional Initiatives

Supplier restraint and responsibility: the European Union

Priorities for developing the EU Code

In order to ensure that the objectives of the EU Code are implemented in letter and spirit a number of priorities for development of the Code have been identified, including:

- Further elaboration of a number of the criteria (in particular those relating to development and internal instability) which would reduce possibilities for varying interpretations of the criteria;
- Development of the Code's consultation mechanisms to allow multilateral discussion of potential undercutting to develop more easily a common approach moving, in the medium term, towards a binding no-undercutting rule;
- Adoption of high standards of transparency by the Member States in their national reporting and in the information provided within the Consolidated Report, so that parliaments and the public can conduct an informed assessment of the working of the Code; and
- Agreement on a range of additional measures for the control of arms transfers, including the adoption of licensing and registration requirements of arms brokering agents, rigorous controls on the end-use of arms once exported, and controls on the production arms under licence to EU-based companies.

EU Code as spur to wider international controls

One of the most significant benefits of introducing of the EU Code has been the increased level of understanding of arms export policy in practice that has arisen among EU Member States through the operation of the Code. Beyond this, perhaps the most important aspect of this agreement is that it provides a basis for engaging other governments and regional groupings on the issue of arms transfer restraint. Indeed, the EU Code explicitly states that "Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code of Conduct". To date, the EU associate states – including Norway, the Baltic Republics and countries of Central and Eastern Europe – have declared their adherence to the principles of the EU Code, while it is also referred to in the EU-US and EU-Canada Small Arms Declarations of December 1999.

The United Nations Member States previously have agreed common guidelines on arms exports – in the form of the 1996 *Disarmament Commission Principles Governing Conventional Arms Transfers*. These are nevertheless vague and focus excessively on measures relating to the combating of illicit trafficking. In terms of efforts to internationalise common standards for the transfer of arms, including small arms, the advent of the 2001 Conference is very timely. Indeed, the opportunity exists for the Conference to make a vital contribution to international security by developing updated international guidelines relating to the transfer of small arms and light weapons that take into account the progress that has been made in the EU, OAS and other fora in recent years. Moreover, the combination of elaborated criteria, consultation mechanisms and an annual review process – as outlined in the context of the EU Code – is potentially a very useful model that could be adapted at the wider international level.

At the same time it is important to note that, the advancement of internationally accepted standards for controlling the export of small arms could potentially play an important role in bolstering the effectiveness of regional agreements such as the EU Code. By reducing the perception, and the reality, that restraint on the part of a group of states will be undercut by others, governments that are politically inclined towards restraint may be encouraged to implement their controls to greater effect.

Review of Regional Initiatives

Donor-recipient Co-operation: EU-Cambodia

In December 1998 the EU Member States agreed a *Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons*. This Joint Action, an initiative of the German EU Presidency, provides a comprehensive and co-operative programme for the EU to tackle small arms proliferation. The EU Member States have sought to implement the Joint Action through several projects including the United Nations Development Programme (UNDP) project on disarmament-for-development in Albania and weapon collection programme in Cambodia. They have also worked to encourage partner countries to support the objectives of the Joint Action.

Cooperation between Cambodia and the EU

After some 30 years of conflict, Cambodia suffers intensely from the excessive availability, possession and misuse of small arms and light weapons. The 1998 elections established a context in which political violence involving such weapons declined and political interest in tackling small arms proliferation increased. At the highest political level, Prime Minister Hun Sen declared that widespread gun violence was damaging prospects for stability, development, tourism and inward investment. In late 1998, decrees were issued rendering all arms illicit that were not explicitly licenced, banning discharging firearms in celebrations, and tightening restrictions on the possession of weapons by government officials and off-duty police.

National weapons collection programme

A national weapons collection programme was initiated, starting in Phnom Penh and extending to all other regions, which required citizens to hand in unauthorised weapons to the police. There was a coercive dimension to such collections, as it was understood that citizens who failed to hand in their unauthorised weapons would be vulnerable to later penalties. Weapons were collected at road blocks as well as through house-to-house collections. However, non-governmental organizations were invited to observe the process, helping to raise confidence and awareness. Some 5,000 weapons collected in Phnom Penh were destroyed at a public event attended by Hun Sen in March 1999, and overall more than 45,000 weapons reportedly had been collected by spring 2000.

Development of donor/recipient co-operation

This process was welcomed and encouraged by the international community. In May 1999, the Cambodian government responded to an EU Council circular, concerning possible co-operation in tackling small arms proliferation problems in the framework of the EU Joint Action. An EU fact-finding mission was sent to Cambodia in July 1999, to assess the scope for EU-Cambodia co-operation, and to report on frameworks for co-operation and immediate priorities. On the basis of this report, an EU project to support Cambodian efforts to control and reduce small arms proliferation was established, which began in April 2000. The aims of this project are to:

- assist in the development of appropriate laws and regulations controlling the manufacture, possession, sale, transfer, and use of weapons and associated materials;
 - promote civil society awareness of the problems and the involvement of NGOs and the general public in response measures;
 - assist in improving the weapons collection and destruction process, including systems for record-keeping, safe storage, and destruction of collected weapons; and
 - advise in ensuring appropriate weapons collection and disarmament during the process of demobilisation and reintegration of the Cambodian armed forces. In July 2000, a Japanese mission was sent to Cambodia to consider whether and how Japan could offer similar assistance.
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Review of Regional Initiatives

Donor-recipient Co-operation: EU-Cambodia

Lessons learned

Cooperation between the EU and Cambodia to tackle excessive availability and misuse of small arms and light weapons provides an important example that could usefully be adapted to many other countries and circumstances. Although the process remains in its early stages of development, the co-operation highlights a number of points of general interest. These include the following:

Initiatives taken by countries affected by small arms proliferation

As the Cambodia experience underscores, there is scope for even poor, war-torn countries suffering from the problems of small arms proliferation to make a significant start before co-operative projects with donors have been established.

Consultative project design

It is important for co-operative projects to be designed according to the specific circumstances of the country involved, and to build on existing national and local initiatives, rather than immediately redesign them according to precedents established elsewhere.

Technical advice and assistance

The need for technical advice and assistance with the development of policy, law and procedure has a particularly important role to play in such co-operation and its contribution to project implementation can be critical.

Possession and use of weapons by the police and army

The Cambodian government's restrictions on the possession and use of weapons by off-duty police and officials had a significant impact.

Transparency

Public confidence and support for weapons collection processes requires reliable and transparent procedures for record-keeping, secure storage and destruction of collected weapons, to address concerns that collected weapons may simply be recycled, perhaps to criminals.

Role of local non-governmental groups

In Cambodia the Weapons Reduction Working Group NGO coalition has an important role to play in raising awareness, monitoring weapons collection, and disseminating principles of good practice. Concerned members of civil society came together in 1998 to address the problem of small arms proliferation in Cambodia. The Working Group encourages governments to support micro-disarmament work that raises the issue of small arms on the Cambodian and international agendas. The role of civil society in the Cambodian situation has been recognised by both the government and the EU.

Future challenges

Cambodia, and the implementation of the project under the Joint Action, faces substantial challenges for the future. For example, most donor concern for the demobilisation process has focused on supporting re-integration, with the risk that disarmament, safe storage and disposal of the weapons rendered surplus by this process is neglected. Similarly, in the medium term, measures to control and reduce small arms proliferation need to be accompanied by development of the police, judiciary and other bodies to ensure a secure and just environment for citizens.

Review of Regional Initiatives

Donor/Recipient Co-operation in Albania: The Lessons Learnt

Albania faced intense challenges during the 1990s. After years of isolation under the authoritarian rule of Enver Hoxha's Communist regime, it entered into a formidable process of transition. The proliferation of small arms and light weapons have contributed greatly to its difficulties. Internally, the transition has been associated with a growth of violent crime and criminal organisations. The problems associated with excessive availability and misuse of such weapons were exacerbated in 1997, after more than 500,000 weapons were looted from Albanian government stockpiles in disturbances following the collapse of some pyramid investment schemes.

It was widely recognised that the Albanian government lacked the capacity on its own to tackle the situation. Since 1998, co-operation has developed between Albania, the EU, UN and other segments of the international community to tackle the problems brought about by the surfeit of weapons. This co-operation has not yet been sufficient, but progress has been achieved and the experience is a valuable example for other nations.

Important precedents have been set by the voluntary weapons collection project established in the Gramsch district in Central Albania in 1998, which linked weapons collection with the provision of community development assistance. The project aimed at collecting 20,000 small arms and light weapons and was co-ordinated locally by the UNDP with the support of a number of donor countries. The European Union also considered supporting this project, on the condition that the collected weapons and ammunition were destroyed rather than returned to government stockpiles, as originally agreed by the UN. By the end of 1999, more than 6,000 arms and large quantities of ammunition had been collected.

The principle of supporting 'guns for development aid' weapons collection programmes is now accepted, and the Gramsch project has established an important precedent which should be considered in other parts of the world facing similar problems. The project has provided a number of more specific lessons. Firstly, the successful implementation of a 'weapons for development' programme requires sustained confidence-building and detailed consultation at the local level, and close co-operation among local police, the communities and the project managers. Secondly, since the delivery of development assistance can often lag considerably behind the weapons collection process itself, gun collection should be considered part of a community-building exercise and associated with the spin-offs included with being part of a project (such as access to project vehicles and mobile telephones to help with local emergencies). Thirdly, it is important to aim to destroy collected weapons: communities are likely to be sceptical about a process which simply returns them to government stockpiles. Fourthly, it is important to prepare specifically for the secure storage and destruction of ammunition. Large quantities of old and unstable ammunition were collected in Gramsch, raising specific challenges: ammunition and explosives are generally dangerous to store and transport, and safe destruction requires specialised expertise. Fifthly, weapons collection is a process: obsolete weapons or second or third weapons may be handed in during the first round, with other weapons appearing only in later rounds of collection as confidence increases. Sixthly, the number of weapons collected is only a crude measure of success – the spin-off effects on community attitudes towards guns and on police-community relations is generally at least as important.

