

IMPLEMENTING
THE PROGRAMME
OF ACTION
2003

ACTION BY STATES AND CIVIL SOCIETY

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international action network on small arms

IANSA

The International Action Network on Small Arms is the global movement against gun violence - a network of more than 500 civil society organisations working in 100 countries to stop the proliferation and misuse of small arms and light weapons. IANSA seeks to reduce the impact of small arms by fostering collaborative advocacy, promoting the development of regional and thematic networks, supporting capacity building and raising awareness.

INTERNATIONAL ALERT

International Alert is a UK-based non-governmental organization committed to the just and peaceful transformation of violent conflicts. IA seeks to identify and address the root causes of conflict and to contribute to the creation of sustainable peace by working with partner organisations in order to influence policies and practices at local, national, regional and global levels. IA's Security and Peacebuilding Programme works on security sector reform and the need for restraint and transparency with regard to the transfer and use of small arms.

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Saferworld is an independent non-governmental organisation working to identify, develop and publicise more effective approaches to tackling and preventing armed conflict. Saferworld's Arms Programme, initiated in 1991, aims to foster greater international restraint over transfers of arms – from light weapons to major conventional weaponry – and dual-use goods. At the same time, Saferworld aims to work with governments and non-government groups on the ground in regions of conflict in order to better control flows of, and reduce demand for, arms.

UNIVERSITY OF BRADFORD

The Centre for International Co-operation and Security (CICS) is a centre for academic and applied research with extensive expertise in small arms and related issues. It is based at the Department of Peace Studies at the University of Bradford, which is internationally recognised as a leading research and teaching centre in the areas of peace and conflict studies.

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This publication has been produced for the International Action Network on Small Arms (IANSA) by the Biting the Bullet project, which comprises Bradford University, International Alert and Saferworld. It was written primarily by the following members of the Biting the Bullet team:

Owen Greene, Bradford University, Department of Peace Studies

Mike Bourne, Bradford University, Department of Peace Studies

Valerie Yankey, IANSA

Michael Page, International Alert

Helena Vázquez, International Alert

Charlotte Watson, International Alert

Stephanie Cooper, International Alert

Henry Smith, Saferworld

Helen Hughes, Saferworld

Catherine Flew, Saferworld

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Abazi, Haki	Forum of Civic Initiative (FIQ)	Kosovo
Abdulai, Napoleon	Programme for Coordination for Assistance on Security and Development (PCASED)	Mali
Agboton – Johnson, Christiane	Mouvement contre les armes légères en Afrique de l'Ouest (MALAO) Senegal	Senegal
Agina, Mereso	Kenyan Coalition Against Landmines (KCAL)	Kenya
Ali-Allam, Fadi	Permanent Peace Movement	Lebanon
Alpers, Philip	Harvard University, Harvard Injury Control Research Centre Harvard School of Public Health	USA
Appiolaza, Martín	UN Regional Center for Peace and Disarmament in Latin America and the Caribbean (UNLiREC)	Peru
Arputhuraj Williams, James	South Asia Partnership International (SAP-Int)	Sri Lanka
Atanga, Mufor	SaferAfrica	South Africa
Avakian, Gagik	Centre for Co-operation and Democracy	Armenia
Baltutye, Elvyra	Lithuanian Centre for Human Rights	Lithuania
Bani, Prosper	United Nations Development Programme (UNDP)	Switzerland
Batchelor, Peter	Small Arms Survey	Switzerland
Beka, Ramazan	Movement for Disarmament	Albania
Berkol, Ilhan	Group de Recherche et d'Information sur la Paix et la Sécurité (GRIP)	Belgium
Bitondo, Dieudonne	Association Camerounaise pour l'Evaluation Environment	Cameroon
Blazevic, Igor	People in Need Foundation	Czech Republic
Bokongo Lofoko Kawaya, Simon	Congolese Physicians for Peace	Democratic Republic of Congo
Browne, Roland	National Coalition for Gun Control	Australia
Brune, Peter	Swedish Fellowship of Reconciliation	Sweden
Budhdev-Lama, Karishma	Middle East Quaker International Affairs Programme	Jordan
Burkhanov, Bakhodir	United Nations Development Programme (UNDP)	Papua New Guinea
Choulai, Bernard	United Nations Development Programme (UNDP)	Papua New Guinea
Cojocar, Lilia	British Broadcasting Corporation	Moldova
Cuadra, Elvira	Centre for International Studies (CEI)	Nicaragua
De Leon-Escribano, Carmen Rosa	Instituto de Enseñanza para el Desarrollo Sostenible (IEPADES)	Guatemala
Drenova, Ismet	SaferAlbania	Albania
Dube, Joseph Thabo	Gun Free South Africa (GfSA)	South Africa
Dzomo Nkongo, Romuald	Commission Diocésaine Justice et Paix de Yaoundé	Cameroon
Eavis, Paul	Saferworld	UK
Ebo, Adedeji	Department of Political Science and Defence Studies, Nigerian Defence Agency	Nigeria
Eloheid, Hussein	Centre of Humanitarian Affairs	Sudan
Espinoza, Ana Yancy	Arias Foundation	Costa Rica
Faltas, Sami	Bonn International Center for Conversion (BICC)	Germany
Feltham, Ann	Campaign Against the Arms Trade (CAAT)	UK
Fernandes, Rubem Cesar	Vivo Rio	Brazil
Ferrariz Lubang, Alfredo	Gaston Z. Ortigas (GZO) Peace Institute	Philippines
Gamba, Virginia	SaferAfrica	South Africa
Geneva Process Meeting on Small Arms	Geneva Forum	Switzerland
Georgieva, Mila	Black Sea Law Community	Bulgaria
Gezer, Tanzer	UMUT Foundation	Turkey
Godnick, William	International Alert	US
Gonzalez Chavez, Guadalupe	Centro Mexicano de Analisis Estrategico y Negociacion Internacional	Mexico
Gortari, Maria Cecilia	Sociedad Paraguaya de Criminologia	Paraguay
Handem, Adelino	Guinean Association for Research and Alternatives (ALTERNAG)	Guinea-Bissau
Heathershaw, John	American University, Bishkek	Kyrgyzstan
Howard, Alun	International Action Network on Small Arms (IANSA)	UK
Inarra, Begona	AMECA Justice and Peace	Kenya
Iooty, Caroline	Viva Rio	Brazil
Jaworski, Piotr	Institute of Public Affairs	Poland
Jerse, Alanka	Amnesty International	Slovenia
John, Ime	International Physicians for the Prevention of Nuclear War (IPPNW)	Nigeria

Jorge, Antonio	Fundación para la Promoción de la Cultura y le Educacion Popular (FUNPROCEP)	Colombia
Joss, Sally	International Action Network on Small Arms (IANSA)	UK
Kabwe Fikirini, Janvier	AVERO	Democratic Republic of Congo
Kaiza, Bubelwa	Concern for Development Initiatives in Africa (ForDIA)	Tanzania
Kallas, Hala	Collectif Controle des Transferts D'armes (French Coalition)	France
Kamenju, Jan	Security Research and Information Centre (SRIC)	Kenya
Keegan, Margy	Gun Free South Africa (GFSA)	South Africa
Khaled Ali, Hamed	Human Rights and Training Centre	Yemen
Kifara, Mutere	Mission des Jacobins Sages (MiJaS)	Democratic Republic of Congo
Korba, Matus	Institute of International Relations	Slovakia
Krumins, Girts	Official Latvian Development Agency	Latvia
Kusmuk, Mirko	Republika Srpska Bosnia-Herzegovina Red Cross	Republika Srpska Bosnia-Herzegovina
Laurence, Ed	Monterey Institute of International Studies	USA
Lazada, Alvarado	Fundación para la Promoción de la Cultura y le Educacion Popular (FUNPROCEP)	Colombia
LeBrun, Emile	International Action Network on Small Arms (IANSA)	United Kingdom
Luz, Alvarez	Spanish Coalition	Spain
Maiga, Fatoumata	Association des Femmes pour la Initiatives de Paix (AFIP)	Mali
Marsh, Nicholas	International Peace Research Institute	Norway
Martínez, Jaime	Fundación de Estudios para la Aplicación del Derecho (FESPAD)	El Salvador
McDonald, Glenn	Independent Researcher	Switzerland
Meddings, David	World Health Organisation	Switzerland
Meek, Sarah	Institute for Security Studies (ISS)	South Africa
Miller, Derek	International Alert	UK
Moser-Puangsuwani, Yeshua	Non-violence International Southeast Asia Office	Thailand
Mtonga, Robert	International Physicians for the Prevention of Nuclear War (IPPNW)	Zambia
Mugisha, Richard	Ugandan Action Network on Small Arms (UANSA)	Uganda
Muhongerwa, Christine	SaferRwanda	Rwanda
Muresan, Liviu	European Institute for Risk, Security and Communication Management (EURISC Foundation)	Romania
Mwakasungula, Undule	Centre for Human Rights and Rehabilitation (CHHR)	Malawi
Mworozi Edison	Ugandan Action Network on Small Arms (UANSA)	Uganda
Naumkin, Sergy	Advocates without Borders	Russia
Nepram, Binalakshmi	Independent Researcher	India
Odibat, Atef	Regional Human Security Centre at the Jordan Institute of Diplomacy	Jordan
Pandare, Dieudonne	Mouvement contre les armes légères en Afrique de l'Ouest (MALAO) Senegal	Senegal
Paniagua, Ignacio	Asociacion Médica para la Responsabilidad Social (IPPNW El Salvador)	El Salvador
Peters, Rebecca	International Action Network on Small Arms (IANSA)	UK
Phiri, Robert	Public Affairs Committee	Malawi
Polikanov, Dmitry	Center for Policy Studies in Russia (PIR Centre)	Russia
Rizo Patrón, Carolina	UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean (UNLiREC)	Peru
Roche, John	Angola 2000	Angola
Semaskevicius, Vaclavos	Lithuanian Weaponry Fund	Lithuania
Siddiq, Ayesha	Independent Researcher	Pakistan
Sinthay, Neb	Working Group for Weapons Reduction (WGWR)	Cambodia
Stanciu, Raxandra	European Institute for Risk, Security and Communication Management (EURISC Foundation)	Romania
Starcevic EUNET, Miodrag	Serbia and Montenegro Red Cross	Serbia and Montenegro
Stohl, Rachel	Center for Defense Information	USA
Stott, Noel	Institute for Security Studies (ISS)	South Africa
Swartz, Franklin J.	Voluntas	Belarus
Tesvisarn, Sirinrath	Non-violence International Southeast Asia Office	Thailand
Tuma, Miroslav	Institute of International Relations	Czech Republic
Vilanueva, Cesar Geronimo	Philippines Action Network on Small Arms (PHILANSA)	Philippines
Wairagu, Francis	Security Research and Information Centre (SRIC)	Kenya
Yakubu, Afi	Foundation for Security and Development in Africa (FOSDA)	Ghana
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EXECUTIVE SUMMARY

1. INTRODUCTION

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) now stands as the central global agreement on preventing and reducing trafficking and proliferation of SALW.

It is two years since the PoA was agreed in July 2001 at the UN Conference on the Illicit trade in Small Arms and Light Weapons in All its Aspects. The first Biennial Meeting of States (BMS) on the PoA will take place in July 2003, to consider progress towards its implementation. Although it is unrealistic to expect full implementation at this stage, it is important to review experience so far.

This present report aims to provide an initial review of progress towards implementation of the PoA, as a contribution to the Biennial Meeting and to wider efforts to take stock of progress so far and identify strengths, weaknesses and priorities for the future. It outlines and assesses progress towards implementation of the PoA, drawing on data gathered for 156 countries and analysing relevant national, regional and international processes.

The scope of this report is extensive. However, it does not aim to be fully comprehensive. Rather, it aims to provide a broad and reliable overview of progress and illustrate experiences across each of the regions, to identify emerging strengths and weaknesses and contribute to on-going efforts to promote wide and effective implementation of the PoA.

2. THE PROGRAMME OF ACTION AND OUR APPROACH

The PoA is a politically binding international agreement agreed by consensus at a high political level. This consensus could only be achieved by excluding or diluting some proposed norms and standards that commanded wide support, and through ambiguous drafting in some areas. The PoA remains in need of further development in the future. Nevertheless, the agreed PoA is substantial and relatively comprehensive in scope. It includes many important commitments and establishes a range of key international norms, standards and programmes.

The PoA was preceded by a number of regional and sub-regional agreements and initiatives developed in the few years before the 2001 UN Conference on small arms. These included initiatives by the OAS, OSCE, SADC, ECOWAS, EU, EAC, Nairobi Initiative States (Horn and Great Lakes Region of Africa), before 2001, as well as international initiatives, especially the UN Firearms Protocol, also agreed in 2001. These other international and regional agreements and initiative should be seen as complementary and mutually reinforcing with the UN PoA.

Therefore, for the purposes of this report it is neither possible nor desirable to distinguish between efforts to implement the PoA and these other associated regional and international agreements. Countries, regional and international organisations, and civil society groups engaged in efforts to tackle SALW problems may effectively implement aspects of the PoA while pursuing national and regional obligations contained in other parts of this web of mutually reinforcing commitments. In this report we examine progress on measures that have the effect of implementing the PoA even if some or all of the stakeholders involved were more explicitly concerned with local, national or regional commitment and programmes.

3. ASSESSMENT OF PROGRESS

There is little evidence to suggest any overall success so far in reducing the scale and impacts of SALW trafficking and proliferation. Throughout much of the world, the excessive availability and misuse of SALW continue to contribute to great suffering and insecurity, with grave implications for poverty, underdevelopment, crime, violent conflict and abuse of human rights. Over 500,000 people continue to be killed each year and millions more injured by SALW, as combatants or civilians in wars or as victims of crime, oppression, suicide, accidents, and societal or domestic violence.

An overall assessment of progress towards implementing the PoA can therefore at best be modestly positive. It is easy and persuasive to judge that the “glass remains over 95 per cent empty”.

However, we have never been in any doubt about the scale and complexity of the problems, and of the challenges of tackling them effectively. It takes time to mobilise the political will and resources to implement a comprehensive and cross-cutting international programme such as the PoA. Two years is insufficient even to implement its legal, administrative and programmatic commitments properly. In spite of many shortcomings in implementation efforts, this report shows that significant steps have been made in many countries and regions over the last two years to prevent and reduce SALW trafficking, proliferation and misuse, building on the progress achieved in some regions prior to the UN Conference in July 2001. Thus, we prefer to take the perspective that at least the “glass has been slightly filled”.

The criteria used in this report for assessing progress have focussed on the extent to which governments, together with relevant international and regional organisations and civil society groups, have:

- Taken steps to implement their PoA commitments;
- Improved their understanding of the problems, issues and dynamics of SALW proliferation and misuse;
- Learned lessons from experience about how best to implement PoA commitments and measures;
- Developed the necessary partnerships for effective action; and
- Taken initiatives to develop shared international understandings and co-operation on important issues relating to the trafficking, proliferation and misuse of SALW.

By these criteria, Section 3 of this report demonstrates that there are examples of encouraging developments over the last two years in each region of the world. These encouraging developments include:

- Numerous countries where there were already substantial controls and programmes in place have taken steps to review and enhance such controls, and to enhance their co-operation and assistance to others;
- In numerous countries where existing controls and measures were lacking or weak, including those in the regions most severely affected by illicit SALW, at least some initial steps have been taken towards establishing mechanisms and developing national plans for implementing the UN PoA;
- There has been real progress in a number of countries and regions towards developing the strategic partnerships required for effective action to prevent and reduce trafficking, proliferation and misuse of SALW;
- Civil society groups, particularly NGOs within the IANSA network, are developing co-operation with many government ministries and agencies, as well as with regional and international organisations;
- Several regional agreements established before the July 2001 Conference have developed and participating states have begun to implement action programmes and best practices;
- Increased international assistance has been made available to support efforts to tackle SALW problems;
- A number of important international initiatives have been successfully launched to clarify and develop international understanding of how best to implement key aspects of the PoA; and
- There are many experiences, including problems, from which others can learn and build across the world.

However, there are also several recurring weaknesses. These include:

- A worrying number of governments appear to believe that, because they already have in place some relevant laws and regulations, there is no need to take more than a few additional *ad hoc* measures to meet their obligations under the PoA;
- Even where governments have established national SALW commissions or mechanisms to coordinate and develop efforts to implement the PoA, these often, appear to be treated as bureaucratic exercises, with little impact on the mobilisation and coordination of efforts across government ministries and agencies, and inadequate engagement with stakeholders outside government, including civil society groups;
- In many countries there is still little cooperation on SALW controls across government, or between government and national and regional stakeholders, including civil society groups;
- In many countries, awareness in government (to say nothing of wider society) of the key commitments in the PoA and related regional agreements appears not to extend far beyond those directly involved in their negotiation;
- International cooperation and assistance remains patchy and limited, with important opportunities being lost;
- Although regional and international information exchange and transparency measures were recommended in the PoA, no new mechanisms have yet been developed since July 2001; and
- Mechanisms for identifying and spreading good practice internationally are poorly developed.
- In some regions, including North Africa, the Middle East and parts of Asia, progress towards implementing any aspect of the PoA appears to be the exception rather than the rule.

There appears to be significant correlation between the existence of substantial regional agreements and programmes and the extent to which participating countries are making progress towards implementing the PoA.

4. RECOMMENDATIONS

On the basis of the experiences and findings of this report, a substantial number of recommendations are made in the concluding section of his report, to promote and facilitate implementation of the PoA from now on.

4.1 STARTING IMPLEMENTATION OF THE PoA

All governments and other stakeholders should take immediate steps to at least start to implement the PoA, including:

- Establish and notify to the UNDDA a national contact point able to respond to the full range of areas covered by the PoA, and which is embedded within a functioning national SALW commission or coordinating body that can take or directly shape relevant national decisions and to engage with all relevant stakeholders;
- Carry out appropriately comprehensive reviews of the adequacy of their existing laws, regulations, procedures, institutions and programmes as an integral part of developing or improving plans for implementing the PoA and associated regional agreements;
- Ensure that national, regional and international programmes to implement the PoA and other relevant initiatives take appropriate account of gender and the variety of cultural, ethnic and social perspectives in the societies concerned; and
- Develop stronger and more systematic programmes to map, monitor, evaluate, learn and disseminate lessons from SALW-related problems and programmes.

4.2 DEVELOPING NECESSARY PARTNERSHIPS

Further efforts are needed to develop strategic partnerships for the successful implementation of the PoA, including:

- All governments and relevant regional and international bodies should ensure that they develop and implement their national and regional SALW action plans via partnerships among government ministries, civil society groups (including industry, community and cultural groups, women's groups and NGOs), and local, regional and international bodies;
- NGOs and other civil society groups should take opportunities for constructive, even if sometimes critical, relationships with governments to promote inclusive social engagement in efforts to implement the PoA and related agreements;
- The human dimensions of the impacts and use of SALW should be further integrated into plans to implement the PoA; and
- More systematic and sustained measures should be developed to widen awareness of and participation in the implementation and further development of the PoA.

4.3 ENHANCING PROGRESS IN THEMATIC AREAS OF THE POA

All governments, relevant regional and international organisations, and civil society groups need to strengthen their efforts to implement all aspects of the PoA and related regional agreements. Recommendations include:

- Expand and improve weapons collection and disarmament programmes where appropriate, but launch a systematic “lessons-learned” process to identify and disseminate best practices; move way from initial “standard formulas”; improve links between DDR and wider weapons collection processes; and embed such programmes as an on-going process within development, peace-building and community-building processes;
- Continue to establish and widen the norm of destroying collected, confiscated and surplus SALW, and expand programmes to promote destruction of collected or surplus ammunition and explosives;
- Regular review by states (and their security sector agencies) to address problems with the security and management of authorised SALW stocks;
- Launch international and regional programmes to support specialist training and improvements to stockpile security, and develop international best practice guidelines in this area;
- Action by states to improve their laws, regulations and procedures to ensure that they have comprehensive and adequate controls on the manufacture, transfer and brokering of SALW, and to ensure adequate controls on domestic possession and trade of SALW;
- Support international information exchange initiatives, to clarify and promote best practices and co-ordination relating to controls on manufacture, possession, trade, transfers and brokering of SALW; develop consistent national guidelines to assess whether to authorise SALW transfers; and pursue proposals to develop an international treaty on the arms trade;
- Launch or support initiatives to promote practical and full implementation of commitments relating to marking, record-keeping and tracing of SALW, including negotiations for an international mechanism to promote international co-operation on tracing illicit SALW; and
- Develop and strengthen regional and international mechanisms for information exchange and transparency.

4.4 ENHANCING REGIONAL AND INTERNATIONAL COOPERATION

All governments, regional and international organisations and concerned civil society groups should pursue available opportunities to strengthen cooperation relating to all aspects of the PoA.

- Ensure that well-developed programmes and mechanisms are in place to promote and coordinate implementation and further development of existing regional agreements or initiatives on SALW. At present, several regional agreements have barely progressed beyond the declaratory stage; and
- Pursue all available opportunities to launch and develop regional cooperation in regions where regional agreements are presently lacking or weak, particularly in North Africa, the Middle East and South and East Asia. Where countries cannot presently benefit from effective regional cooperation, special efforts are needed to ensure and strengthen relevant international cooperation and support.