At the end of 1999, it was decided to extend the weapons for development project to some regions neighbouring Gramsch. However, their coverage will remain limited. Thus it has been important to complement them with national programmes to strengthen and enforce legal controls over weapons, and to enhance the capacity of the police and judiciary to ensure a secure environment for citizens and development programmes.

Review of Regional Initiatives

Embedding controls within the context of security and development: the ECOWAS approach

West Africa is a region which has been engulfed by civil war and regional unrest. The proliferation of small arms has added increased instability in the region and since the mid-1990s various West African leaders sought to address this problem. Mali, in particular, took the lead in bringing together the countries in West Africa to work towards a mechanism to curb the proliferation of small arms following its request to the UN for assistance missions on small arms. These two missions (in 1994 and 1995) suggested the need for a sub-regional approach to combating small arms proliferation, which focused on the need to address feelings of personal insecurity and the ability of the state to provide for the security of its citizens before long-term sustainable development could flourish in the region.

The ECOWAS Moratorium

In October 1998, the 16 ECOWAS heads of state agreed upon a 3-year moratorium on the importation, exportation and manufacture of small arms and light weapons. The Moratorium itself is a political declaration, not a legally binding treaty, but it is a foundation and agreement from which the countries in West Africa can work. Nearly all initiatives to control and constrain the transfer of weapons have been taken by supplier states, therefore it is significant that a region which purchases weapons initiated action on the proliferation on small arms; it is particularly significant that it was not at the behest of anyone else's wishes.

The elaboration in March 1999 of PCASED was an important step toward implementing the political agreement. This programme, supported financially by external donor states, is intended to operationalise and reinforce the Moratorium by building internal capacity among states (including within the police and judiciary) to sustain efforts against arms trafficking. It promotes arms collection efforts, the development of legal and regulatory measures relating to weapons possession and transfer, and the establishment of a regional arms register. In practice, the need to establish transparency and control over weapons has meant that more attention has been paid to the security elements of the programme than its development component.

Challenges of implementation

Many of the functionaries within ECOWAS States responsible for implementing and monitoring the Moratorium are unaware of the requirements imposed by the mechanism. The Programme for Co-ordination and Assistance on Security and Development also addresses inadequately some of the fundamental questions of those working to support the Moratorium, both inside the region and among the donor community. Continuing lack of certainty about the purpose of the Moratorium was illustrated by the fact that in 1999, the secretariat implementing the agreement received:

- three requests for arms imports to be exempted from the Moratorium;
- three reports by countries outside ECOWAS for clarification on acquisition attempts by signatories to the Moratorium;
- four reports for deferring acquisition of arms; and
- two information requests for export details.²

The exemption requests were granted to states in the region that wanted arms for training purposes or to replace weapons for use by national security forces.

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While limited, these queries and reports indicate that the Moratorium is recognised as a control regime, although one needing more specific operational guidelines and greater technical and financial support. In response, in December 1999, the annual summit of ECOWAS heads of state adopted a code of conduct for the Moratorium that sets out objectives and priorities, including establishing national commissions, regional focal points, and more support within ECOWAS. The code of conduct also establishes a waiver procedure for ECOWAS states wishing to import, export or manufacture light weapons while the Moratorium is in operation. The provision requires prior authorisation from ECOWAS before importing arms for peacekeeping operations, hunting, training or sports shooting. Such weapons must be registered when they arrive in an ECOWAS country, and their removal from the region is required when they are no longer being used.

The engagement and support of supplier states

The role of exporters is key to the success of this initiative. The Wassenaar Arrangement, a grouping of 33 arms-exporting States, stated in December 1998 that its members would 'undertake an appropriate collaborative role with ECOWAS Member States to respect the provisions of the Moratorium, and will be open to providing advisory and/or technical assistance in the implementation of the Moratorium.' Such assistance will be of great value to States in the region that face enormous challenges in halting arms trafficking. Equally important, however, is the need for each Member State of the Wassenaar Arrangement to implement domestic procedures notifying its arms manufacturers and brokers that arms exports to West Africa are largely off limits.

The Moratorium example underlines the many challenges for a regional control mechanism developed among politicians with little regard as to how the controls would be implemented or the political promises delivered. Its approach, which has heightened awareness and co-ordinated action between States within the region on arms trafficking and brought pledges of technical and legal assistance from external states to combat the trade, is certainly of relevance to other regions facing similar challenges. Of particular interest in the West Africa approach, has been the explicit recognition that insecurity was undermining development in the region, and that small arms and light weapon are at the crux of the problem. The UN 2001 Conference process can take from the experience of the ECOWAS countries the challenge of implementing a complex, regional agreement and the need for clear implementation strategies. The types of assistance to be sought (both technical and financial) have required in-depth analysis and discussion in the region, and it is now, after almost two years, that practical steps for achieving greater implementation of the Moratorium are going forward. Countries in other regions contemplating similar measures should look at the challenges of implementing such broad agreements and identify concrete steps that can be taken early on.

**Working
towards a
comprehensive
approach
to control:
EU-SADC**

Southern Africa is awash with illicit small arms, a legacy of violent conflict in the region. With the exception of Angola and the Democratic Republic of the Congo, the region now is largely at peace. However the spread and misuse of weapons continues, partly as a result of the failed disarmament process in Mozambique and partly as a result of leakage from the ongoing conflicts in the northern parts of the region.

Review of Regional Initiatives

Working towards a comprehensive approach to control: EU-SADC

Southern Africa as a whole has been quick to understand, and take steps to address, the small arms problem that afflicts many parts of the region. One of the most significant developments to date has been the May 1998 agreement – endorsed by EU and SADC Ministers in November 1998 – of a regional Action Programme on Light Arms and Illicit Trafficking.³ The Action Programme provides a broad framework for action to tackle small arms proliferation in four key areas:

- combating illicit trafficking;
- strengthening legal controls on accumulations and transfers of arms;
- promoting the removal of arms from society and the destruction of surplus arms; and
- enhancing transparency, information exchange and consultation on arms.⁴

Crucially the Action Programme also pointed to those areas where the EU would be best placed to assist Southern Africa in implementation.

Impact of the Southern Africa Action Programme on small arms

To date, the potential that the Southern Africa Action Programme has, to impact directly on the small arms problem, is yet to be realised. The main reason for this is the relative slowness with which both the EU and SADC can move from policy development to practical implementation. The co-ordination of two complex bureaucracies representing 15 or more states with varying views and priorities is not an easy task. Accordingly, while political will has been generated relatively quickly, the translation of policy priorities into practical action, on the part of both the EU and SADC, is happening more slowly.

Nevertheless, many positive developments have emerged in conjunction with the Southern Africa Action Programme which have increased the likelihood of sustained action to tackle small arms proliferation in Southern Africa in the medium- to long-term. Among the most beneficial aspects have been:

Mainstreaming of the small arms issues within regions

In parallel with the development of the Southern Africa Action Programme, important developments also took place within the respective EU and SADC political structures. In Southern Africa, the SARPCCO (Southern African Police Chiefs Co-ordinating Organisation) summit of July 1999 elicited a declaration on small arms. In addition, the SADC summit of August 1999 established a small arms working group and nominated SARPCCO as the implementing agency for SADC policy.

Synergy between political and operational agencies

An important feature in Southern Africa has been the way in which political and operational agencies have moved in tandem to address the small arms problem. As the law enforcement agency most regularly confronted with the consequences of the spread and misuse of small arms, the police often have the clearest understanding of how to tackle the problem. The SARPCCO Declaration of August 1999 is a clear indication of the priority attached by Southern African police to small arms. In Southern Africa, moreover, the police have, through their co-operation, played a leading role in breaking down the barriers of suspicion and mistrust which existed among many countries in the region.

In addition, the effective division of labour that has developed between SADC and SARPCCO on small arms has been particularly constructive. For example, at the first meeting of the SADC working group in Botswana, October 1999, SARPCCO was mandated to draft a SADC protocol on small arms and light weapons and a strategic implementation programme, by July 2000. These tasks were completed by the SADC legal sub-committee by early 2000 and the Protocol and Implementation Programme await approval.

Review of Regional Initiatives

**Working
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EU-SADC**

Developing inter-regional partnerships

High-level political endorsement of the Action Programme has paved the way for the development and institutionalisation of an unique dialogue between the EU and SADC on small arms issues. In September 1999, a meeting of EU and SADC governmental experts in Pretoria discussed the development of practical projects within the framework of the Action Programme, leading to the decision by the EU to sponsor Operations Rachel (the joint South Africa-Mozambique weapons collection and destruction initiative) with a grant of 200,000 euros. Subsequently, a meeting of senior EU and SADC officials in November 1999 agreed upon the establishment of a dedicated EU-SADC small arms working group. This development represents important progress in the cementing of the EU-SADC partnership and should provide a focus for increased co-operation in the coming months and years.

Future priorities

In order to maximise the effectiveness of efforts to address the proliferation and misuse of small arms in Southern Africa, the processes which have emerged in support of the Action Programme need to be sustained and developed further. The high-level political commitment which has hitherto been shown in Southern Africa, and on the part of the EU, needs to be sustained so that policy and operational officials can move forward with confidence to implement the commitments contained in the Action Programme and in the various regional declarations on small arms. However, in order for the implementation phase to succeed, EU and SADC governments, operational agencies, and non-governmental organisations will need to work in partnership to identify and develop practical projects aimed at addressing the small arms problem. Finally, the quick and effective disbursement of financial support by donor governments will be essential if the positive developments now underway are to result in a tangible reduction in the threat posed by small arms proliferation in Southern Africa.

Lessons for UN 2001

When considering ways in which the regional can inform the international, there are several aspects of the Southern African approach which merit particular attention. Those aspects of Southern African efforts outlined above – the commitment shown by the Southern African region, the developing synergy between political and operational agencies, and the experience of developing strategic partnerships with other regions and actors – set a positive example. Beyond this, there are particular aspects of the Action Programme approach which could usefully inform and shape the processes and outcomes of the UN 2001 Conference.

A broad approach

The broad approach which underpins the Action Programme is one of the most important aspects of the agreement. The focus on both measures to stop illicit trafficking and to strengthen legal controls represents a clear acceptance of the links between the legal and the illicit. Furthermore, the Action Programme also recognises the importance of domestic regulation of firearms ownership to the effectiveness of efforts to reduce violent crime and prevent conflict. As such, the broad approach embodied in the Southern Africa Action Programme could provide a useful model for the UN 2001 Conference.

Review of Regional Initiatives

**Working
towards a
comprehensive
approach
to control:
EU-SADC**

Practical focus

The way in which the Southern Africa Action Programme addresses the issues relating to small arms and illicit trafficking could be useful in the context of the developing UN 2001 agenda.

The key themes of the Action Programme are elaborated in terms of clusters of issues, many of which have a practical focus. For example, the complex issue of combating illicit trafficking is broken down as follows: strengthening laws and regulations; strengthening operational capacity; improving systems to trace illicit arms flows; and improving information exchange. Each of these areas is in turn elaborated to specify steps that could be taken in terms of implementation. Such an elaboration of principles and norms in terms of practical action should be a significant part of the UN 2001 conclusions.

Encourages external support

Furthermore, the practical orientation of the Action Programme also facilitates and encourages the engagement of and support from the donor community. For example, strengthening the capacity of the police, customs and other operational agencies to tackle illicit trafficking was identified as a priority across the SADC region, while technical and financial assistance and training were seen as potentially valuable areas for external support. Exploring the development of and support for practical initiatives is one way of ensuring that the UN 2001 Conference actually makes a difference on the ground in regions affected by small arms.

Promoting inter-regional co-operation to tackle small arms

In the context of the Southern Africa Action Programme, the EU-SADC partnership represents an important model in the context of global action to tackle small arms. Since those regions that are afflicted by the proliferation of small arms often have a paucity of resources that could be directed towards addressing the problem, external assistance can provide a much needed boost. It will be crucial, then, for the UN 2001 Conference to ensure that adequate funds are made available for the implementation of initiatives at the regional level.

The important role of NGOs and civil society

Lessons can also be drawn from the role of NGOs and civil society in the recent progress on small arms in Southern Africa. Initially, Saferworld and the Institute for Security Studies played an important facilitating role in the development of the Action Programme and in building widespread support for the initiative. However, the conception of initiatives and practical projects on small arms involved other civil society organisations from the Southern African region. The period since the development of the Action Programme has witnessed a steadily growing recognition in political circles of the constructive role that civil society can play, whether through weapons collection initiatives or through awareness raising. Indeed, the SADC small arms working group has explicitly acknowledged the role of civil society in the development and implementation of policies to address small arms, thereby guaranteeing future co-operation on this issue.

A useful approach for UN 2001

In conclusion, there are many aspects of the Southern African experience in addressing the proliferation and misuse of small arms that could provide a valuable guide for the UN 2001 Conference. At the same time, the UN 2001 process can also support the development and implementation of the Southern Africa Action Programme by pledging financial and technical assistance for implementing a range of practical projects aimed at controlling or reducing small arms transfers and availability. In this regard, the Conference should urge UN Member States to support not only those projects with a proven track record, but to take a more innovative approach supporting new projects with a clear potential.

Review of Regional Initiatives

Taking forward the Action Programme model in the Great Lakes and the Horn of Africa

Background

Despite the fact that, in recent years, many countries within the Great Lakes and the Horn of Africa have suffered from violent conflict and instability, action to stem the proliferation of small arms has lagged behind regions such as Southern Africa and West Africa. However, in recent months, a range of initiatives have developed which offer the prospect of comprehensive and practical action in this region.

High level political commitment

From 12-15 March 2000, the Kenyan government sponsored a major conference entitled, *The Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons* from which emerged the "Nairobi Declaration",⁵ signed by the foreign ministers of 10 regional governments. The Nairobi Declaration is significant for three main reasons. Firstly, it embraces both a broad understanding of the nature of problem of small arms and articulates the need for a comprehensive response. Secondly, it represents an acknowledgement of the need for action on small arms at the highest level. Thirdly, it brings together a group of countries which, with the exception of their links through Interpol, together had no prior form of political affiliation or organisation. As such, the Nairobi Declaration greatly enhances the prospects for co-ordinated action to implement a comprehensive approach, it adds weight to those initiatives that are developing on the ground – through operational agencies and NGOs, and it increases the capacity of countries in the Great Lakes and the Horn of Africa to shape the negotiations and outcomes of the UN 2001 Conference.

Police co-operation providing impetus

In parallel to the process leading to the articulation of high level political will, the development of EAPCCO (the Eastern African Police Chiefs Committee) as a major regional actor has enhanced possibilities for action on the ground to address small arms. Since progress on the operational track was significant in generating impetus on small arms in Southern Africa, the involvement of police forces in the Greater Horn holds out prospects for similar progress. Moreover, with increasing interest in tackling small arms being shown by sub-regional political bodies – including the East Africa Co-operation and IGAD – sustained political commitment can be generated.

The Action Programme as a platform for practical action

In terms of practical approaches, the most important development to date has been the emergence of a *Draft Regional Action Programme to Combat Small Arms Proliferation in East Africa and the Greater Horn*, which emerged from a meeting of senior police officers and officials from sub-regional intergovernmental organisations hosted by four non-governmental agencies⁶ on 31 January and 1 February, 2000. In order to build wider support for the draft Action Programme, it was subsequently presented to a number of meetings and conferences in the region, including the East African Police Chiefs Conference and the Kenyan government conference. One difference in the orientation of the East Africa and Greater Horn Action Programme when compared with the earlier developments in Southern Africa, is that it explicitly provides for the enhancement of sub-regional institutions to facilitate implementation of measures to tackle small arms. In this way, it is hoped that this focus will help concentrate regional efforts and external assistance towards concrete and practical projects that have a significant impact on the levels of small arms in circulation in the Great Lakes and Horn of Africa.

Review of Regional Initiatives

Taking forward the Action Programme model in the Great Lakes and the Horn of Africa *(continued)*

Support from civil society

The recent encouraging developments at political and operational levels are likely to be given further impetus and support from an increasingly active network of civil society organisations which are forming the Eastern Africa network of the International Action Network on Small Arms. Following the Nairobi Declaration of March 2000, a seminar was hosted by the International Resource Group which brought together a wide range of non-governmental perspectives including representatives from professional NGOs, church and community groups and from business. The purpose was to discuss the issue of small arms proliferation in the Great Lakes and the Horn of Africa and a great deal of enthusiasm was generated for practically oriented initiatives such as the Action Programme.

Conclusion

Having identified the problem and having developed a comprehensive framework for action on small arms, the major challenge facing the Great Lakes and the Horn of Africa is now the implementation of existing agreements and commitments, and finding the resources that will be required to assist in this process in the short, medium and long term. With increasing interest in the small arms issue at all levels, including between civil society, police, national governments and sub-regional political organisations, progress looks set to continue at a steady pace. It is thus to be hoped that developments in the UN 2001 context will support the efforts to develop and implement the comprehensive approach which is developing in East Africa and the Greater Horn, and will, at the same time, take on board the concerns and priorities which are being raised by civil society.

Promoting and Reinforcing National and Regional Action: The Role of the UN 2001 Conference

Introduction

As this briefing has made clear, many countries around the world are actively engaged in efforts to address the proliferation of small arms and light weapons, either in their own territories or in co-operation with others. The approach taken – whether adopting a focused approach such as law enforcement and crime control or a more multifaceted arms reduction and control agenda – has varied depending on the factors driving proliferation and the identified priorities of the region. But the goal of preventing the spread and misuse of small arms and light weapons is a common one. The UN 2001 Conference is well timed to make an important contribution to strengthening and furthering these regional initiatives.

The UN 2001 Conference process can clearly benefit from the experience of existing national and regional processes. The Conference should also play a key role in reinforcing, developing and co-ordinating such processes, through establishing and developing appropriate international norms, standards, programmes and mechanisms, (as discussed in detail in *Briefing No 1* in this series⁷). The experiences to date of regions often have underlined the benefits that would be gained from having international standards and mechanisms, for example in combating the illicit trafficking in weapons. The negotiation of the UN Firearms Protocol follows clearly from a recognition among countries in the OAS that effective action to combat illicit trafficking in firearms would require an international approach.