4.5 EXPANSION AND STRENGTHENING OF THE PROVISION OF INTERNATIONAL ASSISTANCE

The human and other capacities and resources for preventing and reducing SALW trafficking, proliferation and misuse in their countries must primarily be found within each country itself. Many of the problems relating to SALW arise from the negligence, complicity or bad practices of governments and various societal groups within each society and region, and such problems cannot generally be solved by external assistance. Nevertheless, international assistance has a key role to play.

- National, regional and international donor and assistance agencies should take steps to expand and improve the quality of the aid that they can provide to support PoA implementation. In many cases, this will require institutional and policy reform, and greater flexibility and capacity to provide appropriate and timely aid;
- Urgent measures are required to improve information exchange and coordination among donor agencies and other institutions that support implementation of the PoA, including enhanced transparency, regional clearing-houses, in-country coordination mechanisms, and coordinated international or regional thematic programmes;
- Development and humanitarian organisations (including bilateral donors and the World Bank) should ensure that support for measures relating to PoA implementation are appropriately integrated into their mainstream assistance programmes, and that they are able to cooperate with other aid agencies in the areas of crime prevention, conflict prevention and security;
- More assistance is needed to enable greater experience-sharing, cooperation and assistance between governments and other stakeholders in countries facing similar SALW-related problems;
- Donor agencies should assist developing and transitional countries to develop their own comprehensive and effective national plans and coordinating institutions for implementing the PoA. Where such plans have been developed with appropriate consultations among national and regional stakeholders, donors should provide support according to the priorities established in these plans rather than according to their own preferences; and
- Governments and other bodies in a position to do so should support and encourage the development of civil society organisations working to promote implementation and development of the PoA and related programmes.

4.6 DEVELOPING INTERNATIONAL INITIATIVES TO PROMOTE IMPLEMENTATION OF THE POA

International initiatives are required to promote implementation of PoA commitments. Recommendations include;

- Follow-up to the report of the UN Group of Experts on Marking and Tracing immediately, including launch of negotiations for an international instrument in this area as well as informal measures among interested states to promote cooperation in tracing illicit SALW;
- Follow-up and widen participation in recent international initiatives relating to strengthening controls on SALW transfers; developing more consistent criteria for authorising SALW transfers and approaches for controlling SALW brokering; restrictions on transfers to non-state actors; combating illicit trafficking; and integrating SALW controls into development aid. In this context, proposals to establish agreed norms and standards in an international arms trade treaty should be pursued;
- Launch and support new international initiatives and programmes to identify and promote best practices relating to stockpile management and security, and develop international norms on restricting civilian possession of SALW; and
- Clarify and build upon understandings of the links between preventing and reducing SALW trafficking, proliferation and misuse and related areas, including security sector governance and reform, access to justice, good governance and respect for human rights.

This report details many discussions and experiences relating to such recommendations. IANSA and the Biting the Bullet Project team (Saferworld, International Alert and the University of Bradford) hope that it usefully contributes to efforts to promote implementation of the PoA, so that assessments of progress can be more positive at the next Biennial Meeting of States in 2005.

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ACRONYMS AND ABBREVIATIONS

2001 UN Small Arms Conference	UN Conference on the Illicit Trade in Small Arms and Light Weapons, 2001
ASEAN	Association of South-East Asian States
ATF	The US Government Bureau of Alcohol, Tobacco, Firearms and Explosives
AU	African Union
BMS	The UN Biennial Meeting of States
CEE	Central & Eastern Europe
CICAD	Inter-American Drug Abuse Control Commission

CIFTA The Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials

CIS Commonwealth of Independent States

DDR Disarmament, Demobilisation and Reintegration

DFID UK Government Department for International Development

DRC Democratic Republic of Congo

EAC East African Community

EAPC Euro-Atlantic Partnership Council

ECOWAS Economic Community of West African States

EU European Union

EUC End User Certificates

GGE on Tracing The Group of Government Experts on Tracing Illicit Small Arms and Light Weapons

IANSA International Action Network on Small Arms

ICRC International Committee of the Red Cross

ISS Institute for Security Studies, South Africa

IWETS Interpol's International Weapons and Explosives Tracking System

MENA Middle East and North Africa Region

MERCOSUR South American Common Market covering the following countries: Argentina, Brazil, Paraguay and Uruguay- plus associate members Bolivia and Chile

NAFTA North American Free Trade Association

Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lake Region and the Horn of Africa

NAP National Action Plan

NatCom National Committee

NATO North Atlantic Treaty Organisation

NGO Non-Governmental Organisation

OAS Organisation of American States

OAU Organisation for African Unity

OECD Organisation for Economic Cooperation and Development

OSCE Organisation for Security and Co-operation in Europe

P5 UN Security Council Permanent 5

Para Paragraph

PfP The NATO Partnership for Peace

PoA Programme of Action

PrepCom Preparatory Committee

RIP Regional Implementation Plan on SALW in SEE

SADC Southern African Development Community

SALW Small Arms and Light Weapons

SARPPCO Southern African Regional Police Chiefs Co-operation Organisation

SEE South Eastern Europe

SEESAC South Eastern Europe Clearing House for the Control of Small Arms and Light Weapons

UK United Kingdom

UN DDA UN Department for Disarmament Affairs

UN Firearms Protocol The Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime.

UN United Nations

UNDP United Nations Development Programme

UNIDIR The United Nations Institute for Disarmament Research

UN-LIREC UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean

USA United States of America

1. INTRODUCTION

Illicit trafficking, proliferation and misuse of small arms and light weapons (SALW) is now widely recognised to be a major source of insecurity and human suffering across much of the world. Not only are they associated with over 500,000 deaths and millions of injuries each year, but they also escalate and exacerbate conflicts, obstruct achievement of peace and good governance and undermine efforts to promote development. The problems are complex and cut across many spheres of international and public policy-making, including peace and security, arms control and disarmament, crime prevention and control, humanitarian assistance, human rights protection, post-conflict reconstruction and peace-building, and development.

To be effective, international responses to prevent and reduce illicit trafficking, proliferation and misuse of SALW need to be comprehensive in scope and involve all stakeholders at a combination of local, national, regional and international levels. In recent years, a number of national, regional and international agreements and initiatives have been launched to address these problems. Most prominent amongst all of these is the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA).

Agreed at the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001 UN Conference on Small Arms), held on 9–20 July 2001, the PoA now stands as the main global agreement establishing norms, measures and programmes to prevent SALW proliferation. It is complemented and reinforced by the UN Firearms Protocol, also agreed in 2001, and a range of regional agreements and international programmes. But the PoA provides the minimum global standards and framework with which all of these other agreements and programmes should develop.

It is now two years since the PoA was agreed. The first Biennial Meeting of States (BMS) on the PoA will take place in July 2003, to consider progress towards its implementation. Although it is unrealistic to expect full implementation at this stage, it is important to review experience so far.

1.1. REPORT SCOPE

The present report aims to provide an initial review of progress towards implementation of the PoA, as a contribution to considerations at the Biennial Meeting and to wider efforts to take stock of progress so far and identify strengths, weaknesses and priorities for the future. It outlines and assesses progress towards implementation of the PoA, drawing on data gathered from 156 countries and analysing relevant national, regional and international processes.

The scope of the report is extensive. However, it does not aim to be fully comprehensive: time and resources do not permit us to aim at this at this stage. Rather, it aims to provide a broad and reliable overview, illustrate experiences across each of the regions, and identify emerging strengths and weaknesses. It draws on a range of illustrative data and:

- Examines national implementation by states, with case studies focusing in some depth on countries that are representative of particular aspects of progress or obstacles to progress, in order to propose ways and means of enhancing implementation;
- Illustrates links between different thematic areas contained in the PoA and identifies possibilities for linking complementary international, regional and bilateral initiatives;
- Examines donor assistance in order to rationalise donor contributions at the national, regional and global levels, and to identify areas in need of donor support and areas of possible duplication;

- Outlines a range of different partnerships between civil society groups, governments, and regional and international bodies; and
- Enhances understanding of the issue areas requiring further research.

The report aims to serve as a resource for states, regional and international organisations, civil society groups and experts.

The Biting the Bullet (BtB) Project team (Saferworld, International Alert and the University of Bradford) and the International Action Network on Small Arms (IANSA) plan to prepare similar, and hopefully more comprehensive, reviews of progress towards implementation of the PoA in 2005 and 2006, in advance of the second BMS in 2005 and the Review Conference in 2006.

1.2. REPORT FRAMEWORK

Section 2 outlines the Programme of Action and the various regional and other multilateral initiatives relating to the illicit trade in SALW in all its aspects and examines areas of complementarity and divergence.

Section 3 begins with an overview of existing policy and practice relating to the key PoA commitments, covering 156 states, which is illustrated in three substantial tables and is accompanied by explanatory text and observations.

The second part of Section 3 contains a more detailed analysis of national and regional implementation on a region-by-region basis (see Section 3.2), which includes the positive role of NGOs and civil society in the process. This part is illustrated by regional tables indicating policies, procedures and activities corresponding to commitments contained within the PoA.

The third part of Section 3 details progress in implementing key thematic elements of the PoA, with particular emphasis placed on international and regional cooperation and assistance. It covers:

- Marking and tracing illicit SALW;
- Criteria for licensing transfers of SALW, and transfers to non-state actors;
- Developing controls on arms brokering activities;
- Dealing with existing stocks, i.e. stockpile management, disarmament, weapons collection and the destruction or other disposal of surplus and collected arms; and
- International cooperation and assistance.

Each of these areas provides an overview of practical progress, including international initiatives and processes, regional developments, and progress at the national level. The final part of Section 3, on international cooperation and assistance, also includes an examination of existing and emerging international assistance structures.

Section 4 then draws on the information outlined in Section 3 to analyse and assess progress towards implementation and lessons learned. It identifies successes, areas of emerging best practice, lessons learned and evidence of successful partnerships. It also analyses areas of weakness, including gaps between policy and implementation, in order to identify challenges and priorities.

Section 5 of the report outlines some key conclusions and recommendations for future action by states to implement the PoA.

1.3. CRITERIA FOR SELECTING CASE STUDIES

The decision on which states to include as case studies in this report was made on the basis of several criteria. These were:

- That there should be a good coverage of all regions of the world;
- That the nature of implementation of particular aspects of the PoA in that country were either broadly representative of the region as a whole, or conversely, that implementation of the particular aspect of the PoA selected was considered to be useful for generating lessons learned for understanding the nature and challenges of implementation in the region or of that particular issue area; and
- That the researchers who were able to contribute to producing the case studies had high levels of expertise and knowledge of SALW issues and the capacity to produce reliable and verified information.

1.4. METHODOLOGY AND PARTNERSHIPS

The extensive research undertaken during the production of this report has included data collected from a wide range of primary and secondary sources, enabling the report to cover 156 countries, including in-depth analysis of 25 country case studies. The research for this report was primarily conducted by the BtB project members, in close cooperation with over 100 contributors from around the world, many of whom are existing members of IANSA.

During the research phase of this project, research workshops were held in four regions: in Lima, Peru (for Latin America – hosted by the UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean (UNLiREC); Lilongwe, Malawi (for Africa – organised in partnership with the Institute for Security Studies (ISS) in South Africa, the Malawi Human Rights Commission and IANSA); Colombo, Sri Lanka (for South Asia – co-hosted by IANSA and South Asia Partnership International); and Amman, Jordan (for the Middle East – organised jointly with the American Friends Services Committee (AFSC)). These brought together representatives of civil society organisations and experts to discuss various aspects of the implementation of the PoA in these regions.

Project partner organisations were commissioned to research and provide the information used to prepare the national case studies contained in Section 3 of this report. This was supplemented by further research, secondary data and the expertise of the BtB project partners, IANSA members and others.

The research contained in this report is wide-ranging and extensive. However, it does not claim to provide a complete picture of implementation. There are several factors that prevent this, which include the following:

- A lack of transparency in many countries makes it difficult to conduct research on certain aspects of implementation and in some cases verification of information is very difficult;
- The scope of the PoA provides significant opportunities for interpreting what constitutes implementation-focused action;
- Implementation of the PoA is ongoing. It appears that the proximity of the BMS has stimulated activity in many states. This report was completed in May 2003. Since this time, some states have undoubtedly made progress in implementation that is not reflected here.

However, despite these qualifications, BtB and IANSA believe that the report is a valuable contribution to the process of implementation of the PoA and a significant resource for both governments and civil society. The report authors believe that the report:

- Is an unprecedented compilation of information and analysis on implementation of the PoA;
- Provides an up-to-date review of actions taken since 2001 in implementing the PoA and other regional and sub-regional initiatives aimed at reducing the proliferation and misuse of SALW and the illicit trade in SALW in all its aspects;
- Enables comparative analysis within and between thematic and geographic areas;
- Provides a contribution to facilitating debate and partnership between governments and civil society on small arms issues; and
- Offers a comprehensive set of learning points and recommendations for full and effective implementation of the PoA, which are based on the experiences of many countries and regions and of those participating in other relevant initiatives, which BtB and IANSA hope will contribute to further progress in future years, and to the development of further measures to tackle SALW misuse and proliferation.

It is envisaged that this report is the first of several that will be produced to support future Biennial Meetings of States and the 2006 UN PoA Review Conference. In future editions of this report, it is expected that its scope – in terms of the number of states' progress towards implementation contained within it and the depth of the analysis – will be enhanced.

2. INTERNATIONAL RESPONSES AND THE UN PROGRAMME OF ACTION

2.1. INTRODUCTION

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects now stands as the central global agreement on preventing and reducing trafficking and proliferation of SALW.

At the time when it was agreed, during the final moments of the July 2001 UN Conference on Small Arms, many participants were very aware of the compromises and weaknesses in the final PoA document. In the interests of achieving consensus support, some commitments and norms that commanded wide support were either omitted or left frustratingly vague. Moreover, developed largely within an arms control and disarmament framework, the PoA does not satisfactorily address some of the key human rights, humanitarian, developmental or crime prevention dimensions of the problems associated with SALW. Nevertheless, the PoA is quite comprehensive in scope, and its commitments include many important international norms, standards and programmes. It provides the main framework for building concerted and effective international action to tackle SALW trafficking and proliferation.

This section briefly outlines the origins and content of the PoA, and of other associated regional and global agreements. It further discusses the significance of the PoA and its relationship to these agreements and initiatives. These are complex issues, and as such this short section aims only to provide sufficient background for the main focus of the remainder of this report – examining progress in implementing the PoA.

2.2. THE ROAD TO THE UN PROGRAMME OF ACTION

The problems of small arms trafficking, proliferation and misuse have a long history. However, it was not until the end of the Cold War that these issues emerged on the international agenda. Several factors combined to make the issue a focus of international concern in the early 1990s. As the bilateral Cold War confrontation declined, a number of “new” security challenges gained greater prominence. These included complex internal and transnational wars, the problems of armed opposition groups, warlordism and transnational crime, and the challenges for UN and other international peace support operations as conflicts came to an end. Meanwhile, many states and NGOs were developing and promoting concepts of “human security”, in which concerns about the security of people and communities were raised alongside those of states and international society. In all of these contexts, wide availability and misuse of SALW was a major problem, manifestly contributing to great human suffering and insecurity.

In the mid-1990s, SALW problems were placed directly on the UN agenda by a request in 1993 from Mali for UN assistance in controlling small arms within its territory, leading to UN missions to that country and the surrounding region, and by the UN Secretary-General’s “Supplement to an Agenda for Peace”, issued in January 1995.¹ However, SALW problems are clearly complex and multidimensional, raising cross-cutting issues that were relatively new to UN and other international arms control and disarmament processes. New international norms, standards and programmes would be needed to address these issues.

A UN Panel of Governmental Experts on Small Arms was established as a result of General Assembly Resolution 50/70B of 12 December 1995. It was tasked with addressing the following issues: the types of SALW actually being used in conflicts being dealt with by the UN; the nature and causes of the

¹ “Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations”, A/50/60-S/1995/1, 3 January 1995.

excessive and destabilising accumulations and transfers of SALW, including their illicit production and trade; and ways and means of preventing and reducing such problems. The Panel of Expert's *Report of the Panel of Governmental Experts on Small Arms*, issued in August 1997 (1997 Report), provided a framework for approaching these issues, and presented a range of recommendations, including an "international conference on the illicit trade in all of its aspects, based upon the findings of this report".²

However, although this report was endorsed by the General Assembly, it rapidly became clear that substantial further work was required to develop the necessary wide coalitions of support for the relatively comprehensive range of new principles and measures required to address SALW problems. A new Group of Governmental Experts on Small Arms was established in 1998, this time including all five permanent members of the Security Council and other key states, to review the issues, assess implementation of the recommendations in the 1997 Report, and develop further recommendations for action, including the objectives and agenda for a UN conference. These were successfully negotiated in the consensus report of the group, issued in August 1999 (1999 Report).³ This report was endorsed by General Assembly Resolution 54/54V in December 1999, which further decided to convene a UN conference in 2001.

The preparations for the 2001 UN Small Arms Conference were formally organised through three Preparatory Committee (PrepCom) meetings, held in February/March 2000, January 2001 and March 2001, together with two consultation exercises conducted by the chair of the PrepCom in July and October 2000. In practice, the 1999 Report provided a major source of agreements and recommendations during the preparations for this UN conference.

Moreover, there was a relatively intense process of international meetings and regional initiatives during the period, which contributed to the overall negotiating process. The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, and associated Inter-American Drug Abuse Control Commission (CICAD) Model Regulations had already been agreed in 1997 and 1998 respectively. In Africa, the Economic Community of West African States (ECOWAS) Moratorium was signed in October 1998 after two years of discussion, and the Southern African Development Community (SADC) countries developed a Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking in 1998. European Union (EU) states established a Programme for Preventing and Combating Illicit Trafficking in Conventional Arms (1997), a Code of Conduct on Arms Exports (1998) and a Joint Action on Small Arms (1998). During the lead-up to the 2001 UN Small Arms Conference, development of regional initiatives intensified. For instance, the Organisation for Security and Cooperation in Europe (OSCE) states agreed a substantial Document on Small Arms and Light Weapons on 24 November 2000, and on 1 December 2000, Organisation of African Union (OAU) states agreed the Bamako Declaration on Small Arms Proliferation, which established agreed principles directly relevant to the 2001 UN Small Arms Conference. The EU developed its Plan of Action on SALW in December 2000. Other regions arranged similar consultations, leading to a number of declarations and processes (such as the Brasilia Declaration of Latin American and Caribbean States, agreed on 24 November 2000).

Importantly, a parallel international process had also been launched, under the auspices of the UN Economic and Social Council (UNECOSOC). This led to agreement on a United Nations Convention against Transnational Organised Crime in December 2000, and in spring 2001, to the adoption of a Protocol to the Convention dealing with illicit firearms manufacturing and trafficking. The UN Firearms Protocol (UN Protocol) was the first instrument on small arms to be agreed at the global level. It was, moreover, a legally-binding treaty, containing important commitments. However, in contrast to the UN

² UN, *Report of the Panel of Governmental Experts on Small Arms*, A/52/298, 27 August 1997.

³ UN, *Report of the Group of Governmental Experts on Small Arms in Pursuance of GA Resolution 52/38 J, A/54/258*, 19 August 1999.

⁴ ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons.

PoA, which followed the UN Protocol by a matter of months, it is focused particularly on illicit firearms used in crime, particularly transnational crime, and primarily adopts a crime prevention and law enforcement approach to the small arms problem.

During the 1990s, NGOs and independent experts became increasingly engaged with SALW problems. By the mid-1990s, a number of these (including the partners in this BtB project) had developed substantial programmes and expertise in SALW issues. During 1998–99, IANSA was established, forming a network of NGOs concerned with preventing and reducing SALW trafficking, proliferation and misuse, and developing civil society coalitions and initiatives to help to raise awareness and tackle these problems. By the time of the 2001 UN Small Arms Conference, a large number of NGOs and civil society groups from across the world had become engaged, and had participated in a wide range of national, regional and international meetings on the issue, including all the PrepCom meetings.

The 2001 UN Small Arms Conference itself took place in New York on 9–20 July. In addition to representatives of states, many international and regional organisations were represented, together with some 120 NGOs. By these final stages, consensus had virtually already been achieved relating to some key aspects of the Programme of Action, such as on issues like norms for stockpile management and security, weapons collection, and the need for effective national controls to prevent diversion into the illicit trade. However, negotiations proved difficult in several areas, including on guidelines for deciding whether to authorise SALW transfers and possible follow-up measures such as negotiations on cooperation in tracing illicit SALW and controls on SALW brokering. In two areas – transfers to non-state actors and norms on civilian possession of SALW – consensus proved impossible. Final agreement on the PoA was only achieved around 6.00 am on 21 July – six hours after the “clock was stopped”.

2.3. THE UN PROGRAMME OF ACTION

The PoA agreed at the UN 2001 Small Arms Conference is a politically binding document, but one that has been endorsed by consensus at a high political level. The commitments the participating states have entered into are substantial and relatively comprehensive. In spite of its many inadequacies, agreement of the PoA was a watershed in the development of international commitments to prevent and reduce SALW trafficking and proliferation. Full implementation of its commitments would make a big impact on the scale of the problems, and the PoA now provides the main framework for the further elaboration and development of international cooperation in this area.

In practice, the UN PoA establishes an international programme of relatively comprehensive scope, including almost the full range of issues specified in the 1997 and 1999 Reports of the UN Groups of Experts. Thus, it contains substantial agreed norms, standards and programmes on a number of issues, including:

- Preventing and combating illicit SALW production and trafficking;
- Ensuring effective controls on the legal production, holding and transfer of SALW;
- Weapons collection and destruction;
- Management and security of official and authorised SALW stocks;
- SALW control in post-conflict situations; and
- Information exchange and confidence-building.

The PoA provides at least powerful implicit recognition of the strong interconnections between illicit and legal production, flows and accumulations of SALW, and the need for a comprehensive approach.

In summary, the PoA contains four main sections.

The Preamble (Section I)

The Preamble refers to many dimensions of the problems associated with SALW trafficking, proliferation and misuse; declares or reaffirms a number of key international principles (such as those contained in the UN Charter); recognises that governments bear the primary responsibility for controlling SALW and preventing and combating illicit trafficking; states that international cooperation and assistance is essential and needs to be strengthened; and affirms that efforts need to be taken at national, regional and international levels involving all relevant stakeholders, including civil society groups.

Section I ends with the resolution to prevent, combat and eradicate the illicit trade in SALW in all its aspects by (PoA, I, para. 22):

- Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects;
- Developing and implementing agreed international measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects;
- Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilising accumulation of SALW have to be dealt with urgently;
- Mobilising the political will throughout the international community to prevent and combat illicit transfers and manufacturing of SALW in all their aspects, to cooperate towards these ends, and to raise awareness of the character and seriousness of the inter-related problems associated with the illicit manufacturing of and trafficking in these weapons; and
- Promoting responsible action by states with a view to preventing the illicit export, import, transit and retransfer of SALW.

Section II

This includes commitments by all participating states to undertake a range of measures to prevent, combat and reduce the illicit trade in SALW in all its aspects (i.e. SALW trafficking and proliferation), which includes some 41 paragraphs of specific agreed measures to be taken at the national, regional and international levels. The issues areas where there are commitments include controls and measures on the following:

- Establishing and exchanging information on national points of contact on SALW;
- Establishing national SALW coordination agencies or bodies;
- Combating illicit manufacture and trafficking of SALW;
- Criminalising unauthorised manufacture, possession, trade or transfer of SALW;
- Marking, record-keeping and tracing;
- Brokering;
- Licensing end-use controls;
- Manufacturing;
- Ensuring controls on legal SALW transfers;
- Information exchange and transparency;
- Weapons collection;
- Destruction of illicit and surplus weapons stocks;
- Stockpile management and security;
- Disarmament, demobilisation and reintegration;
- Addressing the special needs of children affected by armed conflict;

- Encouraging regional and sub-regional initiatives consistent with PoA commitments;
- Ensuring compliance with UN Security Council arms embargoes;
- Providing information on implementation of the PoA to the UN Department for Disarmament Affairs (UNDDA), which should collate and circulate this information; and
- Encouraging and facilitating appropriate involvement of regional and international organisations and civil society.

Section III

Section III of the PoA deals with implementation, international cooperation and assistance. Some 18 paragraphs specify undertakings to take measures including commitments to:

- Cooperate at the sub-regional, regional and international levels to achieve the aims and implement the measures of the PoA;
- Develop and strengthen partnerships to share resources and information, and cooperate in implementing the PoA, including partnerships within governments, between states, with regional and international organisations and with civil society groups;
- Establish regional and international programmes for specialist training on stockpile management and security;
- Cooperate in tracing illicit SALW;
- Exchange information on a voluntary basis on relevant issues and practices, including marking systems and developments relating to national controls, collection and destruction of SALW; and
- Provide assistance, on request, with the implementation of the PoA.

Section IV

This specifies follow-up to the 2001 UN Small Arms Conference. First, it states that meetings of states should be convened on a biennial basis to consider implementation of the PoA, and that a conference should be convened no later than 2006 to review progress in implementation.

Secondly, it requests establishment of a UN Study Group, to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW in a timely and reliable manner.

Thirdly, states undertake to consider further steps to enhance international cooperation in preventing and eradicating illicit brokering of SALW.

Fourthly, and finally, all relevant bodies, including states, the UN and regional and international organisations are encouraged to promote implementation of the PoA, and to mobilise all available resources and expertise for this purpose. States further undertake to encourage NGOs and civil society to engage in this process.

There are, as noted, numerous weaknesses as well as strengths contained within the PoA. These are discussed in detail, for example, in the *Biting the Bullet Briefing No.15*,⁵ and in *Small Arms Survey (2002)*.⁶ Nevertheless, there are many substantial commitments, and progress towards their implementation is the main concern of this report.

⁵ "Implementing the UN Action Programme for Combating the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects", *Biting the Bullet Briefing No. 15*, 2001.

⁶ *Small Arms Survey, Small Arms Survey 2002: Counting the Human Cost*. Geneva: Graduate Institute of International Studies, 2002.

2.4. THE UN PROGRAMME OF ACTION AND OTHER REGIONAL AND INTERNATIONAL AGREEMENTS

As outlined above, the UN PoA is by no means the only international agreement relating to SALW. There are many regional initiatives and agreements, and other substantial international agreements, particularly the UN Firearms Protocol (see page 19 and 20 of this part of the report).

Formally, these various agreements all stand in their own right. In practice, they should be seen as mutually reinforcing. The development of the PoA was facilitated by the regional initiatives taken by the Organisation of American States (OAS), the OSCE, SADC, ECOWAS, the EU, the Nairobi Initiative States (Great lakes region and Horn of Africa) and others before 2001. Moreover, the process of developing and implementing the PoA has stimulated and assisted the further development of regional agreements. It is firmly established that the PoA sets minimum global standards: regional agreements should be consistent with it and should seek to promote implementation and further development of the PoA according to regional circumstances and opportunities.

Similarly, the UN Firearms Protocol and the PoA are mutually reinforcing, and stand together as pillars for international cooperation to prevent, combat and reduce illicit and uncontrolled SALW manufacture, transfers, holdings and misuse.

Thus, it is not desirable, even if it were possible, to seek to distinguish clearly between efforts to implement the PoA and to implement these associated regional and international commitments. The authors certainly do not aim to do so in this report. Rather, we look to those measures that have the effect of implementing the PoA, even if national and regional obligations are at the forefront of the minds of those involved.

3. PROGRESS TOWARDS IMPLEMENTATION

This section of the report outlines and examines progress towards implementation of the UN PoA across the regions and countries of the world. It aims to provide an overview of what has been done so far in each region and in relation to the key commitments and themes contained in the PoA. It presents factual information on practical steps towards implementation in a wide range of countries and organisations.

As noted at the beginning of this report, we do not aim to be comprehensive in our coverage and analysis of what each country and region has done. Rather, we aim to provide a brief overview and to illustrate progress through examples of useful initiatives and programmes in each of the main regions. Although we recognise that many countries have taken relevant measures before the PoA was agreed in 2001, and these are in many places noted, our bias has been towards examining progress over the last two years.

Space and resource constraints mean that we have described specifically only a limited number of countries and measures in this section. While we have aimed to select cases of particular significance and interest, we are aware that many useful and significant initiatives and measures have been taken that are not included in this report. We hope that readers understand the constraints, i.e. omissions do not have any wider implications. As described in the introduction, we have gathered our information from a wide variety of sources and commissioned numerous studies. While we have made every effort to ensure that all of the information presented here is accurate, balanced and up-to-date, it is impossible to ensure perfect accuracy in a report such as this. We apologise in advance for any errors, and welcome any comments and corrections.

The examination of practical measures that states, international and regional organisations and civil society groups have taken to implement the PoA is organised into two broad sections.

Section 3.1 briefly outlines overall progress at the national level in meeting key PoA commitments. Drawing on all the data collected during the research phase of this report, this section aims to map progress globally in implementing these key commitments, and illustrates this through tables relating to:

- National coordination agencies and national points of contact;
- Existing national laws and administrative procedures; and
- Stockpile management, disarmament and weapons collection and destruction.

Section 3.2 constitutes the majority of the report, and is introduced more comprehensively below. It outlines the nature of implementation of the PoA in various regions, at the regional, sub-regional and national levels. Case studies focusing on particular aspects of implementation are contained within this section.

Section 3.3 outlines implementation on a thematic basis, highlighting progress in key areas and drawing on implementation of provisions of the PoA at the international, regional, sub-regional and national levels.

Each of these sub-sections form the basis of the analysis of implementation contained in Section 4 and the recommendations contained in Section 5.

3.1. OVERALL PROGRESS IN NATIONAL IMPLEMENTATION

Progress in implementing the PoA at the national level has been mixed. This section outlines policy and practice relating to implementation of key areas of the PoA. These include the starting points for implementing the PoA, such as the creation of national coordination agencies and points of contact, and the issues that the majority of PoA commitments relate to, such as the presence of laws, regulations and

administrative procedures dealing with the production, export, import, transit, brokering and retransfer of SALW and domestic regulations; and issues related to stockpile management, the destruction of surplus and collected or confiscated weapons, and the conduct of disarmament and weapons collection programmes.

The information presented in this section is not complete, and does not represent the full picture of implementation so far. The section aims instead to illustrate the nature and challenges of implementation. The depth and quality of information varies from state to state and the tables in this section are completed with a “yes” in cases where, for instance, relevant legislation is in place, or with a blank where either the information collected was inconclusive, where the information appeared to indicate that no laws, policies and so forth existed but that this could not be verified, and where no information was available.

Where states do not appear in the relevant global or regional tables, this indicates that no relevant information was available at the time of writing on their progress or implementation. Similarly, it is possible that for some states included in this section, action has been taken on specific commitments, but has not been recorded in this report. This could be due to a variety of reasons, as explained in more detail in Section 1.4 - Methodology and Partnerships.

3.1.1. NATIONAL IMPLEMENTATION: NATIONAL COORDINATION AGENCIES AND POINTS OF CONTACT AND REPORTING TO THE UNDDA

The creation of national coordination agencies and points of contact is an essential starting point for the implementation of the UN PoA. The following section indicates which states have created these bodies, but does not analyse their existing capacity or the success of their work to date. Additionally, the submission of reports on national implementation and national legislation to the UNDDA is outlined.

There is no attempt in this section to analyse the information contained within it. Analysis of the research conducted for this report is contained within Section 4, and recommendations for progress in the future are introduced in Section 5.

At least 37 states have designated national coordination agencies. In some cases, such as Mozambique, Kenya and Uganda, the national focal points (NFPs) established in accordance with the Nairobi Declaration (see page 47) incorporate both roles (national coordination agencies and points of contact).

At least 111 states have designated national points of contact. Of these, 97 appear on the list of points of contact on the UNDDA website. It is not clear whether the UNDDA has been or will be notified by those who have not already done so.

Additionally, in direct relation to the implementation of the PoA, as of 1 June 2003, 15 states have submitted national reports on implementation to the UNDDA for 2001,⁷ 36 states have submitted such reports for 2002,⁸ and 13 states have provided the UNDDA with at least some of SALW-related legislation.⁹ Experts from 23 states sit on the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons,¹⁰ and 17 states provided submissions on their views of this group's first meeting, which took place on 1–5 July 2002 in Geneva (France and Switzerland provided a joint statement).

⁷ These are Australia, Bangladesh, Belarus, Botswana, Bulgaria, Burkina Faso, Costa Rica, Ethiopia, Hungary, Ireland, Japan, Lithuania, Mexico, the Russian Federation, and the United States of America.

⁸ These are Australia, Austria, Bangladesh, Bulgaria, Cuba, Czech Republic, India, Indonesia, Iran, Italy, Japan, Jordan, Latvia, Lebanon (Nil Report), Lithuania, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Qatar (Nil Report), Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Serbia and Montenegro, Slovenia, Sweden, Switzerland, and the former Yugoslav Republic of Macedonia.

⁹ These are Argentina, Brazil (“A Statement on Marking and Registering SALW in Brazil”), Canada, China, Cuba, Egypt, France, India, Jamaica, Mali, Russia, Switzerland and the United Kingdom.

¹⁰ <http://disarmament.un.org/cab/docs/trcngexperts/Listofexperts.pdf> .

Table 1: National Coordination Agencies and National Points of Contact

Country	National Coordination Agency	National Point of Contact	Country	National Coordination Agency	National Point of Contact
Algeria		Yes	Democratic Republic of Congo		Yes
Andorra		Yes	Denmark		Yes
Angola	Yes		Ecuador		Yes
Antigua and Barbuda		Yes	El Salvador	Yes	
Argentina		Yes	Egypt		Yes
Armenia		Yes	Estonia		Yes
Australia		Yes	Ethiopia		Yes
Austria		Yes	Fiji		Yes
Bangladesh		Yes	Finland		Yes
Barbados		Yes	France		Yes
Belarus		Yes	Gambia		Yes
Belgium		Yes	Germany		Yes
Bosnia and Herzegovina		Yes	Ghana	Yes	Yes
Botswana	Yes	Yes	Greece		Yes
Brazil		Yes	Guinea		Yes
Bulgaria	Yes	Yes	Holy See		Yes
Burkina Faso		Yes	Hungary	Yes	Yes
Burundi		Yes	Iceland		Yes
Cambodia	Yes	Yes	India	Yes	Yes
Cameroon		Yes	Indonesia	Yes	Yes
Canada	Yes	Yes	Iran	Yes	Yes
Chile		Yes	Ireland		Yes
China		Yes	Israel	Yes	Yes
Colombia		Yes	Italy	Yes	Yes
Congo (Republic of)		Yes	Jamaica		Yes
Cook Islands		Yes	Japan	Yes	Yes
Costa Rica	Yes	Yes	Jordan		Yes
Côte d'Ivoire		Yes	Kazakhstan		Yes
Czech Republic		Yes	Kenya	Yes	Yes

Country	National Coordination Agency	National Point of Contact	Country	National Coordination Agency	National Point of Contact
Kosovo	Yes		Russian Federation		Yes
Latvia	Yes	Yes	Rwanda		Yes
Lebanon	Yes	Yes	Saint Kitts and Nevis		Yes
Liechtenstein		Yes	San Marino		Yes
Lithuania		Yes	Senegal		Yes
Malaysia		Yes	Serbia and Montenegro		Yes
Mali	Yes	Yes	Sierra Leone	Yes	
Maldives		Yes	Singapore		Yes
Malta		Yes	Slovakia		Yes
Mauritius		Yes	Slovenia		Yes
Mexico	Yes	Yes	South Africa		Yes
Moldova		Yes	Spain		Yes
Monaco		Yes	Sri Lanka	Yes	Yes
Mongolia		Yes	Sudan	Yes	Yes
Morocco		Yes	Sweden		Yes
Mozambique	Yes	Yes	Switzerland		Yes
Netherlands		Yes	Syrian Arab Republic		Yes
New Zealand	Yes	Yes	Tanzania	Yes	Yes
Nigeria	Yes	Yes	Thailand	Yes	Yes
Norway	Yes	Yes	Turkey	Yes	Yes
Oman		Yes	Tuvalu		Yes
Pakistan	Yes	Yes	Uganda	Yes	Yes
Paraguay		Yes	Ukraine		Yes
Peru		Yes	United Kingdom	Yes	Yes
Philippines		Yes	United States of America	Yes	Yes
Poland	Yes	Yes	Venezuela		Yes
Portugal		Yes	Zambia		Yes
Qatar		Yes	TOTAL	37	111
Republic of Korea		Yes			
Romania	Yes	Yes			

Table 2: Existing National Laws and Administrative Procedures

	Laws and Procedures on Production, Export Import and Transit					National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
		Pr	E	I	Tt		D	EUC	R			M	P	S	T
Albania	Y	•	•	•							Y	•	•	•	•
American Samoa	Y			•							Y	•	•		•
Angola	Y										Y				
Argentina	Y		•	•	•	Y					Y		•	•	•
Armenia	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Australia	Y	•	•	•	•	Y		•	•		Y	•	•	•	•
Austria	Y		•	•	•	Y	•	•		Y					
Azerbaijan	Y		•	•							Y	•	•		
Bangladesh	Y	•	•	•							Y	•	•		•
Belarus	Y	•	•	•	•	Y		•		Y	Y	•	•	•	•
Belize	Y		•	•	•						Y	•			
Belgium	Y		•	•	•	Y				Y					
Bolivia	Y		•	•	•						Y	•			•
Bosnia and Herzegovina	Y	•	•	•	•						Y	•	•	•	•
Botswana	Y		•	•							Y	(being amended)			
Brazil	Y	•	•	•	•						Y	•	•	•	•
Brunei	Y	•	•	•							Y	•	•	•	•
Bulgaria	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•		•
Cambodia	Y	•	•	•	•						Y	•	•	•	•
Cameroon	Y	•	•	•	•						Y	•	•	•	•
Canada	Y		•	•	•						Y	•			
Chile	Y		•	•							Y	•	•	•	
China	Y	•	•	•	•	Y		•			Y	•	•	•	•
Colombia	Y	•	•	•							Y	•	•	•	•
Cook Islands	Y		•	•							Y		•		•
Costa Rica	Y		•	•							Y	•	•	•	•
Czech Republic	Y	•	•	•	•	Y			•	Y	Y	•	•	•	•
Denmark	Y		•		•	Y	•	•							
Democratic Republic of Congo	Y	•	•	•	•					Y	Y	•	•	•	•
Ecuador	Y		•	•							Y	•	•		•
El Salvador	Y		•	•							Y	•			•
Estonia	Y		•	•	•	Y		•	•	Y					
Fiji	Y		•	•							Y	•	•		•
Finland	Y		•			Y	•	•		Y					
France	Y	•	•	•	•	Y				Y	Y	•	•		•
French Polynesia	Y			•							Y		•		
Georgia	Y		•	•	•	Y		•			Y		•	•	•
Germany	Y	•	•	•	•	Y		•	•	Y	Y	•	•		•
Ghana	Y			•						Y	Y				
Greece	Y		•	•	•	Y	•	•							
Guatemala	Y		•	•							Y	•			
Guyana											Y	•			
Honduras	Y		•	•							Y	•	•		•
Hungary	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•

KEY:

Pr = production

E = export

I = import

Tt= transit

D = diversion risk assessment

EUC = end user certificates

R = retransfer notification

M = manufacture

P = possession

S = stockpiling

T = trade

		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
		Pr	E	I	Tt		D	EUC	R			M	P	S	T
India	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	•
Indonesia	Y	•	•	•							Y	•	•	•	•
Iran	Y	•	•	•							Y		•		•
Ireland	Y		•	•		Y	•			(being considered)	Y		•		
Israel	Y	•	•	•	•					Y	Y	•	•	•	•
Italy	Y	•	•	•	•	Y		•		(being considered)	Y	•	•	•	•
Jamaica	Y	•	•	•	•						Y	•	•		•
Japan	Y	•	•	•						Y	Y	•	•		•
Jordan											Y	•			•
Kazakhstan	Y		•			Y		•							
Kiribati	Y		•	•							Y	•	•		•
Kenya	Y	•	•	•	•						Y	•	•		•
Kosovo* (UNMIK/KFOR)	Y	•	•	•	•	UNMIK					Y	•	•	•	•
Kyrgyz Republic											Y		•		
Latvia	Y	•	•	•	•	Y	•	•	•	(draft)	Y	•	•		•
Laos	Y	•	•	•							Y	•	•	•	•
Lebanon	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Lesotho											Y	•	•		•
Lithuania	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Macedonia	Y		•	•							Y		•		
Malawi	Y		•	•							Y	•	•		•
Malaysia	Y	•	•	•	•					Y	Y	•	•	•	•
Mali	Y					Y	•	•			Y	(being reviewed)			
Marshall Islands	Y			•							Y	•	•		•
Mauritius	Y			•							Y	•	•		•
Mexico	Y	•	•	•	•						Y	•	•		
Micronesia	Y			•							Y	•	•		•
Moldova	Y		•	•	•	Y		•	•		Y	•	•		•
Mozambique	Y		•	•							Y	•	•	•	•
Myanmar	Y	•	•	•	•										
Namibia	Y		•	•							Y	•	•		•
Nauru											Y		•		•
Nepal	Y	•	•	•	•						Y	•	•		•
The Netherlands	Y		•	•	•	Y	•			Y	Y		•		•
New Caledonia	Y			•							Y	•	•		•
New Zealand	Y	•	•	•	•	Y	•	•	•		Y	•	•	•	•
Nicaragua	Y		•	•							Y	•	•		•
Nigeria	Y	•	•	•	•	Y		•		Y	Y				
Niue	Y		•	•							Y		•		
Norway	Y	•	•	•	•	Y				Y	Y				
Pakistan	Y	•	•	•	•					Y	Y	•	•	•	•
Palau	Y		•	•							Y	•	•		
Panama	Y			•											

*Kosovo is an entity under interim international administration

	Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation?				Brokering controls	Domestic legislation					
	Pr	E	I	Tt	D	EUC	R	M		P	S	T			
Papua New Guinea	Y			•						Y	•	•		•	
Paraguay	Y	•	•	•						Y	•	•	•	•	
Peru	Y		•	•						Y	•	•		•	
Philippines	Y	•	•	•	•					Y	•	•	•	•	
Poland	Y	•	•	•	•	Y	•	•		Y	•	•	•	•	
Portugal						Y	•	•							
Republic of Korea	Y	•	•	•		Y		•			Y	•		•	
Romania	Y	•	•	•	•	Y	•	•		Y	•	•	•		
Russian Federation	Y	•	•	•	•	Y	•	•		Y	•	•	•	•	
Rwanda	Y		•	•	•	Y	•	•		Y		•	•	•	
Samoa	Y		•	•						Y		•		•	
Serbia & Monetengro	Y	•	•	•	•	Y		•		Y	•	•	•	•	
Seychelles	Y		•	•	•					Y	•	•		•	
Singapore	Y	•	•	•						Y	•	•		•	
Slovakia	Y	•	•	•	•	Y	•	•		Y					
Slovenia	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•	
Solomon Islands	Y		•	•						Y	•	•	•		
South Africa	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•	
Spain	Y	•	•	•	•	Y		•		(being drafted)	Y	•	•	•	
Sri Lanka	Y	•	•	•	•						Y	•	•		
Sudan	Y					Y	•	•		Y					
Swaziland	Y		•	•						Y	•	•		•	
Sweden	Y	•	•	•	•	Y	•	•		Y	•	•	•	•	
Switzerland										Y					
Tanzania	Y	•	•	•	•	Y	•	•	•		Y	•	•	•	
Thailand	Y	•	•	•	•						Y	•	•	•	
Tonga	Y		•	•							Y	•	•	•	
Trinidad & Tobago	Y		•	•	•						Y	•	•	•	
Turkey	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•	
Tavalu	Y		•	•							Y	•	•		
Uganda		(under review)								Y	Y				
Ukraine	Y		•												
United Kingdom	Y	•	•	•		Y	•	•		Y	Y		•	•	
United States of America	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	
Uruguay	Y		•	•	•						(updated July 2002)				
Vanuatu	Y			•							Y	•	•	•	
Venezuela	Y			•							Y	•	•	•	
Vietnam	Y	•	•	•							Y	•	•	•	
Wallis and Futuna	Y			•							Y		•		
Yemen											Y	•	•	•	
Zambia	Y	•	•		•						Y	•	•	•	
Zimbabwe	Y		•	•							Y	•	•	•	

3.1.2. LEGISLATION AND ADMINISTRATIVE PROCEDURES ON THE PRODUCTION, EXPORT, IMPORT AND TRANSIT OF WEAPONS

Most states have some legislation and/or administrative procedures on the production, export, import and transit of weapons. While comprehensive data is not available, the research conducted for this report appears to indicate that there is considerable variation in the scope of both legislation and administrative procedures. Likewise, most states have some laws relating to illicit possession, manufacture and trade within their jurisdictions. Significantly, however, the presence of such laws and procedures does not signify adequate controls over related activities. Many laws and procedures are out of date and in need of review and reform, and in many cases where legislation does exist, implementation is very weak and enforcement is either not systematic or effective. For the purpose of this section, however, the following information is merely indicative of the existence of laws and procedures, and makes no judgement of their coverage or adequacy.