Balancing regional and international action

In the UN 2001 context, there are some problems and issues of global concern that can most effectively be addressed through detailed politically or legally binding international agreements. However, such agreements, measures and other elements of the international action programme should be designed to supplement and reinforce national and regional programmes, not to replace them.

At the same time, it is recognised that some problems can be more effectively addressed through policies and programmes that are largely determined at a national or regional level. However, these will still benefit from the development of international mechanisms and programmes to enhance information exchange or co-ordinate and mobilise assistance.

A question, therefore, is how best to approach the development of agreements through the 2001 Conference process that will reflect an appropriate balance between national, regional and global measures. Though it may seem appealing, it would be a mistake to attempt to classify issue areas according to whether they are best addressed by global, regional or national agreements and programmes. The expectation should be that, for each problem or issue, a number of measures would be required at every level. It will, however, be vital for agreements established at the UN 2001 Conference to specify which actors (e.g. States, regional organisations, the UN) are responsible for implementing each specific recommendation. Indeed, this is borne out by the experience of recent initiatives. For example, EU-SADC co-operation on tackling small arms has benefited from combining efforts at all levels (nationally, regionally – European and Southern African – and inter-regionally) and by involving a range of actors in the development of the common approach.

Thus, for each major issue area to be addressed at the UN 2001 Conference, the overall approach should be to develop a set of mutually reinforcing agreements, programmes and measures at all levels – national, regional, and global. These sets of measures for each issue area should further combine to constitute a comprehensive and integrated international action programme to combat, prevent and reduce the overall problem of illicit trafficking and proliferation of small arms and light weapons.

Promoting and Reinforcing National and Regional Action: The Role of the UN 2001 Conference

Developing international agreements – minimal or more positive approaches?

It is now widely recognised that for every issue area some global norms and guidelines should be firmly established to guide and co-ordinate national, regional and international actions. But there is still debate around those circumstances in which detailed, politically or legally binding, international agreements are required.

A minimalist approach is to ask which issues require detailed global agreements to ensure that policies and measures taken in one region are effective and are not vulnerable to being undermined by actions in other regions. For example, detailed international agreements on marking and tracing small arms and light weapons appear necessary according to this criterion. Illicit or destabilising arms transfers take place on a global scale, and international standards and information-exchange mechanisms are essential for national or regional efforts to mark or trace weapons to be effective.

A more expansive approach is to ask whether a global agreement or mechanism would contribute to national and regional efforts to tackle a particular problem, even if it was not strictly essential. For example, the collection and destruction of surplus or illicit small arms is primarily a matter for national authorities. As discussed in Section 3, regional or sub-regional co-operation can play a particularly useful role in this area, facilitating co-ordination, joint operations, and pooling of resources, for example between the EU and Cambodia. Global agreements or mechanisms may not be absolutely necessary, but they could be very useful, for example by facilitating similar co-operation between countries in different regions or sub-regions.

The benefits of a maximal approach

The challenge of preventing and reducing illicit trafficking and small arms proliferation is so urgent and difficult that it is strongly recommended that the more expansive approach should be adopted to establish detailed international agreements. In making the case for negotiating such an agreement in a specific issue area, it should be sufficient to show that it could usefully reinforce national and regional efforts. Establishing an international agreement does not in itself deprive States or regional organisations of flexibility appropriate to their varying circumstances. The provisions of every international agreement or mechanism can be formulated to reflect an appropriate balance between international minimum standards and national or regional discretion. Moreover, it is important to remember that it is unrealistic to expect strong (sub)regional co-operation to develop soon in several parts of the world. Without global agreements or mechanisms, countries in regions that lack effective regional arrangements may be left unduly isolated without international support or without effective frameworks for co-operation with their neighbours. Thus, States that feel their own needs can be met through regional arrangements should nevertheless be sympathetic to establishing global mechanisms if these can be of use to other States.

Promoting and Reinforcing National and Regional Action: The Role of the UN 2001 Conference

Developing integrated multi-level action

Thus, the international action programme to be established at the UN 2001 Conference should be developed on the understanding that a combination of global, regional and national measures will be required for each issue area. In addition to establishing clear international norms, the UN 2001 Conference should expect to consider some combination of detailed international agreements, programmes and mechanisms in relation to each issue area under consideration, as well as recommendations to States and regional organisations. If agreement on some of these elements cannot be achieved by the end of the UN 2001 Conference, provision should be made to facilitate their establishment at a later date, if they are deemed useful in future follow-on conferences.

To illustrate the way in which this approach could be implemented in the framework of the UN 2001 Conference, we discuss below how it might be applied to the challenge of combating the illicit trafficking in small arms and light weapons. The discussion focuses on showing how international measures can usefully contribute to and combine with national and regional efforts. It aims only to be illustrative; subsequent briefings in the *Biting the Bullet* series will consider in detail many of these issues, including promoting the destruction and disposal of confiscated and surplus small arms and promoting appropriate control of legal transfers of small arms and light weapons.

The UN 2001 Conference and multi-level action to combat illicit trafficking in small arms and light weapons

States have the primary responsibility for combating and preventing illicit trafficking in small arms and light weapons, their parts and components and ammunition. However there is also a critical need for complementary regional and international measures including:

- clarifying and establishing common definitions and understandings of national responsibilities;
- developing, co-ordinating and, where necessary, harmonising national laws, policies and practices;
- establishing or enhancing information exchange, consultation, assistance and other co-operative programmes and measures to implement and enforce agreed laws, policies and practices;
- developing systems to identify and respond to problems with implementation and compliance and promote accountability; and
- establishing follow-on mechanisms to facilitate further development of international co-operation in this area.

As discussed in Section 3, a number of regions and sub-regional groups of States have already taken measures in this area, including the OAS, SADC and ECOWAS. International agreements at the UN 2001 Conference would aim to: reinforce and supplement these existing regional measures; promote their implementation; and provide an international framework within which these and other regional measures can be further developed in a globally consistent and co-ordinated way.

Promoting and Reinforcing National and Regional Action: The Role of the UN 2001 Conference

The UN 2001 Conference and multi-level action to combat illicit trafficking in small arms and light weapons

More specifically, the aims of the UN 2001 Conference in this particular area should include establishing:

Clear international norms and guidelines relating to combating and preventing illicit trafficking in small arms

These should build upon the 1996 United Nations Disarmament Commission Guidelines, the recommendations in the 1997 report of the UN Panel of Governmental Experts on Small Arms, the 1999 Report of the UN Group of Governmental Experts, and include the recommendations found in the 1997 and 1998 resolutions of the UN Economic and Social Council Commission on Crime Prevention and Criminal Justice. These norms could provide a basis for bilateral co-operation amongst any group of countries seeking to co-operate on tackling illicit trafficking, for example, in East Asia where, as yet, sub-regional co-operation is not well developed, or amongst the countries of SADC where international norms will help reinforce existing sub-regional co-operation.

An international agreement on marking, record-keeping and tracing of small arms and light weapons

There is a growing consensus that an international agreement to ensure that all small arms and light weapons are uniquely marked at the point of manufacture and where necessary at the point of import, and to prohibit any transfers of inadequately marked weapons, is needed. Such an international agreement would also establish minimum standards relating to record-keeping by countries, and to co-operation in tracing lines of supply of suspect or illicit arms. The United Nations Firearms Protocol is expected to develop such obligations for firearms, which in practice will apply to most commercial shipments of small arms and light weapons. The United Nations 2001 Conference should aim to extend the obligations of the Firearms Protocol so that it covers all small arms and light weapons, and includes State to State arms transfers and transfers for the purposes of national security. An international agreement could, moreover, help countries that are seeking to cut off lines of supply of illicit arms they find in their country by providing a framework for identifying and tackling the sources of the arms.

An international agreement to control arms brokers and shipping agents

Another area where the UN 2001 Conference should achieve agreement is on the control of the weapons brokers and shipping agents. This agreement should establish common definitions and standards for arms brokers and shipping agents, and ensure that States implement national legislation and procedures for registration of relevant individuals and companies and for the licensing of individual transfers of arms. While the United Nations Firearms Protocol may include some provisions for regulating the activities of arms brokers, it is important to have an agreement which is comprehensive and includes controls on brokering activities on State to State transfers of small arms, in addition to commercial transfers. Such an international agreement would, moreover, help to prevent brokers and shippers from circumventing national and sub-regional controls by relocating to countries which have not yet legislated in this area.

An international information-exchange and consultation mechanism

The United Nations 2001 Conference should agree upon a mechanism to enhance international information exchange, consultation and co-operation in implementing the above norms and agreements. This should extend to facilitating cooperation in enforcement and exchanging experience and practice. The International Criminal Police Organisation (Interpol) provides some of these services through its mandate to focus on the illicit trade in firearms, and the Firearms Protocol should also make provision for a similar mechanism for exchanging

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The UN 2001 Conference and multi-level action to combat illicit trafficking in small arms and light weapons

information on firearms trafficking. However, given the wider spectrum of illicit trafficking in small arms and light weapons, especially due to its contribution to internal or regional conflict and large scale misuse, the establishment of this mechanism through the UN 2001 Conference would cover a greater area than the existing international mechanisms. Such an international mechanism would also complement and operate in co-operation with any similar arrangements that have been established regionally. For example the implementation of the OAS convention would be greatly reinforced if the States Parties could benefit from information exchange and consultation on illicit trafficking with countries outside the Americas.