In sum, of the states for which data has been gathered:

- At least 60 have laws and/or procedures on production;
- At least 105 have laws and/or procedures on export;
- At least 112 have laws and/or procedures on import; and
- At least 63 have provisions on transit/transportation.

Many of these laws, regulations and procedures on the export of SALW consist of requirements for permits to engage in export activities, rather than a system of export licensing. Of those states with export licensing controls and procedures, at least 30 incorporate an assessment of the risk of diversion into illicit trade when assessing applications for export, and at least 17 have laws or procedures relating to the notification of the original exporting states in cases of the retransfer of previously imported weapons. While the information available at the time of writing only includes specific references to a requirement for authenticated end-user certificates within the export controls of 41 states, it is likely that this is a requirement for many other states.

At least 19 states have conducted reviews and/or implemented changes to import/export legislation since the 2001 UN Small Arms Conference, at least 38 states claim to have some controls or laws in place on arms brokering activities, and several others are currently in the process of developing or review existing legislation. In relation to the control of arm brokers, however, very few of these states have explicit controls, with many believing aspects of brokering activity to be covered by elements of their export controls. The extent to which brokering activity is actually covered by such legislation is unclear (see Section 3.3.4 on page 155).

3.1.3. DOMESTIC LAWS ON ILLICIT MANUFACTURE, POSSESSION AND TRADE

In relation to domestic laws, most states have provisions making illicit manufacture, possession and trade illegal. The nature of these provisions and how each is defined varies widely. In many cases, the legislation was developed many decades ago and has since been enforced inadequately. Illicit stockpiling is not well defined in either the PoA or many national laws, but it is often effectively covered by laws on illicit possession. Of the 114 states for which information on domestic legislation has been gathered:

- At least 92 have legislation on illicit manufacture;
- At least 97 have legislation on illicit possession;
- At least 87 have legislation on illicit trade; and
- At least 49 have legislation on illicit stockpiling – or see this as being covered by legislation on illicit possession.

Table 3: Stockpile Management, Disarmament, Weapons Collection and Weapons Destruction

	Stockpile management		Weapons destruction				Disarmament and weapons collection		
	Review of Procedures	Regular reviews of stocks		S	C	Policy of Destroying All	DDR		
						S	C		
Afghanistan								•	weapons for development
Albania	Y	•	Y		•			Y	weapons collection and amnesty
Angola	(1)							Y	• WWCP and amnesty under consideration
Argentina			Y		•			Y	WWCP
Armenia	Y	•						Y	voluntary surrender and amnesty
Australia	Y	•	Y	•				Y	amnesty effectively permanent
Austria			Y	•					
Azerbaijan	Y								
Bangladesh							•		
Belarus	Y	•	Y	•	•			Y	WWCP
Bosnia and Herzegovina	Y	•	Y	•	•			Y	Operation "Harvest" (ZETVA) and amnesty
Brazil			Y		•				
Bulgaria	Y	•	Y	•	•				
Cambodia	Y	•	Y		•			Y	• WWCP and confiscation and weapons for development
Cameroon	Y	•	•						
Central African Republic								Y	other
Chad								Y	(2)
China	Y	•				• (3)			confiscation
Colombia	Y		Y		•			Y	WWCP
Congo (Republic of)			Y		•			Y	•
Costa Rica	Y	•	•	Y					
Croatia			Y		•			Y	amnesty and buy-backs
Cyprus			Y						
Czech Republic	Y	•						Y	WWCP
Democratic Republic of Congo	Y		Y		•			Y	•
El Salvador	Y	•	•	Y	•	•			
France	Y		Y	•					
Georgia			Y		•			Y	WWCP
Germany	Y	•	•	Y	•	•			
Ghana	Y	•	•	Y		•		Y	WWCP
Hungary	Y	•	•						
Italy	Y	•	•	Y	•	•			
India	Y	•	•					Y	•
Jamaica			Y		•				
Japan	Y	•							
Jordan								Y	other
Kenya	Y	•	•	Y		•		Y	amnesty and forcible
Kosovo*	(4)		Y		•			Y	• amnesty
Kyrgyz Republic	Y	•							
Latvia	Y		Y		•		•		
Lebanon	Y	•	•						
Lesotho			Y	•					

*Kosovo is an entity under interim international administration

KEY:

S = Surplus

C = Collected or confiscated

DDR = Disarmament,
demobilisation and reintegrationVWCP = Voluntary weapons
collection program

	Stockpile management			Weapons destruction				Disarmament and weapons collection			
		Review of Procedures	Regular reviews of stocks		S	C	Policy of Destroying All			DDR	
							S	C			
Lithuania	Y	•	•	Y		•		•	Y		amnesty
Macedonia (FYRoM)										•	forthcoming weapons collection and amnesty
Malawi	Y								Y		other
Malaysia	Y										
Mali	Y	•	•	Y		•			Y	•	other
Mexico	Y		•	Y		•			Y		VWCP
Moldova	Y		•	Y	•	•			Y		amnesty/registration
Mozambique	Y			Y		•					
The Netherlands	Y			Y	•						
New Zealand	Y		•	Y	•	•			Y		amnesty
Niger				Y		•			Y		VWCP
Nigeria	Y			Y	•	•	•	•	Y		forceful disarmament of militias
Norway	Y										
Pakistan	Y		•	Y	•				Y		"de-weaponization program" and amnesty
Panama									Y		arms for food
Papua New Guinea	Y		•	Y		•			Y	•	VWCP
Paraguay	Y		•	(5)							
Peru	(6)			Y		•					
Philippines	Y	•	•						Y		other (various)
Poland	Y	•	•	Y	•		•		Y		amnesty
Romania	Y		•	Y	•						
Russian Federation	Y		•	Y	•	•		•	Y	•	buyback
Rwanda	Y	•	•								
Serbia and Montenegro	Y		•	Y	•	•	•	•	Y	•	amnesty
Sierra Leone				Y		•			Y	•	other (CACD)
Slovenia	Y	•	•	Y	•	•		•	Y		other (legalisation and amnesty)
Solomon Islands									Y	•	amnesty
South Africa	Y	•	•	Y	•	•	•	•			
Spain	Y								•(7)		
Sri Lanka	(8)			Y					Y		amnesty
Sudan	Y	•		Y			•	•	Y		other
Sweden	Y		•	Y	•	•			Y	•	
Tanzania	Y	•	•						Y		VWCP
Trinidad & Tobago	Y										
Turkey				Y							
Uganda	Y	•	•						Y		voluntary and seizures
United Kingdom	Y	•	•	Y	•	•		•	Y	•	amnesty
United States of America	Y	•	•	Y	•	•			Y		Buy-backs and other
Uruguay									Y		amnesty
Venezuela		•									
Zambia	Y		•	Y		•			Y		amnesty and buy-back
Zimbabwe									Y		amnesty

- (1) A Review of procedures is planned
- (2) DDR is planned
- (3) Unserviceable weapons
- (4) No stocks
- (5) Assistance requested
- (6) UN-LIREC assistance pending
- (7) Unmarked
- (8) Under consideration

3.1.4. STOCKPILES, DISARMAMENT, WEAPONS COLLECTION AND WEAPONS DESTRUCTION

As discussed in depth in Section 3.3 (page 145), one of the key achievements of the PoA was establishing the issues of stockpile management and security as legitimate issues for international concern. The PoA thus requires that states “ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police, or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of weapons”(II, 17); and that these stocks are regularly reviewed (II, 18). The PoA also encourages states to dispose of surplus arms and collected and confiscated weapons, preferably through destruction, unless other methods of disposal are authorised (II, 16 & 18). The development and implementation of disarmament, demobilisation and reintegration (DDR) programmes is encouraged where possible, particularly in post-conflict situations, as is the voluntary collection of SALW (II, 20 & 21). In each of these areas that relate to dealing with existing stocks of SALW, national implementation has varied considerably (see Table 3).

STOCKPILE MANAGEMENT

While it is likely that most states have some form of stockpile management procedures, very little verifiable data is available on this issue. Of the 62 states for which some illustrative data has been gathered, 42 regularly review stocks of arms, and 20 have reviewed stockpile management and security procedures. There are also, no doubt, several states (for example, Angola) that are in the process of conducting reviews at present.

WEAPONS DESTRUCTION

Of the states covered in this report, at least 39 have destroyed, collected or confiscated SALW; and at least 24 have destroyed some surplus SALW or ammunition. In addition, for some states, such as Turkey, Belarus and Costa Rica, where it appears that some weapons have been destroyed, or that destruction procedures are in place, the information available for this report does not specify whether the weapons were designated surplus at the point at which they were destroyed. Additionally, many states have a policy of destroying unserviceable surplus arms, but most provide for the possibility of other forms of disposition for serviceable weapons, such as export (as in the case of the UK) or reallocation (for example, as in India) (see Section 3.3.5 page 164 for further details).

DISARMAMENT AND WEAPONS COLLECTION

A range of options exist for the development and operation of disarmament and weapons collection programmes. According to the data collected, at least 50 states have implemented some form of disarmament or weapons collection since July 2001 (see Section 3.3.5, page 161 for further details). Clearly, many others had implemented such programmes prior to this date.

3.1.5. SUMMARY

The information presented here on key aspects of the PoA indicates at a very basic level that implementation has been extremely varied. On many of these aspects there are encouraging signs, such as the establishment of points of contact in over 100 states. Likewise, the number of states submitting reports to the UNDDA for 2002 is 140 per cent higher than for 2001; however, the total number remains very low, at just 36 states. The existence of stockpile management procedures and the conduct of disarmament, weapons collection and weapons destruction programmes are also encouraging signs.

However, while it is clear that most states have some legislative provisions that relate to particular aspects of SALW, the coverage and effectiveness of these provisions and the associated administrative procedures is not revealed by the fairly binary data presented here.

The fairly basic nature of the information contained in this part of the report makes drawing detailed and useful conclusions difficult without further elaboration. The following two sections in this part of the report, which analyse implementation on a geographical and thematic level respectively, aim to do just this.

3.2. REGIONAL IMPLEMENTATION

This section outlines and examines progress towards implementing the PoA in different countries and regions across the world. For each region and sub-region, we aim to provide an overview of progress, with illustrations from regional organisations and regional civil society initiatives from a range of countries. We then illustrate initiatives and progress in selected countries in more detail.

Most regional sections are sub-divided into sub-regions, each of which include several country-specific case studies. These regions are: sub-Saharan Africa (including SADC, East Africa/Horn, Great Lakes/Central Africa and West Africa); the Americas (including the North American Free Trade Area (NAFTA), the Caribbean and Latin America); Europe (including the EU and Associate Countries, South East Europe and the former USSR); North Africa and the Middle East; Asia (including South Asia, South East Asia, Central Asia and North East Asia); and Oceania-Pacific.

For each region, a short overview provides context on the nature of the SALW problem in that region and outlines SALW-related actions or initiatives by regional organisations or instruments, for example the OAU's Bamako Declaration. In the absence of a commonly agreed position by states within a region, implementation by individual countries is noted through a discussion of thematic issues, such as, legislation and weapons destruction. Each regional overview is followed by a substantial table summarising the implementation of PoA commitments at the national level by states within that region.

The sub-regional sections begin with an introduction to the broad SALW context and, on a general level, progress towards implementation of the PoA at the sub-regional level. Then specific sub-regional initiatives are examined, with a focus on specific measures that have taken place since July 2001. A summary of key aspects of national implementation by states in the sub-region is provided and complemented by examples highlighting the role of civil society as a key player in the process of implementation. The importance of civil society engaging in the process of implementation is further developed in the sub-regional sections through specific examples describing the activities of particular civil society groups and non-governmental organisations (NGOs).

These sub-regional sections include a series of case studies that provide a short review of implementation of the PoA, examine in greater depth specific areas of implementation, and highlight key learning points based on the experiences of the respective countries. These 25 country case studies cover a wide range of PoA commitments. Many cover more than one thematic area; however, all focus on specific PoA-relevant activities. The country case studies included in this part of the report are as follows:

- Legislation and Cross-Border Cooperation and Assistance in South Africa;
- The National Action Plan on Small Arms in Tanzania;
- The National Focal Point, Weapons Destruction and the Nairobi Secretariat in Kenya;

- Laws, Regulations and Destruction Activities in Nigeria;
- Laws, Regulations and Tackling Illicit Possession in Ghana;
- Legislative Reviews, Export Controls and Destruction Programmes in the United States of America;
- Marking and Tracing, Stockpiling and Cooperation in Brazil;
- Weapons Collection, Stockpile Management and Transparency in Mexico;
- Marking, Stockpile Management and End-User Certificates in El Salvador;
- Legislative Change and International Cooperation and Assistance in the United Kingdom;
- Brokering Legislation in Germany;
- Stockpile Management and Record Keeping in Russia;
- Transparency in the Czech Republic;
- Weapons Collection and Destruction in Serbia and Montenegro;
- Developing International Cooperation in Romania;
- Weapons Collection and Transparency in Jordan;
- Controls and Legislation in Yemen;
- Legislation, DDR and Stockpile Management in Lebanon;
- De-weaponisation in Pakistan;
- Reviewing Stockpile Management in Cambodia;
- Implementation and Licensing Procedures in the Philippines;
- Regulations, Border Control, Marking and Stockpile Management in Kazakhstan;
- Export Controls, Stockpile Management and the Role of the OSCE in Tackling the Illicit Trade in SALW in the Kyrgyz Republic;
- Domestic and Export Controls in China; and
- Disarmament in Papua New Guinea: Weapons Disposal in Bougainville.

3.2.1. SUB-SAHARAN AFRICA

OVERVIEW OF PROGRESS IN SUB-SAHARAN AFRICA

Since the 2001 UN Small Arms Conference, there have been many positive developments across Africa focused on tackling the proliferation and misuse of small arms, including, for instance, the development of a Tanzanian National Action Plan on small arms and the activities of the Nairobi Secretariat in Kenya (see the national case studies on Tanzania and Kenya, below). However, the challenges involved in implementation of the PoA in Africa are great. The legacy of long civil and inter-state wars and the ongoing conflict in many areas continues to drive the demand for small arms and creates a huge pool of weapons in the region that are also used to commit violent crime and fuel conflicts. Small arms are transferred across state borders when states intervene in conflict, for example, in the Democratic Republic of the Congo (DRC), and following the cessation of conflict, these weapons continue to pose a significant threat to human rights, human security, and economic and social development. Despite this challenging environment, however, there has been significant progress across the continent at the regional, sub-regional and national levels.

Prior to the 2001 UN Small Arms Conference, in December 2000, the African states developed a common position through the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which demonstrated a high level of commitment in Africa towards moving forward on these issues and strengthened Africa's voice at the Conference.

Whilst there was disappointment in Africa over certain aspects of the PoA – for example, some states were concerned that no limits were imposed on transfers of weapons to non-state actors – the importance of encouraging implementation of the PoA was recognised, and resulted in an *African*

Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships, which took place in Pretoria, South Africa, in March 2002. Participants identified some differences in the needs and priorities of the different sub-regions, but also identified a set of priorities and requirements for urgent action that were common to them all. These included:

- The importance of establishing NFPs and/or national coordination agencies where they do not already exist;
- Establishing regional focal points to assist regional coordination and information exchange;
- The need to strengthen regulations on arms management, including strengthening and harmonising legislation to that effect;
- The need to engage in training and capacity-building programmes for law enforcement agencies on all aspects of the issue, but particularly border controls;
- Improving, where needed, the operational capacity for enforcement, including stockpile management, monitoring, destruction and border controls;
- Enhancing information exchange and cooperation mechanisms to prevent, combat and eradicate illicit small arms trafficking;
- Strengthening the ability of states to cooperate in identifying and tracing, in a timely and reliable manner, illicit SALW;
- Reducing availability and demand, through:
 - o Preventing, combating and eradicating illicit small arms production, possession and transfers,
 - o Emphasising the importance of public awareness and education,
 - o Developing effective collection and destruction mechanisms for both surplus and illicit arms, and
 - o Providing rehabilitation and reintegration assistance to demobilised soldiers, ex-combatants and, in particular, child soldiers; and
- Reducing the impact of arms availability on vulnerable groups.

In addition to this development at the regional level, at the sub-regional level much has been achieved in terms of developing and implementing small arms agreements, and progress at this level complements and reinforces implementation of the PoA. These sub-regional agreements vary in scope from politically binding statements to legally binding moratoria (see the sub-regional case studies below).

The need to encourage implementation of the Bamako Declaration, the PoA and the various sub-regional agreements has been recognised by the New Economic Partnership for Development (NEPAD) Sub-Committee of Peace and Security, which identified small arms proliferation as a priority area for action. At the African Union AU-NEPAD Consultation on Peace and Security in February 2003, a plan of action was developed, which, amongst other things, called for:

- Efficient and consolidated action for the prevention, combating and eradicating of the problem of the illicit proliferation, circulation and trafficking of SALW; and
- An African definition and action on disarmament, demobilisation, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations.

NATIONAL AND REGIONAL NETWORKS ON SMALL ARMS IN AFRICA

Eastern African Action Network on Small Arms (EAANSA)

Forty-eight different civil society organisations from the Great Lakes region and the Horn of Africa, including Somalia and Seychelles, launched EAANSA on 27 March 2003. The network is committed to developing a concrete action plan for effective participation of civil society in the implementation of the Nairobi Declaration and the PoA. It met in May 2003 in Kampala to review the progress of EAANSA and to draw up a comprehensive action plan for the regional network.

For more information contact:

For Uganda - Richard Mugisha, People with Disabilities, pwd@imul.com

For Tanzania - Emmanuel Mallya, Centre for Peace and Development (CEPEDE), mallya@stacot.com

For Kenya - Jan Kamenju, Security Research and Information Centre (SRIC), Sric@africaonline.co.ke

For Mozambique - Albino Forquilha, taeccm@isl.co.mz

Kenya Action Network on Small Arms (KANSA)

On 26 March 2002, 35 representatives from 30 civil society organisations established KANSA to foster close NGO collaboration and enhance actions that facilitate information exchange, leading to informed dialogue and policy engagements with government on issues of SALW.

For more information contact Jan Kamenju, SRIC, Sric@africaonline.co.ke

Ugandan Action Network on Small Arms (UANSA)

In August 2000, four NGOs in Uganda launched UANSA. This coalition has grown to include 62 civil society groups and become more representative of civil society in the country. The network acts as a forum for coordinating independent efforts to support and to challenge the Uganda government on small arms issues and on the implementation of the Nairobi Declaration.

For more information contact Richard Mugisha, People with Disabilities, pwd@imul.com

West African Action Network on Small Arms (WAANSA)

In May 2002, 27 organisations from ten countries in West Africa launched WAANSA to facilitate civil society activities in the campaign against the proliferation of small arms in West Africa. The network intends to serve as a forum for the exchange of information, views, experiences and strategies in combating the proliferation of small arms and light weapons in the region.

For more information contact:

For Cote d'Ivoire: Conmany Wesseh, Centre for Democratic Empowerment, Cede-reg@afnet.net

For Ghana: Afi Yakubu, Foundation for Security and Development in Africa (FOSDA), fosad_africa@yahoo.com

Ghana Action Network on Small Arms (GHANSA)

In April 2002, GHANSA was launched to encourage the government to revise national legislation on small arms and to establish an active arms register. The network comprises ten civil society groups working on security and small arms, the United Nations Development Programme (UNDP), the National Commission on Culture, the Ghana News Agency and the Ministry of Justice.