An international programme to mobilise capacity-building assistance

The UN 2001 Conference can provide international assistance through the establishment of a mechanism to help to identify capacity building and other needs for assistance, and to mobilise assistance to help to meet these needs. Such an international mechanism would link with some existing regional efforts, such as the PCASED process in West Africa and the EU-SADC Action Programme for Southern Africa. In other regions, the need for such programmes has been recognised but not yet started. An international mechanism would aim to provide a systematic international framework for mobilising capacity building assistance to countries and regions to help them implement global and regional agreements and appropriate national policies on combating and preventing illicit trafficking. The mechanism could for example be used to: mobilise assistance for capacity building for law enforcement personnel; help in the review and development of national legislation and regulations relating to transfers, sales, possession, and use of small arms and light weapons; and facilitate active and appropriate involvement of civil society in such work.

Conclusion

The past five years have seen an upsurge in awareness and concern about the widespread proliferation and misuse of small arms and light weapons by governments around the world. In response, States, regional organisations and the UN have devised initiatives which either have taken steps to react to the problem or have sought to find ways of preventing the further proliferation of these weapons. Many of the most far-reaching and innovative of these programmes have been developed by States within the frameworks of existing regional organisations. This briefing has illustrated some of these initiatives and the approaches that have been taken to reduce the illicit trafficking, proliferation and misuse of small arms and light weapons.

Experience is showing, however, that much of what happens nationally and regionally needs reinforcement and further development from the international community. The UN 2001 Conference comes at an important time for providing the framework – through the international action programme – to develop, reinforce and co-ordinate these national and regional processes, through developing appropriate international norms, standards, programmes and mechanisms.

A combination of actions at every level is required to address each issue area of concern. We have briefly illustrated the implications of this approach for the UN 2001 process, looking at the challenge of strengthening efforts to combat illicit trafficking in small arms. There are clearly many others, such as stockpile management and legal transfers of small arms and light weapons, that will also benefit from such an approach. The key to success – and the challenge for those working on developing the international action programme over the coming months – is to find a way in which national, regional and international efforts can be developed in synergy, reinforcing each other and addressing the challenge posed by the proliferation of small arms and light weapons as comprehensively as possible.

Annex

Summary of Regional and International Initiatives on Small Arms and Light Weapons

This annex provides background information on regional and international initiatives which aim to address small arms and light weapons proliferation and misuse. The initiatives are listed by region and in alphabetical order. It is divided into the following three sections:

- Regional Initiatives
- Inter-regional Initiatives
- Global Initiatives

Regional Initiatives

Africa

Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation, and Manufacture of Light Weapons, also known as ECOWAS Moratorium. October 1998

Background

In 1994, acting upon an initial request from the President of Mali the UN Secretary-General established an advisory mission on the control and collection of small arms in the Sahara-Sahel region. Throughout the next year, the UN dispatched missions to eight West African countries. After intensive investigation of national legislation, smuggling, theft and illegal sales, the mission concluded that, "The lack of security was fuelling the demand for weapons. The availability of weapons was fuelling the cycle of banditry and violence which in turn was virtually bringing structural development to a halt and preventing any progress on socio-economic problems".⁸ The conclusions of this mission were the basis for developing a "security first" approach, later elaborated as a proportional and integrated approach, to long term development, which has since influenced regional and international approaches to small arms control.

The West African states continued to pursue options for controlling small arms within the context of conflict prevention, disarmament and development through a series of regional consultative meetings between 1996-1998, during which the concept of a moratorium attracted much support among the West African States and the Organisation for African Unity (OAU). The West African States also actively solicited the support of the major suppliers of small arms through dialogue with the multinational Wassenaar Arrangement, which expressed support for the proposed moratorium. The rapid development of political will between both supplier and recipient States was thus a major factor in the swift conclusion of the Moratorium.

Aim

The Moratorium on the import, export and manufacture of light weapons was unanimously approved at the 21st Ordinary Session of the Authority of Heads of State and Government of ECOWAS in October 1998. The agreement commits ECOWAS States to a politically binding moratorium on the import, export and manufacture of light weapons, initially for a three-year period. The Moratorium is conceived as a "period of grace" which will halt small arms transfers, and give the region an opportunity to address with the problems caused by small arms proliferation. By signing the Moratorium, West Africa became the first – and so far the only – region in the world to announce a halt to further light weapons procurement.

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Regional Initiatives

Africa

Progress to date

In December 1998, Wassenaar Member States offered unqualified support for the agreement, confirming that it would “undertake an appropriate collaborative role with ECOWAS Member States to respect the provisions of the moratorium and will be open to providing advisory and/or technical assistance in the implementation of the moratorium.”⁹ Although it is anticipated that such collaboration will be between individual Wassenaar States and ECOWAS members, the Wassenaar Arrangement will continue to supplement bilateral contacts and developments.¹⁰

At a meeting in March 1999, the ECOWAS foreign ministers agreed a plan of action to be undertaken within the framework of the moratorium, to create a secure environment for development. Through co-operation between the UN, donors and ECOWAS countries, the Programme for Co-ordination and Assistance for Security and Development (PCASED) was developed in order to implement the plan of action. The following four areas were singled out for immediate financial assistance from the OAU, the UN and the donor community:

Control measures

Improved controls at harbours, airports and border crossings were agreed to be crucial for enhancing confidence in the moratorium.

Security sector reform

Reforming military, security and police forces through regional training programmes was seen as a priority.

Collection and destruction of weapons

ECOWAS agreed to develop incentive schemes to collect and destroy illegally held weapons.

Co-operation with civil society organisations

The West African states identified the co-operation and support of civil society as critical to the success of the moratorium.

Further information and analysis

Additional information on the ECOWAS Moratorium can be found, under the NISAT Projects section, at: <http://www.nisat.org/>

The Organisation of African Unity (OAU)

Draft Decision on the Illicit Proliferation, Circulation, and Illicit Trafficking of Small Arms and Light Weapons. July 1999

Background

The July 1999 OAU summit called for an “African common approach” to address the problems related to the use, transfer, and illegal manufacturing of small arms. During this meeting, it was decided that a ministerial conference would be scheduled in preparation for the upcoming UN Conference in 2001.

Aim

The aim of the ministerial conference was to formulate a joint African approach, with support from UN institutions, in order to solve issues related to small arms. The draft decision welcomes initiatives already taken by OAU states and regional organisations, such as:

- The ECOWAS Moratorium on the import, export, and manufacture of light weapons, and to encourage similar initiatives in other regions;
 - The destruction of small weapons surplus and obsolete arms in South Africa; and
 - The suppression of illegal arms in Mozambique.
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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives

Africa

It further welcomes the development of the draft UN *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials*.

Progress to date

In May 2000, the Assembly of Heads of State convened the *First Continental Meeting of African Experts on Small Arms and Light Weapons* in Addis Ababa, Ethiopia. The meeting decided on the adoption of an African common position to be finally ratified at the next ministerial conference in November 2000. The meeting recommended that Member States should focus on the following three key issues: co-ordinated approaches, institutional arrangements and operational measures. Recommendations also provided for the adoption of policies, institutional arrangements, and operational measures for addressing proliferation, circulation, and trafficking of small arms.

Subsequent to this meeting, in June 2000, the OAU hosted a consultation to solicit the views of civil society organisations, NGOs and international organisations on priorities for the UN 2001 Conference. This meeting supported the conclusions of the experts meeting and called, in particular, for the development of a comprehensive approach to the problem of small arms proliferation, and for transparency and accountability in exports of small arms.

Further information

Organisation of African Unity: <http://www.oau-oua.org>

The Southern African Development Community (SADC) Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking. May 1998

Background

Recognising the problems associated with illicit trafficking in arms in Southern Africa, SADC identified the need to develop a regional approach to the problem of light arms proliferation. The conclusions and recommendations of a meeting of officials from SADC and EU Member States on illicit arms trafficking, organised by Saferworld and the Institute for Security Studies, provided the basis for this approach. The resulting Southern Africa Action Programme on Light Arms and Illicit Trafficking takes a comprehensive approach to small arms control, promoting individual and community security.

Aim

The programme seeks to provide a broad approach to the challenges of light arms proliferation, and combines action to tackle illicit trafficking with the strengthening of controls on legally-held arms; the removal, destruction and safe disposal of, excess or confiscated arms; and the enhancement of transparency, information collection and exchange, and consultation across the region. The programme seeks to co-ordinate action across the region of Southern Africa, so that local and national responses “are mutually reinforcing and appropriate actions are taken at the regional level.” It further aims to “build-upon, and further strengthen, regional institutions and structures.”

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives

Africa

The European Union is supporting the programme, where appropriate, as part of its EU-SADC co-operation. The framework identified the need for action in four areas:

Combating Illicit Trafficking

Strengthening laws and regulations and operational capacity of law enforcement officials through training and equipment programmes; improving systems to trace illicit arms flows through marking and registering weapons; and enhancing regional information exchange.

Strengthening Regulation and Controls on Accumulation and Transfers of Arms

Strengthening controls over civilian possession of arms on a national and regional basis; enhancing restraint in the transfer of light arms through national inventories and agreement on export criteria; and improving monitoring of light arms transfers through establishment of national databases.

Promote the Removal of Arms from Society and the Destruction of Surplus Arms

The collection, removal from circulation, and destruction of “surplus” military arms, confiscated and unlicensed weapons; voluntary weapon collection programmes through gun-exchange or buy-back projects; and programmes to reverse cultures of violence through public education and awareness raising.

Enhance Transparency, Information Exchange and Consultation on Arms in Southern Africa

Enhancing public transparency through increasing participation in the UN Register, information exchange and consultation on seizures and holdings.

Progress to date

In November 1998, the Action Programme was endorsed by EU and Southern African foreign ministers at their summit in Vienna; a year later the EU-SADC dialogue culminated in the establishment of a joint working group on small arms.

At the same time, SADC regional initiatives have developed at a fast pace. In August 1998, the SADC summit issued a declaration on small arms and established a dedicated working group to co-ordinate regional action. In July 1998, the Southern African Regional Police Chiefs Co-ordinating Organisation themselves issued a declaration on small arms and were subsequently named as the implementing agency for the SADC on small arms policy. This led to the drafting of a SADC Protocol on Small Arms and Light Weapons, which currently awaits approval by the SADC Council of Ministers in mid-2000.

Further information

Institute for Security Studies: <http://www.iss.co.za/>

Saferworld: <http://www.saferworld.co.uk>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives

The Great Lakes and the Horn of Africa

Background

Despite the fact that, in recent years, many countries within the Great Lakes and the Horn of Africa have suffered from violent conflict and instability, action to tackle the proliferation of small arms has lagged behind regions such as Southern Africa and West Africa. However, in recent months, a range of initiatives have developed which offer the prospect of comprehensive and practical action to tackle the proliferation and misuse of small arms in this region.

Aim

The recent initiatives in Eastern Africa have sought to provide a way forward for joint action to address the serious problem of small arms proliferation in the region.

The Nairobi Declaration, which was developed at a Kenyan government-sponsored conference from 12-15 March, 2000, and which was signed by the foreign ministers of 10 regional governments, embraced a broad understanding of the problem of small arms and sets out the need for a comprehensive response to the problem.

The Draft Regional Action Programme to Combat Small Arms Proliferation in the Horn of Africa and the Great Lakes emerged from a meeting of senior police officers and government officials from sub-regional intergovernmental organisations and hosted by four non-governmental agencies¹¹ on 31 January and 1 February, 2000. As in Southern Africa, the Regional Action Programme seeks to provide a broad approach to the challenges of small arms proliferation in the region, focusing on measures to: strengthen legal controls on weapons possession and transfer; enhance operational capacity to combat illicit arms trafficking; removing and destroying surplus weapons and developing education programmes; and enhancing the capacity of sub-regional institutions for implementation.

Progress to date

The **Nairobi Declaration** is significant in that it has brought together a group of countries which had little prior form of political affiliation or organisation, demonstrating that there is common ground between them in the fight against small arms proliferation. The high-level political will that is articulated through the Nairobi Declaration, moreover, will significantly enhance the potential for regional action to tackle small arms proliferation.

In order to build wider support for the **Draft Regional Action Programme**, it was subsequently presented to a number of meetings and conferences in the region, including the East African Police Chiefs Conference and the Kenyan government conference of March 2000 where it received support. Whilst continuing to build widespread support for the Action Programme remains a priority, together with mainstreaming of the small arms issue within the region, the next stage will be to move towards the implementation of the initiatives in the Horn of Africa and the Great Lakes.

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives Americas

The Organization of American States (OAS) *Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Material. November 1997*

Background

In November 1997, 29 Member States of the OAS signed the legally binding “Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials”. In just over a year, the convention was transformed from a drawing board concept into a regionally agreed convention. Consensus was built rapidly because the OAS discussions linked illicit weapons trafficking to common regional concerns, specifically drug trafficking and trans-national crime. The agreement focuses on increasing co-operation rather than increasing sanctions. Whereas previous bilateral efforts to control light weapons had made little headway, this uncontroversial approach generated the high level of political will necessary to move forward.

Aim

The stated purpose of the OAS Convention is: “To prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and related materials,” as well as to “promote and facilitate co-operation and exchange of information and experience among States Parties”.

Criteria

The 30-article convention, which covers many categories of small arms and light weapons,¹² sets out a broad set of commitments, control mechanisms, legal requirements, and co-operation procedures, including:

- Instituting legislation to criminalise illicit manufacturing and trafficking;
 - Marking weapons at the time of manufacture and import to facilitate identification and tracing;
 - Establishing a harmonised system of export, import and international transit licenses;
 - Strengthening controls at export points;
 - Exchanging information on small arms producers, dealers, importers and exporters; on routes and techniques used in illicit trafficking; and on scientific and technological information for prevention, detection and investigation;
 - Exchanging experience and training in areas such as identification, detection, tracing and intelligence gathering; and
 - Providing mutual legal assistance to facilitate investigation and prosecution of illicit activities and establishing illicit weapons activities as extraditable offences.
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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives Americas

Operative Provisions

Concurrent to the convention negotiations, the OAS states also formulated a set of practical guidelines that can be applied to both electronic and paper-based systems. Developed under the auspices of the Inter-American Drug Abuse Control Commission (CICAD), the “Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition” were adopted in November 1997.¹³ They establish:

- A harmonised import/export system through clear and concrete practical measures for domestic legislation on imports, exports and in-transit movement of firearms;
- Guidelines for minimum standards required for harmonised licensing; and
- Outline proposals for record keeping and information exchange on imports/exports, including the quantity, type and serial numbers of firearms.

Progress to date

To date 10 countries have ratified the OAS Convention and the agreement has entered into force. Following the 10th ratification, the OAS established a Consultative Committee to assess prospects for additional ratifications and effective implementation through increased information exchange and co-operation.

Further information

Organization of American States: <http://www.oas.org/en/prog/juridico/english/weapon.html>

Proposal for an OAS Declaration on Responsible Small Arms and Light Weapons Transfers. March 2000

Background

Responding to concerns that the OAS Convention on illicit trafficking took a narrow approach to the problem that focused purely on crime control, the OAS Committee on Hemispheric Security met in March 2000 to discuss the development of controls of state transfers of weapons. The meeting resulted in a draft proposal on “Responsible Small Arms and Light Weapons Transfers.”

Aim

The OAS aims to “play a leadership role in promoting restraint and responsibility in conventional arms transfers.” The proposed declaration “sets out principles to govern transfers of small arms and light weapons.”

Criteria

The draft proposal outlines the following criteria to be considered when assessing small arms and light weapons transfers:

- The legitimate defence and security needs of the recipient country;
 - The recipients involvement in peacekeeping operations;
 - The technical ability of the recipient country to ensure effective export controls; and
 - The technical ability of the recipient country to ensure effective management and security of stockpiles.
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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives Americas

In addition OAS Member States will undertake to:

- Respect international commitments such as arms embargoes;
- Take into account gross violations of human rights and humanitarian law in the recipient country;
- Not transfer weapons if there is a clear risk that they will be used for internal repression;
- Take into account of the internal situation of the recipient country in particular the existence of armed conflict or high levels of violence;
- Not transfer weapons that may provoke or exacerbate armed conflicts or existing tensions;
- Not permit the transfer of weapons to countries undertaking armed international aggression;
- Take into account the behaviour of the recipient country in regard to organised crime;
- Take into account the risk of diversion; and
- Consider transfers in the context of development and economic needs of the recipient country.

Progress to date

The proposal was discussed at the OAS General Assembly meeting in Windsor, Canada in June 2000, and the General Assembly adopted a resolution giving the Committee on Hemispheric Security a mandate to develop a declaration in anticipation of the 2001 UN conference.

Mercado Commun del Sur (MERCOSUR)

Background

- In April 1998, the presidents of the MERCOSUR Member States agreed during a summit in Santiago de Chile to: Work expeditiously towards compliance with the constitutional proceedings necessary to ratify the OAS Convention; and
- Develop a joint registration mechanism for firearms, ammunition, explosives and other related materials.

The latter formed the basis of a sub-regional agreement. Utilizing the CICAD model regulations, the countries established national data processing centres tasked with ensuring compliance with the CICAD requirements.

Members: Argentina, Brazil, Paraguay, and Uruguay

Future Associates: Bolivia, Chile

Further information

MERCOSUR: <http://www.mercosur.org>

Uruguay COMISEC web page on MERCOSUR: <http://www.mercosur-comisec.gub.uy>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives Europe

The European Union

EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms. June 1997

Background

Following the proposal to address illicit trafficking by the government of Netherlands, this politically binding agreement was signed by the EU Council of Ministers working group, COARM.

Aim

The EU Programme, which covers all conventional arms, addresses illicit trafficking within the broader context of capacity building and long term development. The programme's acknowledgement that "peace and security are inextricably inter-linked with economic development and reconstruction" is an important departure from previous policy that made clear distinctions between development aid and security assistance.¹⁴ Practical measures such as weapons collection, buy-back and destruction programmes, as well as progressive education programmes, are identified as key aspects of the programme.

Criteria

Strengthening collective efforts to prevent and combat illicit trafficking in arms from and through the European Union

Specific measures might include instituting more effective information exchange, and improving co-ordination and co-operation amongst intelligence, customs and law enforcement agencies.

Providing assistance to countries in regions affected by light weapons proliferation

Assistance to these countries could focus on increasing the capacity of their legal and enforcement capabilities (e.g. customs, police, and judiciary), using international databases, and promoting national and sub-regional co-operation amongst police, customs and intelligence services.

Assisting countries in affected regions, especially in post-conflict situations and in regions with only minimal security and stability

These initiatives might aid in the re-integration of former combatants and removal of weapons from circulation through measures such as weapons collection and buy-back schemes.