In March 2003, GHANSA launched a national awareness campaign on SALW. The project targets the government and local communities in conflict-prone regions through the media, public forums, posters, training workshops, unions and schools and through lobbying of key government ministries and parliamentarians.

For more information contact Afi Yakubu, FOSDA , fosad_africa@yahoo.com

MAPPING THE SMALL ARMS PROBLEM IN AFRICA

SaferAfrica and Saferworld have assisted governments and civil society organisations in Southern and Eastern Africa in conducting comprehensive national arms assessments, or “mappings”, of the small arms problem in Tanzania, Mozambique, Uganda and Kenya. These mappings will lead to the establishment of National Action Plans, which will analyse the specific nature and extent of the small arms problem in each country, identify priority areas where action is required, and identify the local and external capacity to necessary implement plans effectively.

The mapping processes involve the collection of information on:

- The nature of the small arms problem in each country;
- Attitudes towards the impact of small arms on society; and
- The resources available to address the problems identified.

This information is collected using three primary research components:

- Civil society workshops – held in each region of the country and including NGOs, religious groups and community-based organisations;
- Law enforcement agency workshops – held in each region of the countries concerned, with key officials from police, customs, immigration, intelligence and local administration attending; and
- A population survey – collating at least 5,000 responses, examining the attitudes and experiences of the population with regard to small arms, which seeks to determine the true impact of small arms on society, from which combative strategies can be developed.

For more information contact:

For SaferAfrica - Jakkie Potgieter, jakkie@safer africa.org

For Tanzania – Emmanuel Mallya, mallya@stacot.com

For Kenya – Jan Kamenju, Sric@africaonline.co.ke

For Mozambique – Albino Forquilha, taeccm@isl.co.mz

For Uganda – Richard Mugisha, pwd@imul.com

Table 4: National Implementation
in Sub-Saharan Africa

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Angola	Y	Y	Y										Y			
Botswana		Y	Y		•	•								being amended		
Burkina Faso		Y														
Burundi	Y	Y														
Cameroon		Y	Y	•	•	•	•						Y	•	•	•
Central African Republic																
Chad																
Côte d'Ivoire		Y														
Congo (Republic of)		Y														
Democratic Republic of Congo		Y	Y	•	•	•	•					Y	Y	•	•	•
Eritrea			Y	•	•	•							Y	•	•	•
Ethiopia		Y														
Gambia		Y														
Ghana	Y	Y	Y			•						Y	Y			
Guinea		Y														
Kenya	Y	Y	Y	•	•	•	•						Y	•	•	
Lesotho													Y	•	•	
Malawi		Y	Y		•	•							Y	•	•	
Mali	Y	Y	Y					Y	•	•			Y			
Mauritius		Y	Y			•							Y	•	•	
Mozambique	Y	Y	Y		•	•							Y	•	•	•
Namibia	Y	Y	Y		•	•							Y	•	•	
Niger																
Nigeria	Y	Y	Y	•	•	•	•	Y		•		Y	Y			
Rwanda	Y	Y	Y		•	•	•	Y	•	•		Y	Y		•	•
Senegal		Y														
Seychelles		Y	Y	•	•	•	•						Y	•	•	
Sierra Leone																
South Africa	(4)	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Sudan		Y	Y					Y	•	•		Y	Y			
Swaziland		Y	Y	•	•	•							Y	•	•	•
Tanzania	Y	Y	Y	•	•	•	•	Y	•	•	•		Y(5)	•	•	•
Uganda	Y	Y	(5)									Y	Y			
Zambia		Y	Y	•	•		•						Y	•	•	
Zimbabwe			Y		•	•							Y	•	•	

KEY:

Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfer notification

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected & Confiscated

DDR = Disarmament, demobilisation, reintegration
 VWCP = Voluntary weapons collection program
 F = Financial
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance					
	T	Pr	Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other	Y	Provision		Receipt			
							S	C				F	T	F	T		
			(1)							Y	•	(2)	Y			•	•
being amended																	
	•	Y	•	•						Y		other	Y			•	
										Y	(3)						
					Y	•				Y	•		Y			•	•
	•	Y			Y	•				Y	•		Y			•	•
	•																
		Y		•	Y		•			Y		VWCP					
	•	Y		•	Y		•			Y		Amnesty & forcible	Y			•	•
	•				Y	•							Y			•	•
	•	Y											Y				•
		Y	•	•	Y		•			Y	•	other	Y			•	
	•																
	•	Y			Y		•						Y				•
	•												Y			•	•
					Y		•			Y		VWCP	Y			•	
	•	Y	•	•	Y	•	•	•	•	Y		forcible					•
													Y				
	•				Y		•			Y	•	CACD	Y			•	•
	•	Y	•	•	Y	•	•	•	•				Y	•	•	•	
		Y	•		Y			•	•								
	•									Y		VWCP					
	•	Y	•	•						Y		VWCP	Y			•	•
		Y	•	•						Y		Amnesty & forcible	Y				•
	•	Y		•	Y		•			Y		Amnesty & buyback	Y				•
	•									Y		amnesty					

(1) Review planned
 (2) VWCP Under consideration
 (3) DDR/VWCP Planned
 (4) Being established
 (5) Being Reviewed

IMPLEMENTATION IN SOUTHERN AFRICA

General overview

The wide availability of SALW in Southern Africa escalates conflicts and violent crime, undermines peace agreements, hinders development and good governance, and threatens human rights. A large proportion of the weapons in circulation in the sub-region were transferred there during the Cold War, but others originate from within Southern Africa itself.

South Africa in particular has developed a sizeable arms production industry, the development of which was aided by the licensed production in South Africa of small arms for a Belgian-based company, FN Herstal, since the 1960s. Recognition within Southern Africa of the scale of the small arms problem and the urgent need for action to tackle it has, however, risen significantly in recent years, and there has been an encouraging level of coordinated action across the sub-region, primarily within the framework of SADC.¹¹

The SADC governments played an active and influential role at the 2001 UN Small Arms Conference and its associated PrepComs, and have since, in August 2001, signed the SADC Protocol on Firearms, Ammunition and Other Related Materials (SADC Protocol), which provides a useful model for other regions when considering PoA implementation. Among other issues, the SADC Protocol sets out minimum standards for national legislation and also commits states to moving towards the harmonisation of firearms legislation across the region.

The SADC Protocol on Firearms, Ammunition and Other Related Materials

The process of drafting the SADC Protocol began in 1999, when the SADC Heads of State created the SADC Small Arms Committee with a mandate to oversee and follow a regional process for the control of illicit small arms trafficking and for the tightening of controls over firearms and ammunition. The committee delegated the drafting of the SADC Protocol to the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), which carried out extensive consultations with member states and the SADC Small Arms Committee. The resulting SADC Protocol is a document that reflects the priority needs of the states in Southern Africa. It includes standards relating to:

- The coordination of procedures for the import, export and transit of firearms shipments;
- The regulation and centralised registration of all civilian owned firearms in their territories;
- Controls over the manufacturing, possession and use of firearms and ammunition;
- Measures promoting legal uniformity and minimum standards relating to the manufacture, possession, import, export and transfer of firearms and ammunition;
- The standardised marking and identification of firearms at the time of manufacture, import or export;
- The regulation of firearms brokering;
- The destruction of confiscated and unlicensed firearms;
- Public awareness programmes;
- Transparency and information exchange; and
- The establishment of an infrastructure for effective law enforcement.

The SADC Protocol contains many provisions similar to those agreed as part of the PoA, and implementation of one complements that of the other. The SADC Protocol, unlike the PoA, however, also

¹¹ The members of SADC are Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

contains provisions relating to the civilian possession of arms, which states in Southern Africa have identified as one of the priority areas in which action must be taken. Another significant difference is that, whereas the UN PoA is only politically binding, the SADC Protocol will be legally binding once ratified by the required number of states.¹²

Since the signing of the SADC Protocol and the agreement of the PoA, the focus for addressing small arms issues in Southern Africa has shifted towards implementation, which, due to the extent of the small arms problem and the comprehensive nature of the SADC Protocol's provisions, will be challenging. SARPCCO is the institution responsible for implementation of small arms measures in the region,¹³ and since the summer of 2001, it has met on several occasions to develop an action plan for implementation. This is a positive step, because SARPCCO has been centrally involved in regional efforts thus far to combat SALW proliferation and it is the police who will have to implement the bulk of the SADC Protocol's provisions. Key activities planned by SARPCCO include:

- The creation of NFPs in the region;
- The development of National Training Programmes on Joint Operations;
- The development of public awareness and education programmes;
- A review of national firearms legislation; and
- A review of central firearms registries, including the introduction and/or improvement of electronic databases.

The SADC-EU process

A SADC-EU Working Group on Small Arms was created in November 1999 and is intended to support the implementation of arms control measures across Southern Africa. The Working Group has met on four occasions, twice formally and twice informally. The most recent meeting took place in November 2002 and discussed deepening SADC-EU cooperation on implementing the SADC Protocol. SADC representatives used this opportunity to present the action plan on implementing the protocol, which was developed by SARPCCO. Greater momentum is needed however, if this process is to realise its potential as a valuable supporting mechanism for the implementation of the SADC Protocol.

National implementation

The extent to which implementation of the SADC Protocol and the PoA is progressing on the national level varies among states in the region and is determined by a number of factors, including the political situation and the will and capacity of the individual governments to act. Progress towards implementation has so far included:

- Developing a National Action Plan on small arms in Tanzania;
- Starting the process of developing a National Action Plan in Mozambique;
- Establishing NFPs to act as coordinating bodies on small arms issues in Angola, South Africa, Mozambique, Botswana, Namibia and Tanzania;
- Creating new firearms control legislation in South Africa and reviewing legislation in Botswana, Namibia and Tanzania;
- Holding national conferences in Namibia, Tanzania and Botswana to kick-start the process of implementation. Similar conferences are also planned in Mozambique and Zambia;

¹² As of May 2003, ratification by another four member states is required for the SADC Protocol to become legally binding.

¹³ At the time, SADC mandated SARPCCO to become the implementing agency for the SADC Protocol as indicated in the SADC Annual Report of 2001, which said: "Currently SADC Member States are in the process of ratifying the Firearms Protocol. The Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) will be responsible for the implementation of the SADC policies on small arms and light weapons and SADC will continue to participate in the negotiations of the Convention on Trans-national Crime – the Vienna Process".

- Reviewing the Central Firearms Registries in South Africa and Tanzania; and
- Continuing the Operation Rachel weapons collection initiative in Mozambique.

The role of civil society

One of the most encouraging developments in the SADC region in recent years has been the level of engagement by civil society groups on the issue of small arms. At both the national and community levels, the role of civil society is vital to the development of sustainable and effective efforts to tackle the human impact of small arms. Some examples of positive action in this area include:

- A public awareness campaign by Angola 2000 and SaferAfrica, the impact of which was publicly noted by the Angolan government;
- Gun Free South Africa's campaign to establish gun-free zones in schools (see page 47);
- A Community Safety and Firearms Pilot Project in Malawi (see below);
- The Christian Council of Mozambique's "Tools into Ploughshares" project, which collects and destroys guns and provides communities with tools and construction materials in return;
- A Saferworld and SaferAfrica study on existing firearms legislation in the SADC region; and
- A project by IANSA and the ISS to bring together small arms researchers from across Africa with the aim of developing a network of researchers who can coordinate their work and share available resources.

CIVIL SOCIETY WORKING FOR SAFER COMMUNITIES IN MALAWI

In Malawi, a Community Safety and Firearms Control Pilot Project was established to work with local communities and police to address the problem of firearms proliferation. Activities included a training-of-trainers workshop scheme involving recruits from the Malawi Police Service, NGOs, and civil society and community representatives. This was supported by the production and dissemination of a *Community Safety Handbook*, posters and a film on community policing, entitled *Protecting our Lives*.

In addition, the Pilot Project has sponsored, funded and arranged a series of public broadcasts by the Malawi Broadcasting Corporation and Television Malawi to promote public awareness of the need to support professional policing to counter armed violence. The aim of this was to raise awareness amongst the general public in Malawi about the work of the police and the need for community support to counter violent crime and the spread of firearms. An evaluation of the Pilot Project showed that, following the broadcasts, there were changes in the attitude of both the police and local people in relation to the work of community policing.

For more information contact Undule Mwakasungura, Centre for Human Rights & Rehabilitation (CHRR), undule@sdpn.org.mw

LEGISLATION AND CROSS-BORDER COOPERATION AND ASSISTANCE IN SOUTH AFRICA

South Africa has a significant small arms production capacity and very high levels of murder and violent gun-related crime. There is an urgent need for action both to reduce weapons availability within South Africa and to control the flow of weapons across its borders. It is therefore encouraging that the government has taken several positive steps in these areas since the 2001 UN Small Arms Conference. However, there

is much that remains to be done, particularly in relation to controls on the cross-border movement of arms. South Africa was one of the driving forces behind the 2001 UN Small Arms Conference and has publicly affirmed its support for the PoA. Moves towards implementation since the Conference include the development of new legislation on domestic firearms control and on the export, marking and brokering of firearms, the establishment of a national point of contact for small arms and a comprehensive audit of all state-owned firearms. South Africa has also participated in regional initiatives such as the process to develop the SADC Protocol and has cooperated with the Mozambican government in the latest stage of the Operation Rachel weapons destruction programme.

New Firearms Control Act

Due to the high levels of gun-related crime within the country, one of the South African government's stated priorities on small arms is to tighten controls on the domestic possession of firearms, and to this end a *Firearms Control Act* has been developed and mechanisms are being established for its implementation. The *Firearms Control Act 2000* is being implemented gradually in order to allow for the creation of effective operating procedures, but is expected to be fully in place by the end of 2003. The Act is significant in the context of various international and regional agreements, including the SADC Protocol and the PoA. In short, the Act imposes a ban on the possession of certain weapons, limits the number of weapons that an individual can possess, and introduces more stringent criteria for licence applications – whereby applicants will be required to obtain a certificate of competency. In focusing on the civilian possession of small arms, the Act goes further than the PoA.

In order to enable the new licensing provisions to function efficiently, South Africa is undertaking a thorough overhaul of its firearms registration process and creating a Central Firearms Register. It is envisaged that this register will enable the police to trace the entire life-span of a firearm, from manufacture to export, deactivation or destruction. Consideration has been given to the possibility of introducing the system in neighbouring countries and to linking databases across the region of Southern Africa. The establishment of effective databases should be a priority in helping to ensure implementation of both the PoA and the SADC Protocol.

Steps have also been taken to improve management and record-keeping in relation to state-owned firearms, which include a comprehensive audit of all state-owned firearms and measures to improve storage facilities.

National Conventional Arms Control Act

Parallel to efforts to tighten domestic small arms controls, the South African government has also introduced legislation to regulate the transfer and transit of weapons across state borders. The *National Conventional Arms Control Act* was submitted to parliament by the National Conventional Arms Control Committee and was given presidential assent in February 2003. The first draft of what is now an Act was tabled in February 2000, and whilst the Act is widely seen as an improvement on the initial draft, the prolonged delay in its adoption has been criticised. One of the issues that delayed adoption was disagreement over whether the definition of 'conventional arms' in the Act should cover firearms and light weapons – early drafts contained a definition that did not do so, as the Department of Foreign Affairs argued that these categories of weapons would be covered in separate legislation. However, this was changed in a later draft, due to insistence by the parliamentary committee that the Act should cover all arms, and that arms control should be as centralised as possible. It is anticipated that the Act will function as a mechanism through which South Africa can move towards implementation of many of the provisions of the PoA. Relevant provisions of the Act include:

- Requirements that must be adhered to in order to export firearms;
- Guidelines and criteria that are to be taken into account when considering marketing, contracting and export permits; and
- Requirements for the registration of all persons involved in brokering and regulations on the transactions that brokers may perform.

The provision relating to arms brokering is particularly significant in the context of commitments on the same issue contained in the PoA. As Southern African states move towards the harmonisation of small arms legislation – as required by the SADC Protocol – it is possible that such a provision could also be adopted elsewhere.

Cross-border activities and technical assistance

South Africa is engaged in the provision of technical assistance to other states on tackling small arms proliferation and misuse, for example, through the latest phase of Operation Rachel. Operation Rachel is an initiative whereby the South African and Mozambican police services cooperate to destroy caches of illicit SALW in Mozambique. It is seen by the South African government as a natural extension of its efforts to fight crime in urban South Africa, since there is evidence to suggest that many of the weapons used in South Africa have come to the country via Mozambique. The latest phase of this project, which was established in 1995, is particularly significant. This is because, due to ongoing technical assistance from the South African Police Service (SAPS), the information used in this latest stage of the project has been collected solely by the Mozambique Police Service (PRM). This collaboration between the two police forces has enabled the PRM to develop an indigenous capacity to carry out this work, demonstrating the value of bi-lateral cooperation and technical assistance between states. South Africa has also assisted the Kingdom of Lesotho with the destruction of its surplus small arms stock.

Work is progressing in South Africa to tackle the cross-border movement of small arms, as well as problems relating to civilian possession, but South Africa remains one of the world's most significant arms producers and exporters, and as long as this remains the case, it is likely that the small arms problem in South Africa and the surrounding region will remain.

Learning points

South Africa's experience provides a range of interesting learning points for other states engaged in similar change processes. These are as follows:

- Legislative change is crucial to establishing a legal framework for effective implementation. South Africa has taken important steps towards developing new legal controls on civilian possession and use and on the export and brokering of weapons. However, legislation has to be enforceable and states must have the capacity – both technically and financially – to enforce legislation effectively.
- The development of a Central Firearms Register, as part of the provisions to operationalise the new legislation on civilian possession, is an important initiative. Plans to establish similar databases across the region are welcomed and work to undertake this should be prioritised.
- South Africa has an important role to play in the SADC region to support the development of SALW control initiatives. Cooperation on operational law enforcement with the Mozambique Police Service is very positive and demonstrates the importance of technical support and capacity-building at the enforcement level as a key element of international cooperation and assistance.

GUN-FREE ZONES IN SOUTH AFRICAN SCHOOLS

In 2002, Gun Free South Africa (GFSA) cooperated with the SAPS to develop a pilot project to encourage and maintain firearm-free schools in South Africa. The project developed materials as well as a model to make schools in five areas in South Africa firearm-free and established a communications campaign so that people involved in the different pilot areas can learn from each other.

GFSA has also been lobbying the South African parliament to pass stricter firearms laws. This work led to the *Firearms Control Act*, which was signed into law by President Mbeki in 2002.

For more information contact Joseph Thabo Dube, joseph@jfsa.org.za or Margaret Keegan, gunfree2@sn.apc.org www.gca.org.za

IMPLEMENTATION IN THE GREAT LAKES REGION AND THE HORN OF AFRICA

The Great Lakes region and the Horn of Africa have experienced a series of long and inter-related civil and inter-state wars in which SALW have contributed to gross violations of human rights, forced displacement of communities, and a breakdown in law and order and economic and social development. Small arms are also used to perpetrate increasingly high levels of crime in the region's cities and in conflicts over cattle and natural resources. Long, porous borders, weak governments, differing standards of firearms legislation and differing abilities to enforce legislation contribute to the proliferation and misuse of these weapons. Post-conflict societies in the region face the huge challenge of controlling small arms and carrying out effective DDR programmes. Recognition of the scale and impact of small arms proliferation and misuse is rising, however, and a number of positive steps have been taken towards tackling the problem.

Nairobi Declaration

In March 2000, the Ministers of Foreign Affairs from Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania adopted the Nairobi Declaration on the Proliferation of Small Arms in the Great Lakes Region and the Horn of Africa (Nairobi Declaration). The declaration seeks to provide a broad approach to the challenges of small arms proliferation in the region and includes measures to:

- Strengthen and harmonise legislation governing the control of firearms;
- Strengthen the operational capacity of law enforcement agencies;
- Increase cross-border cooperation between law enforcement agencies;
- Collect and destroy weapons;
- Enhance the demobilisation and reintegration of ex-combatants;
- Improve police - community relations; and
- Enhance public education and awareness-raising.

The Nairobi Secretariat was established as a sub-regional body to coordinate and share information on the implementation of the Nairobi Declaration, and in November 2000 a coordinated Agenda for Action and an Implementation Plan were developed, which detailed the specific requirements for implementation. The Nairobi Secretariat is headed by a coordinator and has recently recruited two new members of staff and established its own independent office in Nairobi.

During the 2001 UN Small Arms Conference, the Nairobi Declaration was widely acknowledged as one of the most important and progressive sub-regional small arms initiatives. During the Conference, governments from the sub-region often worked together to agree joint statements, which were delivered by Kenya on their behalf. Many governments in the sub-region felt that the PoA fell short of their expectations, especially in relation to the issues of brokering, marking and tracing, civilian possession and transfers to non-state actors. However, it was welcomed as an important basis for future action and as implementation of the Nairobi Declaration continues, progress should be made in terms of the realisation of the PoA's provisions on both the regional and the national levels.