The programme further commits states to make funds available to carry out the stated objectives, and to review actions taken within this framework annually.

Progress to date

Perhaps the most significant development under the EU Programme, to date, has been the agreement on *The Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking* in May 1998. European Union and SADC foreign ministers at their summit in Vienna subsequently endorsed this programme in November 1998. The development of the Southern Africa Action Programme has further encouraged the formalisation of EU-SADC links on the small arms issue, culminating with the establishment of an EU-SADC working group on small arms in November 1999.

Further information

European Union: <http://www.europa.eu.int/>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives

Europe

European Union Code of Conduct on Arms Exports. June 1998

Background

This EU Code of Conduct, an initiative proposed by France and the United Kingdom, came about in part as a response to calls for a more responsible approach to arms exports and, in part, in an effort to adopt a harmonised approach to weapons transfers within the 15-nation European Union.

Aim

The EU Code aims to set “high common standards which should be regarded as the minimum for the management of, and restraint in conventional arms transfers by all EU Member States.” The EU Code outlines the common principles, such as transparency and accountability, which underpin future EU arms transfers.

Criteria

The Code includes guidelines detailed under the eight criteria on conventional arms transfers agreed in Lisbon and Luxembourg in 1991 and 1992, which address the following considerations:

- Respect for international commitments of EU Member States in areas such as embargoes, treaties and control regimes;
- Respect of human rights in the country of final destination;
- The internal situation in the country of final destination;
- Preservation of regional peace, security, and stability;
- The national security interests of the Member States and of allied countries;
- The behaviour of the buyer country with the regard to the international community as regards to its attitude to terrorism and respect for international law;
- The risk of diversion of re-export of equipment within the buyer country; and
- The compatibility of arms exports with the technical and economic capacity of the recipient country.

Operative provisions

The EU Code also includes “operative provisions”, a basic system for all Member States to exchange information on arms export licences that are denied, and limited consultations to discourage undercutting. It also provides for an Annual Review of the implementation of the Code, although there are no explicit commitments to make this review public.

Progress to date

Now that the lines of communication between EU governments are open, the information provided through denial notifications is apparently proving a revelation to many EU Member States, fostering reciprocal understanding of the implementation of the Code criteria. The regime also has been successful in attracting the support of a number of countries outside the EU, and has been endorsed by the United States, Canada and EU associate nations. The experience of negotiating the Code has also prompted a review, by EU governments, of some other aspects of their arms control regimes, and a recognition that rules governing *inter alia* arms brokering agents are inadequate and need to be strengthened.

Further information

Stockholm International Peace Research Institute: <http://projects.sipri.se/expcon/eucode.htm>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Regional Initiatives

Europe

European Union Joint Action on Small Arms. December 1998

Background

In an effort to contribute to global efforts to tackle small arms the EU Council of Ministers adopted a Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons. This agreement, which builds on the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms adopted by the Council on 26 June, 1997, and the EU Code of Conduct on Arms Exports adopted 8 June, 1998, takes a regional and incremental approach to the problem.

Aim

The Joint Action aims to help further the international effort to combat the excessive and uncontrolled spread of small arms through the support for existing regional and international initiatives.

Criteria and operative provisions

EU Member States agree to develop a co-operative policy, concentrating on the following measures:

- Combating and contributing to measures aimed at ending the destabilising accumulation and spread of small arms;
- Contributing to the reduction of existing accumulations to levels consistent with countries legitimate security needs;
- Help solve the problems associated with accumulations of weapons; and
- Making a multifaceted contribution to a range of control and reduction measures.

Progress to date

Implementation of the Joint Action by the EU Member States has focused on publicising the initiative, and encouraging governments with a desire to tackle the problems associated with small arms proliferation to work with them in partnership under the framework of the Joint Action. In addition to extending support for the weapons collection project in Gramsch, Albania, the EU members have entered a dialogue with the Cambodian government on ways in which the EU can assist weapons collection and reduction initiatives in this country.

Further information

European Union: <http://www.europa.eu.int>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Inter-regional Initiatives

North Atlantic Treaty Organisation (NATO)

Euro-Atlantic Partnership Council/Partnership for Peace Work Programme on the Challenge of Small Arms and Light Weapons. July 1999

Background

Under the leadership of Canada, Norway and the United States, NATO's Euro-Atlantic Partnership Council (EAPC) began to address the spread of small arms in March 1999. One month later, the EAPC, which includes the 19 NATO member countries and the 25 participants in the Alliance's Partnership for Peace (PfP) programme, formed an *ad hoc* working group on small arms. The group was charged with setting a work programme for the EAPC, which was drafted by summer 1999.

Aim

The EAPC programme aims to "identify ways in which EAPC/PfP might contribute to the challenge of small arms and light weapons." Emphasis is placed on reinforcing existing initiatives rather than duplicating them. In addition, the programme aims to take advantage of NATO/EAPC's specific politico-military knowledge and expertise.

Proposals

The programme identified three areas for examination:

- Stockpile management and security;
- National export controls, mechanisms, enforcement and arms embargoes; and
- Peacekeeping Training and Development.

Within this work programme, proposals are set out for training and practical assistance on a number of control and reduction measures including:

Generic training

The development dialogue and training in 'best practice' on stockpile management and security of storage sites, disposal and destruction of weaponry, and reintegration of former combatants in peace support operations;

Tailored assistance and co-operation

Support for individual nations in areas such as border controls, the development export control regulations and customs and police enforcement; and

Best practice

Further information exchange and consultation on export control, transparency and weapons marking regimes.

Operative provisions:

The work programme calls for the establishment of a Partnership Work Programme 'Chapter' on small arms and light weapons in order to "consolidate all of the related ... activities in one major area, in order to provide an appropriate political focus for subsequent activities, thereby facilitating co-operation and contributing to public awareness of EAPC action this subject".

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Inter-regional Initiatives

Progress to date

Since the establishment of the work programme, NATO has convened a series of workshops to further discussion and build consensus on areas such as best practice in export control and common systems of marking weapons. In addition, the Partnership Work Program Chapter, *"The Challenge of Small Arms and Light Weapons"* was agreed in February 2000. The chapter aims to initiate a response from EAPC countries on small arms and light weapons issues through dialogue on 'best practice'. The annual ministerial meeting of the EAPC, held in Florence on 25 May, 2000, signified acknowledgement of the EAPC's work on small arms. During this meeting, foreign ministers welcomed efforts of the EAPC and the PfP in reference to combat the problems associated with small arms and light weapons.

The Organisation for Security and Co-operation in Europe (OSCE)

The Organisation for Security and Co-operation in Europe (OSCE) first identified the spread of small arms as an impediment to its traditional roles in crisis management, post-conflict reconstruction and democracy-building in November 1998, when the governments of Canada, the Netherlands, Norway and Switzerland organised an informal exploratory workshop on the issue in association with BASIC.

At the November 1999 summit in Istanbul, the OSCE's Forum on Security Cooperation was mandated to "launch a broad and comprehensive discussion on all aspects of the problem of small arms and light weapons and to study concrete measures to deal with this issue, in order to respond to the challenge of peace and stability stemming from the excessive and destabilizing accumulation and uncontrolled spread of these weapons." The OSCE was further encouraged to organise a seminar to address this issue the following year.

On 3 April, 2000, a three-day seminar on small arms and light weapons took place in Vienna, aimed at addressing the issue of preventing destabilising accumulation of arms. During the four working sessions, issues such as information exchange, strengthened control, an increase in transparency, stockpile management and destruction, and post-conflict stabilisation were discussed. The findings of this workshop will form the basis of a concrete action plan to be agreed this November.

Further information

International Action Network on Small Arms:

http://www.iansa.org/documents/regional/2000/April_00/osce_report.htm

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Inter-regional Initiatives

United States – European Union

US-EU Statement of Common Principles on Small Arms and Light Weapons. December 1999

Background

In December 1999, the United States and European Union pledged co-operation in addressing the destabilising accumulation and spread of small arms and light weapons in a “Statement of Common Principles on Small Arms and Light Weapons”.

Aim

Recognising that the small arms issue demanded the urgent attention of the international community and that this required a practical response through global, regional and national measures, the United States and EU advocated a comprehensive approach in order to address human security, development, law enforcement, disarmament, arms control and collective defence requirements. The statement focuses particular attention on practical disarmament measures in conflict and post-conflict situations; as such, the United States and the EU agreed to pursue the following measures as part of EU-US “*Action Plan on Small Arms and Light Weapons*”:

- Establish a working group on small arms and light weapons, to promote an increase in co-operation and information sharing;
- Address problem of illicit trafficking in firearms including through the completion by 2000 of the “Protocol to Combat Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition”;
- Promote support for the ECOWAS Moratorium on the import, export, and manufacturing of small arms in West Africa;
- Promote observance of UN sanctions governing arms transfers;
- Co-operate in considering measures to combat illicit arms brokering and measures to prevent the unauthorized retransfer of small arms and light weapons;
- Promote the inclusion in UN peacekeeping mandates and other relevant missions of effective measures to deal with the collection and destruction of small arms and light weapons;
- Work together in regional fora, such as the OSCE and EAPC, in efforts to contribute to combating and preventing the destabilizing accumulation and spread of small arms and light weapons, including stockpile management and security;
- Co-ordinate their planning for a successful outcome to the UN on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, with a view to achieving tangible results at the conference.