Initial implementation of the declaration however, was slow and so, on 7–8 August 2002, ministers and representatives of the States Parties to the Nairobi Declaration met in Nairobi for the *First Ministerial Review Conference on the Implementation of the Nairobi Declaration*. This conference served to reinvigorate the process of implementation, with ministers agreeing on the following priority actions:

- Urgently establishing and operationalising NFPs;
- Strengthening of the Nairobi Secretariat so that it is able to fulfil its coordinating role for the implementation of the declaration;
- The adoption by the Eastern Africa Police Chiefs Committee (EAPCCO) of the *Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons* for presentation to governments for signature (see below);
- Strengthening the capacity of law enforcement agencies by developing common training curricula and proposals for joint cross-border operations; and
- Developing national action plans to combat the proliferation of small arms, such as that already developed and being implemented in Tanzania (see page 49).

A further development in efforts to implement both the Nairobi Declaration and the PoA has been the establishment of the Friends of the Nairobi Declaration group. This group consists of a number of key donors, who will provide political and practical support to the Nairobi Secretariat, as well as financial assistance. The group was established in response to an appeal from a Kenyan representative at the 2001 UN Small Arms Conference and it met for the first time in August 2002. At this meeting, it was agreed that priority areas for action included recruitment of staff to the Nairobi Secretariat, the creation of NFPs to coordinate government policy and the development of National Action Plans.

Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons

One of the factors contributing to the proliferation and illicit trafficking of small arms in the Great Lakes region and Horn of Africa is the difference in standards of legislation across the region. In June 2001, in an effort to address this problem, EAPCCO agreed a Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons. This sets out minimum standards regarding manufacture, marking, import, export, transit and stockpiling, as well as provisions relating to weapons collection and destruction, police cooperation, information exchange and awareness-raising. The Protocol reflects the commitments of the PoA and provides a framework for countries in the region to adopt a coordinated approach to small arms control in a manner appropriate to the regional context. It illustrates recognition that efforts to regulate the flow of illicit weapons across state borders must be a priority for the region. Once the protocol is ratified, it will be legally binding and, if fully implemented, it will greatly enhance the ability of law enforcement officials to monitor and control the movement of small arms. It is anticipated that the protocol will be adopted at the EAPCCO Annual General Meeting in August 2003.

National implementation

Examples of progress made so far towards implementation of the PoA and the Nairobi Declaration in the region include:

- Establishment of NFPs in Rwanda, Burundi, Kenya, Uganda, Tanzania and DRC. Of these, those in Kenya, Tanzania and Uganda are fully operational;
- Development of a National Action Plan in Tanzania and the hosting of a national conference on small arms as part of this development;
- Progress towards the development of National Action Plans in Kenya and Uganda;
- A weapons destruction programme in Kenya (see Kenya case study, page 52); and
- The establishment of a UNDP Small Arms Reduction Programme in the DRC.

Huge challenges remain, however, in terms of reducing the number of small arms in the region and their impact on human rights, economic and social development and law and order, particularly in and surrounding the Democratic Republic of Congo. Interventions in the DRC by, amongst others, Uganda, Zimbabwe, Rwanda, Angola and Namibia have contributed to the huge numbers of small arms in the country, and declarations and protocols on small arms can have only limited impact so long as such interventions continue. It is vital that the small arms issues are integrated into any peace process in the country and that DDR is made a priority.

It is vitally important that governments find the political will to implement the provisions contained in the Nairobi Declaration and the PoA and that they support each other in this endeavour. The EAPCCO Protocol is to be welcomed, as is the establishment of NFPs and progress towards the development of National Action Plans, but the focus must now be on ensuring their effective implementation, if they are to have a significant impact on the proliferation and misuse of small arms in the region.

The role of civil society

As in Southern Africa, civil society groups in the Great Lakes region and Horn of Africa are playing an important role in building public awareness on small arms issues, in developing sustainable local programmes to tackle small arms, and in encouraging governments to implement sub-regional, regional and international agreements. Examples of positive action by civil society groups include:

- An initiative by the Kenya-based organisation Pastoralist Peace and Development, which has arranged meetings with warring clans in the region and facilitated the formation of cross-border peace communities to oversee peace-building and to re-establish control over the cross-border movement of arms;
- A survey by the Kenyan-based Security Research and Information Centre (SRIC) on firearms-related crime; and
- A programme of small arms work by the Ugandan Joint Christian Council, which included the establishment of cross-border peace committees, including members from religious-based organisations, traditional leaders and NGOs, along the Ugandan-Kenyan border.

THE NATIONAL ACTION PLAN ON SMALL ARMS IN TANZANIA

Tanzania is a popular transit route for arms heading into and out of Africa's conflict zones in the Great Lakes region, including the brutal conflict in the DRC. The firearms discarded by post-colonial liberation movements, together with those diverted from the transit routes, have ended up being used for, among other things, protecting homesteads and livestock, poaching and committing violent crime.

As a result, the Tanzanian government recognised the need to follow both a national and a regional approach to tackle small arms problems and through the development of a National Action Plan on small arms has moved towards implementation of many aspects of the PoA. For instance, new firearms control legislation is being developed, technical assistance has been provided to NGOs, a Central Firearms Register is being established, and training and coordination meetings are being held with neighbouring countries.

National Action Plan

In order to tackle the problem nationally, the United Republic of Tanzania embarked on a process to develop the National Plan of Action for Arms Management and Disarmament (NAP) at the end of 2001. This five-year NAP has been developed to address the growing problem of small arms in Tanzania and builds upon the commitments made by the government through a number of regional and international agreements, including the PoA, the Nairobi Declaration and the SADC Protocol. The Tanzanian plan was the first coordinated and comprehensive national approach to develop a practical and realistic plan of action based on a thorough assessment of the manifestation of the small arms problem – an approach that others have since begun to replicate.

The NAP, created in November 2001, emerged from a comprehensive and fully inclusive “mapping” of the small arms problem in Tanzania carried out between July and September 2001 at both governmental and non-governmental levels. This mapping included consultation with national government agencies to determine their view of the SALW problem in Tanzania and their capacity to take action; surveying 3,600 members of Tanzanian civil society on their perceptions of the problem at community level; and the hosting of workshops in each of 12 main provincial centres to determine the provincial capacity to address the small arms problem on the ground. Based on these findings, the NAP sets out a number of projects on issues such as police training, community-based weapons collection and destruction programmes, and a national education plan. Work has already begun to implement the NAP, highlighting the considerable commitment and will of the Tanzanian people to tackle the impact of small arms in their country.

To ensure that the NAP is successfully implemented, operational and decision-making structures have been modified and, where necessary, created:

- The National Defence and Security Committee, which deals with all matters of national security has had its remit extended to cover small arms control issues.
- Beneath this, an NFP on Firearms and Ammunition has been established and will be key to the implementation of the sub-regional agreements to which Tanzania is party.
- A National Committee on Arms Management and Disarmament has been established (which includes NGO representatives).
- Provincial Task Forces are responsible for preparing local government structures for the implementation of the plan.

The NAP is now in its second year of implementation and progress has so far included the following:

- The development of a new firearms control policy, which has received cabinet approval;
- The development of guidelines for undertaking a national review of firearms legislation, which have also been approved by the Cabinet;
- Training of the Provincial Task Forces and the NFP and the development of standard operating procedures for interaction between them;
- The development of guidelines for the creation of a Central Firearms Register;

- A national conference on small arms, which brought together civil society and government for the first time;
- Provision of training and technical assistance to NGOs – most noticeably the Centre for Peace and Economic Development (CEPEDE);
- An increase in staffing and an improvement of work conditions at the Arms Management and Disarmament Committee offices of the government in Dar Es Salaam; and
- Plans to carry out a relicensing programme in 2004, whereby new licenses will be required for the civilian possession of firearms.

The NAP activities have been achieved with the financial assistance of the government of the United Kingdom and the technical assistance of two NGOs, Saferworld and SaferAfrica.

The involvement of civil society

Tanzanian civil society groups have been involved as a central component in both the design and implementation of the Tanzanian NAP, which was described by the President of the 2001 UN Small Arms Conference as one that “demonstrates the productive relationship that could be developed between government and civil society”.¹⁴

In June 2002, representatives from 17 government agencies and 63 local NGOs, three international NGOs and seven foreign governments, as well as from the national and international media, met in Dar Es Salaam to discuss implementing the Tanzanian NAP. The meeting was called by the Tanzanian Arms Management and Disarmament Committee and organised by CEPEDE. The conference addressed the full scope of the Tanzanian NAP, and examined the roles that both the government and civil society can play in support of this plan. The participants welcomed the opportunity to meet on this level and the conference was a significant event, being the first occasion on which Tanzanian civil society and government had met on this scale. A key recommendation of the conference was to develop a national NGO network at the regional (provincial) and national levels to promote cooperation between business, NGOs and the government in the implementation of the NAP.

In order for civil society to further engage on the small arms issue, it is necessary for the government to ensure that it fulfils the capacity-building element of the NAP and makes strenuous efforts to inform civil society as to the nature of the small arms issue and how it can be integrated into other areas of their work. Such an outreach programme would be extremely valuable in terms of strengthening civil society structures in the country and increasing the number of civil society groups working to tackle the proliferation and misuse of small arms.

The potential for this initiative to be extended elsewhere

The momentum that has been created with the development of the NAP looks set to continue gathering speed and support as more people become aware of the need to tackle small arms proliferation and misuse, and the resultant benefits that can come from adopting a comprehensive approach to tackling this problem. Following the successful development of the NAP, Saferworld and SaferAfrica have received requests from a number of other states in Southern and Eastern Africa for assistance in carrying out mappings and developing NAPs. Mozambique’s NFP has decided to create its own NAP, and Saferworld and SaferAfrica are currently preparing a national assessment with government and civil society in Mozambique in preparation for the development of the plan. Similar mappings have begun in Uganda and Kenya.

¹⁴ Ambassador Camillo Reyes, *Executive Summary* by the organisers of the Conference on Small Arms and Light Weapons in Central America: Control and Regulation of Weapons Transfers in Implementation of the United Nations Programme of Action, Costa Rica, 3-5 December 2001.

Learning points

In developing the NAP, the Tanzanian government has engaged in a ground-breaking initiative which provides a possible model that could help other countries to develop effective responses to the problems they face.

The NAP has:

- Identified the priority areas of need and how best to utilise existing resources and capabilities in tackling small arms;
- Strengthened the partnership between government and civil society and their capacity to work together to combat small arms proliferation;
- Established effective procedures for the implementation of the project; and
- Illustrated where local resources are available to address small arms problems and where further capacity-building is required.

THE NATIONAL FOCAL POINT, WEAPONS DESTRUCTION AND THE NAIROBI SECRETARIAT IN KENYA

General overview

In response to a request from former President Moi, the UN Secretary-General despatched a fact-finding mission to Kenya in August 2001, just after the 2001 UN Small Arms Conference. The request for this mission indicated a recognition of the scale of the impact of small arms and was a positive first step towards further action. The mission was mandated with assessing the extent of the small arms problem in the country and wider sub-region and its members met with the (now former) President, ministers, senior government officials and civil society groups. The mission found that “the proliferation of illegal small arms and light weapons poses a serious challenge to security and stability in Kenya, which serves as both a primary market for illegal weapons and as a corridor for the circulation of other such weapons to African countries”.¹⁵

Kenya is at the forefront of coordinated regional efforts to tighten controls over the movement of SALW. So far, many positive actions have been undertaken in the country, including the establishment of a small arms secretariat in Nairobi to coordinate follow-up activities to the Nairobi Declaration (see page 47 for details on the Nairobi Declaration) and the establishment of an NFP in May 2001. Following the 2001 UN Small Arms Conference, however, there was a clear reduction in the pace of implementing SALW reforms. However, since elections in December 2002, there are very positive signs of renewed momentum and the new government has already indicated its political will to address implementation further in relation to both the Nairobi Declaration and the PoA.

The National Focal Point in Kenya

The NFP in Kenya, which in relation to the PoA acts as the coordinating body responsible for policy guidance, research and monitoring of efforts to stem the illicit trade in SALW, has developed differently to some other NFPs. The NFP in Kenya is interesting because it frames the issue of small arms in the broader context of development in Kenya and thus aims to adopt an approach to the proliferation of small arms that addresses underlying problems related to development and security. It is hoped that this broad strategy will enable the NFP to integrate relevant issues when developing a comprehensive NAP

¹⁵ The Nairobi Secretariat on Small Arms, SaferAfrica, Saferworld and the SRIC, *Progress Newsletter*, May 2002.

to combat the problem of SALW in Kenya. Unlike other NFPs, which focus specifically on eradicating small arms, the Kenyan NFP aims to integrate small arms into a wider security agenda that covers issues such as conflict management and peace-building, access to justice, community-based policing, poverty eradication and rehabilitation programmes. Thus, one of the activities in which the NFP has been involved aims to sensitise the government and the Office of the President to issues relating to Pastoralist Communities. It is pushing for the creation of a Parliamentary Committee that will recommend to the government ways to establish conflict management and peace-building programmes that are sensitive to the needs and the situation of pastoralist regions. The NFP has also mainstreamed the issue of small arms by incorporating it into its recent poverty reduction strategy paper. The impetus for developing the NFP in this way came both from the government, who wished to increase levels of security, and from civil society organisations, a number of whom are represented on the NFP.¹⁶

The Development of a national action plan

The NFP is currently beginning the process of developing an NAP, similar to that developed in Tanzania, to address the proliferation and misuse of small arms. A national assessment, or “mapping” of the small arms situation in Kenya commenced in June 2003 (see page 49 for details on the mapping process).

Weapons destruction

One of the issues likely to be addressed in this NAP is the importance of conducting weapons destruction programmes, and as a first step towards this, the NFP coordinated the destruction of over 7,000 illicit small arms previously held in government stores. Some of these weapons had been confiscated from criminals and others had been handed over to the police voluntarily. In the first phase of this destruction programme, 1,000 weapons were destroyed in a public ceremony on 16 March 2003. The British High Commission in Kenya donated two gun-shredding machines and UNDP and Friends of the Nairobi Declaration provided technical assistance (see page xx for details on Friends of the Nairobi Declaration). This programme is a very positive sign of the NFP’s willingness and ability to coordinate action on small arms and it is hoped that the development of the NAP will lead to further such activities.

The Nairobi Secretariat

One positive action of the new government in Kenya has been to move the Nairobi Secretariat, which coordinates the actions of the ten member countries of the Nairobi Declaration in relation to the PoA, from the Kenyan Ministry of Foreign Affairs into its own designated offices (see page 47 for more on the Nairobi Declaration and Secretariat). This has created the space for the Secretariat to act more independently, and is a reflection of the political will of the government to move the process forward. Current work undertaken at the Secretariat includes consultations with NFPs across the region and the identification of training needs for law enforcement officials, in cooperation with the EAPCCO.

Community-based policing

The Kenyan Police have identified as a key priority the need to reform and to build trust between police and local communities, as a means by which to enhance individual security, prevent crime and reduce the proliferation of small arms. Saferworld and SRIC, in association with the Kenya Institute of Administration (KIA), have been asked by the Kenyan Police to assist with the development of a pilot community-based policing project in two districts of Kenya. It is hoped that the project will be extended to the rest of the country. Key aspects of the project include developing a national community-based

¹⁶ These organisations include the SRIC, the Africa Peace Forum (APFOR), the Kenyan Coalition Against Landmines (KCAL), the National Council of Churches (NCCK), Norwegian Church Aid (NCA), Saferworld and Oxfam.

policing policy, training and capacity-building of police and civil society organisations, and awareness-raising amongst the public and opinion formers about the project and the changes to policy approaches that it represents.

Learning points

The primary driving force of efforts to stem the proliferation and misuse of small arms in Kenya has been the NFP and there is much that others can learn from Kenya's example when establishing their own coordinating bodies on small arms.

- By adopting a holistic approach to the small arms issue, the NFP has provided a methodology to link efforts to control small arms with that of similar efforts, such as conflict management and peace-building. The creation of a structure that encompasses these various linked issues means that work, for example, on small arms and community-based policing, can be both coordinated and complementary.
- The inclusion of civil society groups within the structure of the NFP means that civil society can engage closely with the work of the NFP and provide guidance, knowledge and resources.

NGO-GOVERNMENT PARTNERSHIP IN EASTERN AFRICA

A crucial element of the progress to implement the PoA in Eastern Africa has been the partnership between government and civil society. In Tanzania, where a NAP is in place, and in Uganda and Kenya, where such plans are currently being developed, civil society organisations have become an integral part of each country's respective NFP. These NFPs comprise government departments and key civil society organisations, and have been the driving force behind the development of NAPs. In Kenya, the Africa Peace Forum, the Kenya Coalition against Landmines (KCAL), Norwegian Church Aid, the National Christian Council of Kenya and SRIC are members of the NFP. In Uganda, there are four civil society groups represented on the NFP: the Centre for Conflict Resolution, Oxfam, People With Disabilities and the Uganda Joint Christian Council. The Mozambique Council of Churches and the Centre for Strategic Studies are represented on the NFP in Mozambique, while in Tanzania, the CEPED represent civil society on the Arms Management and Disarmament Committee (Tanzania's NFP). In each case, civil society groups have played a key role in the development of the NAPs. They have provided a crucial link to local communities and an important source of expertise, knowledge and capacity to assist government bodies.

For more information contact:

For Tanzania – Emmanuel Mallya, mallya@stacot.com

For Kenya – Jan Kamenju, Sric@africaonline.co.ke

For Mozambique – Albino Forquilha, taeccm@isl.co.mz

For Uganda – Richard Mugisha, pwd@imul.com

IMPLEMENTATION IN WEST AFRICA

In a region that has experienced numerous intra-state conflicts in recent years, including those in Liberia, Sierra Leone and Cote d'Ivoire, the proliferation of SALW has posed a significant problem. One estimate suggests that out of the 639 million¹⁷ SALW in circulation globally, around eight million are to be found in West Africa. These weapons originate from a variety of sources, including stockpiles remaining from the Cold War, more recent licit and illicit transfers of weapons, and also a small but nonetheless significant quantity of locally manufactured SALW. The consequences of this have been complex and varied and, in addition to exacerbating conflicts, have included mass displacement, gross human rights abuses, the common use of child soldiers, the militarisation of refugee camps, a rise in armed violence and criminality, and the undermining of the rule of law.

ECOWAS Moratorium

In October 1998, in light of a growing desire to tackle the various problems associated with the proliferation of SALW in West Africa, a Regional Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons in West Africa (Moratorium) was signed in Abuja by the members of ECOWAS, initially for a period of three years. The Moratorium was extended in July 2001 and is now valid until October 2004, providing a valuable regional framework for the implementation of the PoA. The Moratorium is a political act of "confidence-building" and represents a significant example of regional cooperation on an issue that is particularly sensitive. It is not legally binding, but is instead a voluntary agreement whereby signatory states pledge to implement effective measures to tackle the problem of SALW proliferation in the region. It comprises three main core elements:

- The Moratorium Declaration;
- The Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development. This is a UNDP programme designed to provide technical and operational support for the practical development of the Moratorium, which was adopted in 1999; and
- The Code of Conduct, also adopted in 1999, which sets out the details of the Moratorium. Its main components include:
 - Establishing National Commissions in each member state,
 - Setting up structures within ECOWAS to support the Moratorium and to monitor the compliance of member states,
 - Preparation of reports by member states on the ordering or procurement of weapons, components and ammunitions covered by the Moratorium,
 - Development of a regional arms register and database,
 - Harmonisation of legislation,
 - Training of security personnel, and
 - Declaration of weapons and ammunition used for peace-keeping operations.

Implementation of the Moratorium and the UN Programme of Action

The majority of progress that has been made in West Africa in tackling the problem of SALW in general, and in implementing the PoA specifically, can be viewed in the context of the development and implementation of the Moratorium. This is reflected in the processes under way to harmonise legislation in the region, enhance the capacity of border controls and establish efficient national registration and arms control schemes. There has also been an extensive weapons collection and destruction campaign

¹⁷ See Small Arms Survey, 2002.

across the region, resulting in the destruction of around 40,000 SALW. Furthermore, 11 out of the 15 ECOWAS states have established their National Commissions, in accordance with the requirements of the Moratorium, and these offer the potential to act as valuable national coordination agencies and points of contact, in line with the PoA. There are, however, currently some limitations on the effectiveness of a number of these commissions, as they are not yet fully operational.

Factors affecting implementation

There are other factors specific to countries and/or the region that have shaped the context within which the efforts to tackle SALW proliferation have been framed. These include:

- The United Nations Regional Centre for Peace and Disarmament in Africa: In 1999 Togo signed the host-country agreement for this centre. Although the centre was officially inaugurated in 1986, this signing reflected the renewed importance of regional disarmament and provided an impetus for the implementation of the PoA in more recent years. The centre also acts as collection point for information on national holdings of small arms, which it releases to the UN.
- UN embargoes: These were imposed on Liberia and Sierra Leone in 1992 and 1997, respectively. The Liberia arms embargo, designed to curb arms trafficking via Liberia to the Revolutionary United Front (RUF) rebels in Sierra Leone, was further tightened in March 2001. However, there is significant evidence that these embargoes are being broken. One example of this is illustrated in a report for the UN Security Council that revealed details of weapons that had been shipped illegally to Liberia, comprising ammunition, small arms and helicopter spare parts from the Ukraine, Slovakia and Kyrgyzstan, respectively. All of the weapons were sold on the basis of counterfeit documents provided by arms brokers. End-user certificates were falsified to declare that the weapons were intended for another country, in most cases Guinea. In at least one case, a regional ally knowingly provided false cover for illegal arms shipments to Liberia. Allegations have also been made against Burkina Faso for assisting Liberia in breaking the embargoes, both in terms of importing weapons to Liberia and into Sierra Leone. Burkina Faso has also been threatened with international sanctions by the UN Security Council for its involvement in diamonds-for-arms trading with the RUF in Sierra Leone.
- In the Cote d'Ivoire, the continuing conflict has drawn many Liberians into the country to join the fighting. Furthermore the arrival of refugees (and allegedly fighters) at refugee camps in Ghana has heightened tensions (both within the camps and among the local population with regard to the camps' population) and led to raids on the camps in search of SALW. While no SALW have been found during these raids, there is no doubt that they are easily obtainable within the camps.

National implementation

Progress in tackling the problem of the proliferation of SALW and, by extension, in implementing the UN PoA has varied in terms of scope and impact among the different ECOWAS member states. Some of the most valuable recent efforts have included the following:

- As a result of the horrific recent past in Sierra Leone, particular emphasis has been placed on weapons destruction and DDR activities. In 2001, the National Police of Sierra Leone launched an arms collection programme to retrieve illegal arms from the community. By May 2002, the Community Arms Collection and Destruction Programme (CACDP) had collected over 10,000 weapons. In addition, the disarmament and demobilisation of 48,000 ex-combatants was completed in January 2002, with more than 25,000 weapons and 935,00 rounds of ammunition surrendered. The main responsibility for DDR activities rests with the National Commission for

Disarmament, Demobilisation and Reintegration (NCDDR), a commission with cabinet status funded by the World Bank. The success of the work that has been undertaken in Sierra Leone has been attributed to both the police sensitisation programme organised in collaboration with the United Nations Mission in Sierra Leone (UNAMSIL) and the media, which have publicised the programme throughout the country.

- In the N'Guigmi region of Niger, the UNDP and the Programme of Coordination and Assistance on Security and Development (PCASED) launched an awareness-raising project in 2001, which has now progressed to the practical phase of weapons collections. It is hoped that by October 2003, 5,000 weapons will have been exchanged for development assistance.
- Benin and Nigeria have recently engaged in bilateral exercises to train customs officials and border guards.
- In Guinea, the National Commission for the Proliferation and Circulation of Light Weapons has commissioned a Liaison Office at Conakry national airport. The mission of the Liaison Office is to control or intercept illegal weapons fraudulently entering the country.
- Guinea, Liberia and Sierra Leone have focused attention on improving border controls, in an attempt to control the circulation of SALW. In September 2001, the defence and security ministers from the Mano River Union agreed to deploy joint patrols along their borders. The ministers further agreed on the sharing of intelligence on all security concerns.
- Ghana, Liberia, Guinea, Mali, Niger and Senegal have embarked on other initiatives that have focused on training, particularly of the military and police. In August and September 2001 the United Nations Department for Economic and Social Affairs (UNDESA) and PCASED coordinated two "training-of-trainers" workshops in Sierra Leone and Abidjan for military, police and other security forces in the control of small arms in Ghana, Liberia, Guinea, Mali, Niger and Senegal. Guinea has also established a training and awareness programme for its army.

Despite the political significance of the Moratorium and the activities that have taken place across the region to implement the PoA, there is still a substantial amount to be done in the region in order to achieve real progress. Implementation of the PoA and the Moratorium has been varied and even where compliance has occurred, for example, with the establishment of National Commissions, this is often more symbolic than practical. While some states have made a real effort to make progress, for others the internal security situation makes it very difficult to focus on such considerations. Furthermore, the role of ECOWAS and PCASED in supporting efforts has been hampered by a variety of factors, including funding and capacity restrictions. In terms of future considerations, it is clear that there is a fundamental need to establish greater security and stability within the region to facilitate real progress in tackling the problem of proliferation and misuse of small arms.

The role of civil society

The extent of civil society activity within the region has varied from country to country, largely due to the different circumstances within them. However, in May 2002, at a conference in Accra, Ghana, the West Africa Action Network (WAANSA) on Small Arms was established. WAANSA's vision is of a region free from illicit small arms and their misuse. WAANSA aims to coordinate the activities of civil society organisations in a campaign against the illicit proliferation of small arms in the sub-region, and its main objectives are:

- To serve as a forum for the exchanging information, views, experiences and strategies to combat the proliferation of SALW in West Africa;
- To work to reduce demand for SALW in West Africa; and
- To be a source of solidarity among all those who work on small arms issues and may be affected as a result of their work, or who may be victims of small arms.

In addition to WAANSA, there are a number of national organisations working to establish civil society networks. For example the Ghana Action Network on Small Arms and Light Weapons (GHANSA) was established in March 2002, and in Senegal the Mouvement Contre les Armes Légères en Afrique de l'Ouest (Movement to Control Small Arms in West Africa – MALAO) seeks to work with communities in diminishing the circulation and use of small arms in West Africa (see page 55).

LAWS, REGULATIONS AND DESTRUCTION ACTIVITIES IN NIGERIA

General overview

The size, geostrategic location and oil wealth of Nigeria have all contributed to the country becoming a centre of illicit arms flows in West Africa. A general perception of insecurity among a population of over 100 million, almost half the entire population of West Africa, has created a ready market for illicit weapons. Indeed, it is estimated that of the seven million or so SALW that are believed to be in circulation in the region, approximately one million of these are to be found in Nigeria. The country also acts as a bridge to Central Africa and the zones of conflict there and this has led to weapons being smuggled into the region. The sheer size of Nigeria, its dominance in the region and its strategic importance all indicate how crucial it is that the country is able to engage in the development and implementation of initiatives to combat the proliferation of SALW – including the PoA.

The progress Nigeria has made in implementing the PoA should be seen in the context of the ECOWAS Moratorium, to which Nigeria is a signatory. In May 2001, The Federal Government of Nigeria inaugurated the National Committee of ECOWAS. The Committee is made up of officials from the Ministry of Defence, Ministry of Internal Affairs, Defence Industries Corporation of Nigeria (DICON), Nigeria Police, State Security Services, National Intelligence Agency and Nigerian Customs. The National Committee is the agency for dealing with other states on matters relating to the implementation of the PoA, although it was not specifically established for the purpose of PoA liaison.

Review of laws and regulations

In September 2001, following the agreement of the PoA, there was a review of the laws and regulations governing small arms in Nigeria. This review was motivated by the fact that the main legal instrument addressing the production, import, export and transfer of SALW in Nigeria is the *Firearms Act* (1959). This prohibits production, import and export of SALW; however, enforcement of these laws is not always either adequate or effective.

One of the outcomes of the review was a decision that State Commissioners of Police could no longer grant licenses for all categories of firearms. Previously, they were empowered to grant licenses for double-barrelled guns for hunting purposes. Also, in a memo dated 21 September 2001, the President directed the Minister of Justice and the Attorney-General to draft a bill setting out more stringent firearms laws. The President's memo proposed a 10 year jail term, without an option of a financial penalty, for illegal possession of firearms. The proposal also includes a cash reward for information that leads to the arrest and prosecution of anyone in illegal possession of firearms. The need for this review and the establishment of more stringent legislative procedures is encapsulated by the fact that of the 12,000 people arrested in connection with arms trafficking or illegal possession between 1990 and 1999, less than 500 were successfully prosecuted.

Weapons collection and destruction activities

As a direct response to the PoA, Nigeria introduced a policy of destroying all surplus and confiscated weapons. In July 2001, the Federal Government of Nigeria carried out its first destruction of arms and

ammunition seized by security agencies, consisting of 428 rifles, 494 imported pistols, 287 locally made pistols and 48 dane-guns (smooth-bore flintlock guns). The exercise was repeated in July 2002 and is planned again for July 2003.

There had also been some activity in terms of weapons collection activities prior to the PoA. Following its election in 1999, the Delta State government initiated a programme of collecting small arms, whereby cash, vocational training and job opportunities were offered to young people who surrendered their arms. However, the success of this initiative was limited, due to implementation problems. There have also been attempts to collect weapons in the aftermath of Nigeria's numerous ethno-religious conflicts, including the Sharia disturbances of 2000 and 2001, and the conflict between Kuteb and Chamba ethnic groups in Taraba State. No record is available of the number of weapons collected in any of these conflicts.

Learning points

- It is important to strengthen government/civil society partnerships, which are currently still at their embryonic stages. Even though a National Committee on Small Arms was established in 2001, there is, so far, no official civil society membership of this committee.
- Given the previously poor record regarding the prosecution of those arrested in relation to arms trafficking and illegal possession, it is important that the momentum generated by the President's direction to develop more stringent legislation is not lost. There was a history of weapons collection/destruction programmes in Nigeria prior to the UN PoA, although the success of these varied. It is important that the government maintains these initiatives and does not focus only on the symbolic destructions carried out every July in line with the PoA.
- It is important to work to overcome the pervading perception in government that small arms work is the purview of the state security apparatus. Civil society advocacy is yielding slow progress in changing this attitude; however, evidence of progress is borne by the fact that there is now emerging official recognition of the role of civil society.

LAWS, REGULATIONS AND TACKLING ILLICIT POSSESSION IN GHANA

After over a decade of relative peace, Ghana has, in the last five years, experienced a substantial increase in firearms-related violence and criminal activity. Concerns have been raised about the impact that nearby conflicts, especially those in Liberia and Cote d'Ivoire, may have on national stability and on the potential for an influx of weapons. This has stimulated national consciousness of the threat posed to society by the unregulated flow of, and access to, SALW. In response to these concerns, civil society action has developed substantially, and in March 2002, the Ghana Action Network on Small Arms (GHANSA) was established. The purpose of this network is to link up national and regional actors, in order to facilitate the implementation of national, regional and international conventions on SALW.

With regard to the PoA, Ghana's progress must be seen in the context of the current small arms problem in the country and in light of the fact that Ghana is a signatory of the ECOWAS Moratorium. While progress has been made in tackling issues around SALW, much of which satisfies commitments set out in the PoA, this has not necessarily been specifically implemented in direct response to the PoA. However, the fact that Ghana has used the momentum created by the PoA to continue and expand its SALW control initiatives, particularly in relation to tackling the illegal possession of weapons and the legislative review that is under way, provides an interesting example of a country in the region that is determined to continue to make progress in tackling SALW issues.

Laws, regulations and administrative procedures

Since the 2001 UN Small Arms Conference, a decision was taken to review the existing laws, regulations and administrative procedures in place designed to control the possession of and trafficking in SALW. In January 2003, the President of Ghana announced that a new draft law on small arms had been presented to the parliament to study. The reason for this was that the existing laws were drafted in 1962 and are simply not adequate to deal with the current situation or to reflect the commitments outlined in the PoA. Nor do they have the capacity to tackle such issues as the transfer of SALW, as such instances were not common problems 30 years ago. The outcome of this review is as yet unknown.

Ghana has been somewhat slow in tackling issues of licensing, retransfer and end-use certification, which are specific concerns highlighted in the PoA. The National Firearms Vocational Licensing Authority is charged with authenticating end use certificates and the Criminal Investigation Department (CID) of the police service works with the Interior Ministry in issuing licenses to small arms dealers. While the issue of end-user certificates is not so pertinent in Ghana's case, the issue of licensing and retransfer is of great significance in relation to attempts to monitor the possession of SALW more effectively. It is hoped that the new draft law may help strengthen action in this area, as well as standards and procedures for managing stockpile security and the activities of arms brokers.

In accordance with the PoA, Ghana does have an agency – the National Firearms Vocational Licensing Authority – which is responsible for the monitoring of the proliferation, trading and licensing of small arms in the country, although it existed prior to 2001. It also coordinates with neighbouring countries on matters of SALW. However there are problems of non-adherence to established procedures for the importation, storage, supervision and distribution of arms and ammunition, as well as the possession of unregistered arms. In fact, one of the major sources of small arms in Ghana is from state armouries, which are not well secured. Further support, in terms of policy guidance, research and monitoring arms control, is offered by the regional Programme for Coordination and Assistance for Security and Development, which was established as a follow-up to the ECOWAS Moratorium. The National Commission on the Proliferation of Small Arms, which was formally constituted in November 2002, acts as a liaison agency to coordinate activities with other states. Again, this was set up as a follow-up to the Moratorium.

Tackling illegal production and possession

One of the major problems affecting the issue of SALW availability in Ghana is related to their manufacture by blacksmiths, in direct contravention of the ECOWAS Moratorium. While leakages from state armouries and the distribution of weapons during previous regimes have had an impact on the volume of weapons in circulation, a significant source currently results from the activities of blacksmiths. There have been warnings issued by the police Public Relations Directorate warning against the illegal production and possession of arms, but this seems to have had little impact. Recommendations to identify and monitor all blacksmiths within the country have been put forward, but as yet little concrete action has been taken. Instead, attention appears to have been concentrated more on tackling illegal possession of arms rather than their production.

Much of the progress made by Ghana in tackling illegal possession began prior to the 2001 UN Small Arms Conference. However the Conference added further impetus to these efforts. Since January 2001, Ghana has been very active in its attempt to prevent illicit possession of small arms. A joint police-military operation, which was instituted in 2001 to control the circulation of illicit weapons, is ongoing. In February 2001, the Ghanaian government announced a two-week moratorium for all those who were in possession of unlicensed weapons, encouraging them to surrender them to the police. The operation to

retrieve the weapons was code named, “Operation Etuo Ye Soum”, which translated literally means “inside the barrel of the gun is dark”. Efforts are also being made to streamline the activities of the National Firearms Registration Centre to improve the effective monitoring of illegal arms flows.

Learning points

- The government is aware that a large proportion of the crime within the country is committed by owners of unlicensed weapons, but the police are not well enough equipped to monitor and control the illicit transfer of arms. As a result, the police rely on tip-offs from the public. Securing state armouries to prevent leakages of weapons would be a valuable first step in attempting to curb the proliferation of unlicensed weapons in Ghana.
- While it is illegal to produce weapons in Ghana without a license, it is well known that there is a thriving local manufacturing market, largely dominated by blacksmiths. As well as developing efforts to prevent illicit weapons entering the country, it is also important for the authorities to take steps to tackle local unlicensed production.
- The main actors working on moving the small arms issue forward in Ghana are often civil society organisations. The government, especially the Ministries of Defence, Justice and the Interior, have been responsive to the calls to control the arms problem and have attended various meetings held by NGOs. However, this link between government and civil society needs to be strengthened to increase the effectiveness of activities undertaken.

ACTION BY THE FOUNDATION FOR SECURITY AND DEVELOPMENT IN GHANA

The Foundation for Security and Development (FOSDA) has been lobbying the Ghanaian government to put in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and local production of SALW in the country. In 2001, they presented a report on Small Arms Trade Routes, Local Manufacturing and the Sale of Small Arms in Ghana to the Ministry of Defense and Justice to assist in the development of the national security policy.

For more information contact Afi Yakubu or Dr Kwesi Aning, fosad_africa@yahoo.com

3.2.2. THE AMERICAS

OVERVIEW OF THE PROGRESS IN THE AMERICAS

The Americas is the only continent to have significant land masses in both the Southern and Northern hemispheres. There are also significant economic and structural extremes between the wealthy Anglo-Saxon/Francophone north and the largely Latin south. SALW problems partially mirror this north/south division and are also strongly related to the problem of the illegal trafficking of narcotics. The regional institution that has the principal role in dealing with SALW issues across the entire region is the Organisation of American States (OAS); however, there are also a number of sub-regional organisations including the Central American Economic Integration System (SIECA), the North American Free Trade Association (NAFTA), the South American Common Market (MERCOSUR) and the Caribbean Community (CARICOM). The OAS region was the first in the world to develop a legally binding instrument to fight

illicit arms trafficking, with the adoption of the *Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, also referred to by its Spanish acronym CIFTA, in 1997. Additionally, the Inter-American Drug Abuse Control Commission (CICAD), an OAS entity, adopted the *Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition* in 1998, which constituted a voluntary set of guidelines designed to assist OAS member states to implement CIFTA. Both mechanisms, particularly CIFTA, were important in the development of the UN Firearms Protocol and as a point of reference in the PoA.

OAS

In 2002, a coalition of like-minded OAS member states and NGOs led by Canada, Brazil and Costa Rica promoted the development of an Inter-American framework with the aim of preventing legal transfers of small arms to countries known to systematically abuse human rights. The language that was used to formulate such a framework was taken from the OSCE Document on Small Arms (see page 81), based on the assumption that the US and Canada were both signatories and would not oppose similar moves within the OAS context. However, the OSCE Document on Small Arms was signed prior to 11 September 2001, and the current US administration is generally more hostile towards multilateral arms control agreements than its predecessor.

CIFTA

CIFTA is a legally binding instrument that covers a variety of issues, which are also covered by the PoA, including articles on marking of firearms; confiscation; stockpile security; export, import and transit licenses; strengthening of controls at export points; record-keeping; information exchange; cooperation; training; and technical and mutual legal assistance, among others.

Articles XX and XXI of CIFTA call for the establishment of a Consultative Committee to oversee its ratification and implementation, as well as the following:

- Promoting information exchange;
- Facilitating information exchange on domestic legislation and administrative procedures;
- Encouraging cooperation between national authorities;
- Promoting training, technical assistance and knowledge exchange; and
- Promoting measures to facilitate application of the Convention.

Official CIFTA questionnaire

One of the key tools for documenting the implementation of CIFTA and other related matters is an official questionnaire that has been distributed to all member states. As of May 2003, 17 of 34 member states had replied to and deposited their questionnaire with the Consultative Committee. Official analysis of the questionnaires, which also gives a good indication of the implementation of the PoA, has pointed out that general progress has been made at the national level in the promulgation of laws that regulate the confiscation of firearms, as well as the adoption of national laws that deal with the security of firearms being transferred for import, export or transit. Areas identified where serious work is required to move toward fuller implementation of CIFTA and the PoA include:

- Delivery notification to exporting states;
- Bi-lateral cooperation on issues of illicit firearms trafficking;
- Marking at point of manufacture, export and import;
- Information exchange on authorised producers, dealers, importers and, whenever possible, carriers;
- Information exchange on routes of illicit trafficking;

- Information exchange on legislative practices; and
- Techniques to combat money laundering.

Only nine member states have identified national points of contact to promote cooperation and information exchange and just seven have identified NPCs for facilitating legal mutual assistance, required by Articles XIV and XVII of CIFTA respectively. This number can be compared with 16 national points of contact identified for the implementation of the PoA in the Americas.

The complementary CIFTA Cooperation Programme Proposal contains many of the elements mentioned above; however, two new elements deserve special attention:

1. Preparation of Model Legislation to Facilitate Full Implementation of the Convention: The Consultative Committee is proposing to draft additional model legislation to address areas not covered by CICAD's Model Regulations. Subjects identified for new draft model legislation include marking of firearms; record-keeping to trace illicitly manufactured firearms; confidentiality; information exchange on means, routes and techniques used in illicit trafficking; multilateral cooperation; and techniques for "controlled delivery".
2. Incorporation of pertinent aspects of the Hemispheric Plan of Action in the area of mutual legal and judicial cooperation in fighting transnational organised crime and terrorism: An information exchange network was created by the Ministers of Justice and Attorneys-General of the Americas in March 2002 in Trinidad and Tobago that deals with issues of organised crime and terrorism and also includes useful information concerning other areas related to mutual legal assistance in criminal matters. CIFTA has prioritised developing links to this structure as way of strengthening the implementation of convention articles relevant to mutual legal cooperation.

CICAD

CICAD, via its responsibility for coordinating action on the adoption by OAS member states of *Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition*, adopted by the OAS in 1998, serves as a useful tool for implementing commitments contained in the PoA. These voluntary regulations are designed to help countries implement a number of provisions of CIFTA through the establishment of a system of controls over import, export and transshipment.

CICAD has a staff based at the OAS General Secretariat that provides it with continuity and the ability to implement more operational activities. For this reason, CICAD has been more successful in identifying National Points of Contact on the importation and exportation of firearms and ammunition than CIFTA. CICAD has detailed contact information for virtually all OAS member states in North America, Central America and the Caribbean.¹⁸

IMPLEMENTATION IN NORTH AMERICA

While the United States defends the rights of its citizens to arm themselves and is wary of implementing controls that may impact upon this freedom, Canada has taken a leading role in tackling issues relating to SALW proliferation and misuse, and in particular has been supporting a ban on the transfer of military weapons to non-state actors. Canada has also maintained a close link with the EU through the EU-Canada Working Group on Small Arms and continues to share the principles outlined in the EU Code of Conduct, agreed in December 1998. The differing nature of controls has led to instances of smuggling

¹⁸ The authors of this report have been unable to determine why OAS member states' contact information for South America is not included in this database.