The European Union pledged co-operation with the US Comprehensive Initiative on Small Arms and Illicit Trafficking; while the United States agreed to support the EU in terms of the principles listed in the EU Joint Action on Small Arms and Light Weapons. Both parties also agreed to promote the inclusion in UN peacekeeping mandates of collection and destruction of small arms and light weapons.

Further information

<http://www.useu.be/summit/arms1299.html>

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Summary of Regional and International Initiatives on Small Arms and Light Weapons

Inter-regional Initiatives

European Union-Canada

EU-Canada Working Group on Small Arms. December 1999

Background

Recognising that the availability of small arms leads to an increase in conflict and violence, in 1999 the EU and Canada agreed to work together to address these issues. This commitment included promoting regional and international efforts to ensure small arms and light weapons are only transferred to state or state-authorised entities.

Aim

The aim of the EU-Canada agreement is to strengthen co-operation in order to face the human security dilemma caused by the excessive and destabilising accumulation and uncontrolled spread of small arms, and to support implementation of initiatives and projects in the most affected regions throughout the world.

- Ensure the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects brings about a programme of action encompassing all areas of international co-operation in small arms;
- Elaborate a protocol against the illicit manufacturing of and trafficking in firearms, ammunition, and other related materials;
- Focus on Africa as the region in most need of assistance and support.

The EU nations and Canada aim to further promote international and regional efforts in ensuring that small arms and light weapons are only transferred to states, and to take action to prevent weapons from reaching the hands of oppressive state authorities, terrorists, and criminal paramilitary organisations.

Further information

Canadian Ministry of Foreign Affairs:

<http://www.dfait-maeci.gc.ca/english/geo/europe/eu/lightarmsE.html>

Annex

Summary of Regional and International Initiatives on Small Arms and Light Weapons

International

United Nations Economic and Social Council

Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, and other Related Materials.

Background

In April 1998, the UN Economic and Social Council (ECOSOC) passed a resolution calling for a legally binding "international instrument" to combat firearms trafficking. Over the past two years, the Commission on Crime Prevention and Criminal Justice of the UN ECOSOC has been developing the "*Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials*" (hereafter referred to as the Firearms Protocol). The Protocol will be attached to the UN Convention on Transnational Organized Crime, which is expected to be signed by the end of 2000. If agreed, the Firearms Protocol will be the first legally binding global measure regulating international transfers of small arms and light weapons.

Aim

The aim of the Firearms Protocol is to "prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, ammunition and other related materials" by:

- Promoting common international standards for the import, export and in-transit international movements of firearms, ammunition and other related materials;
- Encouraging international co-operation and information exchange at the national, regional and global levels, including on firearms identification, tracking and tracing; and
- Furthering international co-operation on firearms ammunition and other related materials by developing an international regime for the management of commercial shipments.

Operative provisions

The draft protocol contains provisions for combating the illicit trade through:

- The criminalisation of trafficking related activities;
- Measures to seize and destroy confiscated weapons;
- Record keeping;
- Marking of weapons at the point of manufacture and at import;
- Harmonisation of export, import and transit licensing requirements;
- Security measures to prevent the theft, loss or diversion of weapons;
- Detailed provisions on the exchange of information, experience, training and technical assistance; and
- Possible provisions for the registration and licensing of brokers.

Progress to date

Although the draft protocol was developed rapidly, many key articles such as those covering the marking of weapons or controls on brokers remain unresolved. A series of formal meetings and informal dialogues in various regional and sub-regional groupings have been held in order to build consensus around key issues. It is expected that the protocol will be finalised at a negotiating session in Vienna in October 2000.

Further information

United Nations: <http://www.un.org/Depts/dda/CAB/program2.htm>

Annex

Summary of Regional and International Initiatives on Small Arms and Light Weapons

International

United Nations Panel and UN Group of Governmental Experts

A vital contribution to furthering understanding of and international commitment to the issue of small arms was made with the establishment of the UN Panel of Governmental Experts, who were tasked in December 1995 with producing a report on small arms and light weapons.¹⁵ The subsequent report of August 1997 provided comprehensive documentation of the problems, causes and effects associated with excessive and destabilising accumulations of small arms and light weapons, as well as the mode of their transfer to regions of conflict and tension. It also offered detailed recommendations for both reducing and preventing these destabilising accumulations of weaponry. These recommendations were overwhelmingly endorsed by the UN General Assembly in Resolution 52/38J.

In 1998, the UN established a Group of Governmental Experts on Small Arms to review implementation of the previous panel's recommendations, and develop further proposals for international action within a UN framework. The UN Group, which was made up of official representatives of 23 states, held a series of consultative meetings between May 1998 and July 1999, and sought the views of academics, NGOs and the small arms industry. The subsequent report for the September 1999 UN General Assembly outlines the incredible progress undertaken at the national, regional and international level and concludes that many of the recommendations of the first UN panel are now being undertaken.¹⁶ The group's report further elaborates on the previous recommendations and outlines specific measures for further controlling small arms within the broader context of post-conflict reconstruction and long term development.

The United Nations Co-ordinating Action on Small Arms (CASA)

The mechanism for Co-ordinating Action on Small Arms (CASA) was created in mid-1998, in order to provide a "focal point" within the Department for Disarmament Affairs (DDA) in order "to co-ordinate on a UN-wide basis all action on small arms."¹⁷

CASA consolidates UN action on light weapons by emphasising inter-departmental communication and cross-fertilisation of ideas among the different bodies concerned with how the various aspects of light weapons proliferation affect their own work. These departments include: the UN Development Programme (UNDP), the UN High Commissioner for Refugees (UNHCR), the Office for the Co-ordination of Humanitarian Affairs (OCHA), the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Department of Peacekeeping Operations (DPKO) and the UN Children's Fund (UNICEF).

Group of Interested States

The Group of Interested States (GIS) was established to address the perceived need to develop practical measures that would meet the challenges posed by small arms proliferation, reintegration, demobilisation and demining, that are often critical issues in ensuring successful post-conflict rehabilitation. This need was highlighted by the German-sponsored General Assembly resolution 51/45N ('Consolidation of Peace through Practical Disarmament Measures') of 1996 which laid the foundations for the establishment of the German-chaired GIS in New York in 1998. The *raison d'être* of the GIS is to help establish an integrated approach to peace-consolidation through practical disarmament measures that focus upon facilitating projects in partnership with those states directly affected.

The GIS, co-operating with the UN Department for Disarmament Affairs, has attempted to facilitate the exchange of information and to improve the co-ordination of disarmament initiatives. In addition the GIS has also sponsored a number of disarmament projects: in Cameroon, in July 1998, where Central African military experts attended a 'Train the Trainers' workshop; in Guatemala, in November 1998, where a study was carried out on Central America experiences of weapons collection programmes, demobilisation and reintegration; in Albania, in May 1998, where the 'Gramsch Pilot Project' was developed. This project merged disarmament and development projects, by encouraging participation in voluntary weapons collection schemes through the provision of community-based development incentives; and a proposed weapons collection and destruction programme in Niger.

Endnotes

- ¹ See Annex for a description of the EU Code.
 - ² Information based on a presentation made by the director of PCASED, Ivor Richard Fung, to the seminar on Small Arms and the European Union, Helsinki, Finland, 8-10 October 1999.
 - ³ The Southern Africa Regional Action Programme on Light Arms and Illicit Trafficking emanated from a meeting of EU and Southern African police and government officials hosted by Saferworld and the Institute for Security Studies, May 1998.
 - ⁴ See Annex for an elaboration of the Action Programme.
 - ⁵ The Nairobi Declaration on the Problem of Illicit Small Arms and Light weapons in the Great Lakes and Horn of Africa.
 - ⁶ The Security Research and Information Centre, the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, the Institute for Security Studies and Saferworld.
 - ⁷ O. Greene with E. Clegg, S. Meek, and G O'Callaghan, Framework Briefing, The Un 2001 Conference – setting the agenda, Biting the Bullet Project Briefing No 1; BASIC, International Alert and Saferworld, London, February 2000.
 - ⁸ "The Mali Mission", remarks by M. Goulding, Under-Secretary-General for Political Affairs to the First Committee, United Nations, 26 October 1994.
 - ⁹ Quotation from Chronology of Events Relating to the ECOWAS Moratorium, Sverre Lodgaard, NUPI, www.nisat.org.
 - ¹⁰ The Wassenaar Arrangement and the Moratorium for West Africa, Ambassador Steffan Sohlmans, Chairman, Wassenaar Arrangement, 5 May 1999, Henri Dunant Centre, Geneva.
 - ¹¹ The Security Research and Information Centre, the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, the Institute for Security Studies and Saferworld.
 - ¹² It defines firearms as: "a) any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or b) any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine". Article I, para. 3, OEA/Ser.P, AG/RES. 1, XXIV-E/97.
 - ¹³ Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition," Inter-American Drug Abuse Control Commission, November 1997. Posted on the CICAD web site at http://www.cicad.oas.org/en/legal_development/legal-regulations-arms.htm.
 - ¹⁴ "The Programme for Preventing and Combating Illicit Trafficking in Conventional Arms", A Council Declaration, 9057/97, 26 June 1997.
 - ¹⁵ UN General Assembly resolution 50/70 B of 12 December 1995.
 - ¹⁶ General and Complete Disarmament: Small Arms, United Nations General Assembly, Fifty-fourth session, Item 76 (f) of the provisional agenda, A/54/258, September 1999.
 - ¹⁷ Quoted in Jim Wurst, "UN Lobbies for Coordination on Small Arms", BASIC Reports No. 65, 14 August 1998.
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