Table 5 National Implementation
in the Americas

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Antigua and Barbuda		Y														
Argentina		Y	Y		•	•	•	Y					Y		•	•
Barbados		Y											Y			
Belize			Y		•	•	•						Y	•		
Bolivia			Y		•	•	•						Y	•		
Brazil		Y	Y	•	•	•	•						Y	•	•	•
Canada	Y	Y	Y		•	•	•						Y	•		
Chile		Y	Y		•	•							Y	•	•	•
Colombia		Y	Y	•	•	•							Y	•	•	•
Costa Rica		Y	Y		•	•							Y	•	•	•
Ecuador		Y	Y		•	•							Y	•	•	
El Salvador			Y		•	•							Y	•		
Guatemala			Y		•	•							Y	•		
Guyana													Y	•		
Honduras			Y		•	•							Y	•		
Jamaica		Y	Y	•	•	•	•						Y	•	•	
Mexico	Y	Y	Y	•	•	•	•						Y	•	•	
Nicaragua			Y		•	•							Y	•		
Panama			Y			•										
Paraguay	Y	Y	Y	•	•	•							Y	•	•	•
Peru		Y	Y		•	•							Y	•	•	
Saint Kitts and Nevis		Y														
Trinidad and Tobago			Y		•	•	•						Y	•	•	
United States of America	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	
Uruguay			Y		•	•	•						(2)			
Venezuela		Y	Y			•							Y	•	•	•

KEY:
 Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfers

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected

DDR = Disarmament,
 demobilisation,
 reintegration
 WWCP = Voluntary weapons
 collection program
 F = Financial
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance			
	T	Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other	Provision		Receipt			
						S	C			F	T	F	T		
	•			Y		•		Y		WWCP	Y				
	•	Y	•					Y		amnesty					
	•			Y		•					Y				
											Y	•	•		
	•	Y		Y		•		Y		WWCP					
	•	Y		Y							Y				
	•	Y									Y				
	•			Y											
	•			Y		•									
		Y		Y		•		•	Y	WWCP	Y	•			
	•								Y	WWCP					
	•	Y		•	(1)						(1)				
	•			Y		•					Y			•	
	•	Y													
	•	Y	•	•	Y	•	•		Y	buy-backs, other	Y	•	•		
									Y	amnesty					
	•		•												

(1) Assistance requested
 (2) Updated

across the Canadian border, which has been a cause of concern. However, in addition to accepting the UN PoA, both countries have signed up to a range of international initiatives and commitments, including the Wassenaar Agreement, and both are members of the OSCE, which has developed its *Document on Small Arms and Light Weapons*, outlining norms, principles and measures to be followed by member states. It is hoped that compliance with these commitments, combined with growing pressure to take action after various tragedies involving weapons in the US, will result in more stringent controls and effective implementation,

LEGISLATIVE REVIEWS, EXPORT CONTROLS AND DESTRUCTION PROGRAMMES IN THE USA

It is estimated that in the United States there are 200 million firearms among a population of 260 million people. Around 500,000 firearms are stolen a year, which, by definition, enter the illegal market, and there is evidence that the leakage from legal to illegal markets is the principal source of firearms in domestic criminal activity. In addition, there is also a significant problem with the diversion from legal domestic American markets to illicit markets in Canada, the Caribbean and parts of Latin America, amongst others. In the wake of the 2001 UN Small Arms Conference, the US has undertaken a systematic review of its assistance programmes, laws related to SALW and their enforcement. However, the PoA has not resulted in new legislation or the development of new policies, as those that predate the PoA largely comply with the agreement. Since the adoption of the PoA, the US has continued to strengthen its destruction programmes and has structured technical and financial assistance for programmes related to SALW. Despite the problems that have been linked to the widespread domestic ownership of weapons, the US has done little since the PoA to review the internal situation, preferring to focus its attention on more international areas, such as end-use monitoring and support for international destruction programmes. It is also important to note that the US adopts a much narrower definition of SALW, using the term to refer exclusively to military weapons.

Review of existing legislation and initiatives

The US position on small arms has not undergone any dramatic changes since the 2001 UN Small Arms Conference. The US maintains some of the leading international standards and norms concerning arms exports (the *Arms Export Control Act*), end-use monitoring (the Blue Lantern and Golden Sentry programmes), and arms brokering (the 1996 *Amendment to the Arms Export Control Act*). The US has developed a matrix, *United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, that highlights all US government action on small arms and how it fits into implementation of the PoA. This matrix has allowed the US to identify its strengths and areas of expertise, as well as its shortcomings, in implementation of the PoA. Moreover, since 2001, the US has reviewed its assistance programmes, laws and law enforcement related to SALW. In addition, the US has established a Point of Contact within the executive branch to act as a liaison for US government action in the multilateral arena.

This review following the PoA has enhanced existing initiatives and resulted in a new *Security Assistance Act* of 2003, which relates to small arms and provides for:

- The Congressional notification of export license approvals for firearms, controlled by the US Munitions List (USML), of \$1,000,000 or more;
- A report on end-use monitoring;
- An annual report on arms brokering;
- An annual report of investigations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on US-source weapons used in terrorist acts and international crime;
- An annual military assistance report on firearms controlled under the USML; and

- A statement of the aggregate dollar value and quantity of semi-automatic assault rifles that were licensed for export.

Despite this review, there are still considerable weaknesses, particularly with regard to domestic legislation. There is no single policy domestically, and some states have very permissive laws that make it easy to obtain permits to carry concealed handguns and where controls on rifles and shotguns are limited. In addition to this, while most states make checks on initial sales, there are no controls on sales between individuals, and gun shows are unregulated because the sales are by individuals. The US is also one of the few industrialised countries that does not require that firearms are stored, unloaded, in a secure container separate from ammunition.

Export controls, marking and tracing

In light of the 2001 UN Small Arms Conference, the US has focused more on existing export controls and law enforcement programmes relating to SALW issues. However, most of the steps taken to ensure that SALW exports are safely and securely transferred as well as appropriately marked predate the PoA. All licensed importers and manufacturers are required to mark each firearm manufactured in or imported into the US with a serial number, the make, model and calibre or gauge of the firearm, and the name, city and state or foreign country of the manufacturer or importer. Confiscated firearms retained for official use are marked at the time of confiscation, if not already marked. Only “craft manufacture”, for use by hobbyists and not for any commercial sale, is exempt from regulations on marking and licensed manufacture.

Since 1968, there has been a federal law that prohibits the sale, manufacture and transfer of unmarked firearms by those licensed to engage in the business of importing, manufacturing or dealing in firearms, and evasion of marking and manufacturing laws and regulations is a criminal offence in the US. US legislation has, prior to the PoA, also attempted to ensure that arms exports are transferred to the appropriate end-user. The US has the Blue Lantern Program (State Department) and Golden Sentry programme (Department of Defense) to monitor end-use of defence articles. The Blue Lantern programme conducts end-user and pre-license checks on commercial SALW transfers. The Golden Sentry programme performs checks on military-to-military arms transfers. In addition, in the US, all retransfers are subject to the scrutiny of the US defence licensing authorisation process and all US defence exports are subject to retransfer approval. In the case of commercial sales, the license must indicate the ultimate end-use country. Moreover, by law, all US exporters and brokers of commodities covered by the USML must register with the Office of Defense Trade Controls and submit each transaction for government licensing approval. All US citizens, in the US or overseas, and foreign nationals operating within the US are subject to US brokering law.

Destruction programmes

Since the 2001 UN Small Arms Conference, the US has increased the funding available for SALW destruction. In 2003, Congress authorised a budget of up to \$10 million for the destruction of SALW and other munitions. Nationally, weapons that are not identified as meeting other requirements during screening are sent to destruction sites. US military weapons that have come to the end of their usable life cycle are destroyed. The preferred method of disposal within the US is by melting at the US Army Rock Island Arsenal.

Internationally, the US has assisted with technical and financial assistance in 11 destruction programs in ten countries at a total cost of \$5.25 million and destroyed 290,253 SALW and 7,727,556 pieces of ammunition. The preferred method of destruction overseas under US -funded SALW destruction programmes is torch cutting. Shearing, crushing, deep water dumping or melting may be used when

they are deemed more cost effective and/or practicable and are authorised by the appropriate authority. The US began these destruction programmes in early 2000 to assist countries in destroying at-risk weapons stocks. However, more programmes have been initiated since the 2001 UN Small Arms Conference, assisted by the international momentum generated by the Conference.

The Department of Defence Re-utilization and Marketing Office (DRMO) accounts for destroyed SALW through an electronic database. Other surplus designated weapons are given away through the Excess Defence Articles (EDA) programme, others are provided through grants, and some are sold through government-to-government sales. Weapons seized in crimes, depending on jurisdiction, may be destroyed or securely stored pending legal action. Illicit weapons seized or confiscated by law enforcement authorities, subject to their use as evidence in criminal prosecutions, are frequently destroyed, though there is no national policy.

Learning points

- Recent experiences have demonstrated the importance of assistance for SALW destruction programmes of maintaining and developing capabilities for training in stockpile management and security.
- A further aim is to be able to facilitate more timely and complete reporting on US exports and imports and to report not just export authorisations but actual transfers. As part of this process, the US is implementing the Automated Export System (AES).
- Additionally, the US has recognised the need to work multilaterally and bilaterally to ensure the adoption of effective regulations governing arms exports and imports and controls over arms brokers, as well as seeking more effective implementation and enforcement of these laws, regulations and procedures.
- While the US has undertaken a systematic review of legislation, it is clear that there is a need to focus too on the domestic situation with regard to minimising the diversion of legally owned weapons to illicit markets, both internally and internationally.

COALITION TO STOP GUN VIOLENCE IN THE USA

The Coalition to Stop Gun Violence (CSGV) is an alliance of 44 civic, professional and religious organisations and 100,000 individual members, engaged in a comprehensive campaign to reduce firearm death and injuries by closing illegal gun markets, improving America's national gun laws and strengthening law enforcement's capacity to prevent gun violence. This includes closing the gun-show loophole, criminal background checks for all gun sales, and handgun licensing and registration. It also includes increasing resources available to law enforcement agencies to stop illegal gun sales by irresponsible dealers and manufacturers and to trace crime guns through polices such as ballistic fingerprinting.

The CSGV engages in a vigorous and strategic programme of lobbying the US Congress and state legislatures to adequately address the menace of small arms. The Educational Fund to End Handgun Violence (EFEHV) distributes research on handgun violence, firearms marketing and production, and firearms design. The CSGV has launched educational media, public awareness and youth campaigns in the states of Virginia, Maryland, California and Wisconsin.

For more information contact Michael Beard, mikebeard@aol.com, www.csgv.org

IMPLEMENTATION IN LATIN AMERICA AND THE CARIBBEAN

Overview

SALW play a significant role in Latin America, both in terms of their role in internal warfare and as a contributing factor in the increasing pattern of armed criminal violence. Civil wars and military dictatorships over a number of years have encouraged the development of a culture of violence, which has led to a situation where SALW circulate through all levels of society. Traditionally, the military and police were the primary groups using SALW. However, now many non-state actors such as guerrilla groups, drug cartels, private militia forces and criminal gangs also possess SALW. These developments have contributed to the establishment of private security companies and the acquisition of SALW for self-defence by individuals. The increasing presence of drug traffickers in the region has in many cases intimately interlinked the illegal trade of SALW with the business of narcotics smuggling.

The Regional Disarmament Centre for Latin America and the Caribbean has played a leading role in the region both prior to and following the adoption of the PoA. Practical actions that support the implementation of the PoA (and simultaneously CIFTA) include the 2003 Lima Challenge for Arms Destruction and Stockpile Management. UNLiREC has obtained financial and technical assistance for supporting activities by national and local governments, as well as NGOs seeking to destroy confiscated, collected or surplus small arms. In July and August 2002, UNLiREC participated in destruction events in Rio de Janeiro, Brazil, and in Mendoza, Argentina, and initiated dialogue with Paraguayan government authorities. UNLiREC's assistance has also resulted in a project to improve government weapons storage facilities in the province of Mendoza, Argentina. UNLiREC and the UNDP's Bureau for Crisis Prevention and Recovery (BCPR) are currently discussing how they can develop coordination for future weapons collection and destruction activities in Latin America.

In addition, UNLiREC and CICAD have continued their collaboration through the development of electronic databases for keeping records of firearms, the control of international transfers for individual countries, and a secure web-based electronic information system among OAS countries.

UNLiREC is also involved in a parliamentary exchange on SALW between Central American and European MPs involved in activities related to the implementation of small arms controls. In terms of civil society engagement, UNLiREC is facilitating a project intended to develop the capacity of NGOs across the region in how to better engage on small arms issues.

IMPLEMENTATION IN THE CARIBBEAN COMMUNITY (CARICOM)

Most Caribbean states view the problems of SALW as something closely interlinked with the trafficking of drugs and other contraband goods. Criminal organisations involved in drug trafficking use SALW to conduct their illegal activities, and in recent years it is clear that security has been compromised by the activities of heavily armed criminal groups and a growing organised crime sector, which has significant links to narcotics smuggling.

CARICOM, the primary sub-regional organisation in the Caribbean, which has 15 members and 15 affiliates, is addressing the issue of illegal firearms as a joint security concern. However, the primary context of arms control is dealt with in relation to drug trafficking, and the organisation lacks a clear sub-regional programme for implementing the PoA. However, there have been some positive activities at the national level following the 2001 UN Small Arms Conference:

- Barbados established an anti-gun enforcement unit in July 2002.
- In Trinidad and Tobago in March 2002, the Ministers of Justice and Attorneys-General of the

Americas created an information network that deals with issues of organised crime, terrorism and mutual legal assistance in criminal matters.

- Haiti has undertaken training of its National Police, and the UNDP and partners aim to develop a programme to strengthen small arms control mechanisms in the country.
- Trinidad and Tobago have prioritised record-keeping, tracing and control of firearms. Regular legislative assessments and reviews are currently being undertaken in order to strengthen measures targeting the illicit trafficking of small arms.

The role of civil society

With the notable exception of the Women's Institute for Alternative Development (WINAD) in Trinidad, NGO engagement on SALW in the Caribbean is limited. WINAD is really the only NGO in the Caribbean that is actively involved on SALW. In March 2002, WINAD organised and hosted a national meeting for civil society and government security agencies on the illicit use of small arms. The lack of a regional small arms dialogue led to the establishment of a steering group that will take forward regional meetings in future in order to push SALW further up the political agenda. WINAD also co-hosted a regional meeting with the Caribbean Association for Feminist Research (CAFRA), which brought together NGOs from Grenada, Guyana, Haiti, Jamaica, Bahamas and the Dominican Republic in October 2002 to develop a Caribbean women's position on the illegal use of small arms in the region.

IMPLEMENTATION IN THE MERCOSUR REGION

Within the MERCOSUR region (Argentina, Brazil, Paraguay and Uruguay, plus associate members Bolivia and Chile) there is significant firearms production capacity for both military and civilian markets (in Brazil and Argentina) and a large black market (operating primarily out of Paraguay). Armed conflict is not a significant factor in the sub-region; rather, armed violence manifests itself in urban and youth crime and rural land conflicts and has recently become increasingly prevalent in violence resulting from the collapse of the financial systems in several MERCOSUR states.

Security Information System (SISME)

States within the MERCOSUR region have designed a joint mechanism to exchange information on SALW, and have also developed a Security Information System (SISME) that would act as a register for information on firearms, explosives and other related materials. However to date, neither the mechanism nor the SISME is operational. The aim is to produce the following:

- Register(s) of individuals and legal entities that buy, sell, exchange, import, export and distribute firearms;
- Register(s) of ports of shipment and importation, including intermediary points; and
- National registers of individual and institutional firearms owners.

National implementation

There have been several very positive steps taken by states in the region, including the following:

- Uruguay has reformed its national legislation on firearms following the 2001 UN Small Arms Conference.
- In early September 2002, discussions were initiated within the national legislature in Argentina on proposals to control illegal production and sales and on implementing a national weapons collection programme.

- Argentina has established a national arms register that maintains a website in English and Spanish,¹⁹ which is probably the most comprehensive information resource provided to the public in the region regarding national arms laws, registered weapons (including police and private security holdings) categorised nationally and by province (excluding military holdings), dealers, firing ranges, imports and exports.
- In September 2002, in Buenos Aires, more than 3,000 firearms were destroyed in a public ceremony.
- Since the 2001 UN Small Arms Conference, the Paraguayan government has become more active in multilateral discussions and openly recognises the manifestation of the SALW problem in the country. It has requested assistance in obtaining resources for surplus and confiscated weapons destruction from UNLiREC
- Bolivia has also requested assistance from UNLiREC to enhance stockpile management.

The role of civil society

Following the 2001 UN Small Arms Conference, Viva Rio, the most active NGO in the region, supported the creation of a network of NGOs in MERCOSUR and the production of an online journal on arms control and disarmament issues in Spanish and Portuguese. The Argentinean NGO Espacios para el Progreso has helped with the implementation of various components of the PoA at the sub-national level in the province of Mendoza, where legal reform, public-awareness-raising, weapons collection and destruction, and improvements to stockpile management have taken place, despite the national political and economic crisis.

MARKING AND STOCKPILING, TRANSPARENCY AND COOPERATION IN BRAZIL

General overview

In Brazil, the problems of SALW are manifested in patterns of rising general crime and extra-judicial crime linked to drug and arms trafficking and smuggling. The diversion of SALW to criminal gangs, traffickers, private militias and other non-state actors that engage in extortion, kidnapping and drug trafficking (often operating from the slums) are serious threats to civilian security. Efforts to ensure safe stockpiling and adequate marking of SALW to prevent the diffusion of these weapons to the illegal markets have proved to be a particular challenge in the implementation of the PoA.

Marking and stockpiling

Brazil is the second largest firearms producing country in the Americas and produces several types of machine guns and sub-machine guns for both domestic use and export. National legislation in Brazil states that licensed manufacturers in Brazil are required to mark SALW. Each weapon, regardless of size, type and kind, should be marked with a serial number and the name of the country and the manufacturing company. This regulation existed prior to the PoA and has not been reviewed since the 2001 UN Conference on Small Arms. The possession of unmarked or inadequately marked weapons is not an issue that is specifically addressed in legislation; however, the illegal possession of any firearm is punishable under the National Penal Code. Brazil has not adopted any specific measures in line with the PoA to prevent the manufacture of unmarked or inadequately marked SALW. In terms of stockpiling, the Brazilian state has not introduced any effective mechanisms for safe management of stocks and therefore there is a real risk of SALW being diffused into illicit ownership. Similarly, there are no standards regarding stock management and security, which reinforces the risk of diffused SALW. Seized and

¹⁹ <http://www.renar.gov.ar>.

collected firearms are sent to the military police in the relevant state, where they are dealt with accordingly to laws that vary from state to state. The process is similar for reviewing stocks. The military authority in each state is responsible for determining what to do with seized and stockpiled weapons, for example, whether or not they should be destroyed or incorporated into existing military inventories. The weapons stocks are controlled by a combination of police and the military, and generally there is very little public access to information regarding stocks. Recent attempts have been made to improve transparency and openness through a collaboration between a Brazilian NGO, Viva Rio, and the Rio de Janeiro State Legislative Division of Arms and Explosives (DFAE).

Transparency and information exchange

In line with the requirements of the PoA, Brazil has made public all the legislation and administrative procedures regarding firearms issues. Beyond publication in the *Official Magazine*, legislation in Brazil is accessible on the Internet. The Presidency of the Republic maintains an interactive website (<http://www.planalto.gov.br>) that can be searched for relevant documentation. However, transparency and information exchange at the regional level is still relatively weak. There have been very few efforts to exchange information and resources on SALW, and Brazil's system of reporting information to international and regional organisations on SALW confiscation, destruction, stockpiling, illegal trading and exporting is weak. SISME, the MERCOSUR integrated system of information, is not yet operational. On the international level, Brazil has since the 2001 UN Conference on Small Arms aligned itself with the governments of Canada and Costa Rica to push forward an agreement that prevents arms transfers to countries that systematically abuse human rights.

State-NGO cooperation

Brazil is an example of a country where the government and civil society work closely on SALW issues and on the implementation of the PoA. Viva Rio, in cooperation with the government in Rio de Janeiro State, has successfully influenced national and international small arms policies, which suggests that the most effective small arms control actions can emerge from the sub-national level. Over recent years, civil society groups, including Viva Rio, have been involved in:

- A campaign that produced more than one million signatures in support of a law prohibiting civilian firearms possession;
- Stimulating discussion in the Supreme Court on state and national laws prohibiting civilian possession of firearms;
- Securing the release of information regarding 100,000 confiscated firearms held in Rio de Janeiro police warehouses;
- The destruction of tens of thousand of weapons, and;
- A detailed research project that identified the sources of most guns used in crime in Rio de Janeiro and later linked the principal problem to Brazilian guns exported to Paraguay and then reintroduced illicitly to Rio.

Research and lobbying have brought about an embargo on all weapons exports from Brazil to Paraguay – a move reciprocated by the US.

Learning points

- The crucial role that civil society in Brazil has played in bridging the gap between the state and local communities has contributed significantly to the development of several innovative and sustainable initiatives.

- Due to a lack of transparency and, consequently, bad reporting – particularly at the regional level – the efforts of government and government-civil society partnerships in Brazil are not always recognised. Enhanced transparency is important in order to be able to fully assess the impact of these and future efforts.

VIVA RIO IN BRAZIL

Viva Rio campaigns to reform permissive and inefficient legislation on arms controls, seeking to end the civilian use of firearms in Brazil. It also aims to put pressure on the Brazilian Congress to combat the strong influence and well-funded lobbying of the gun industry, so that the ban on civil use of firearms can pass at the national level.

For more information contact Antonio Rangel Bandeira, rangel@vivario.org.br, www.vivario.org.br or www.desarme.org

IMPLEMENTATION IN CENTRAL AMERICA

In Central America, illicit small arms trafficking – often involving weapons that remained following the end of civil wars that have taken place across the region in recent years – is closely linked with narcotics trafficking. Poorly paid customs and public security officials foster corruption that enables the illegal trade in small arms to flourish, facilitating the growth in gangs, which pose a threat to the security of citizens across the region. In response to the inadequate provision of public security by police authorities, the private security industry is growing, fuelling demand for legal firearms. Concurrently, due to lax controls and legal frameworks, private security weapons are often diverted to illegal markets or misused by off-duty security agents.

The Central American Integration System (SICA)

SICA is the Central-American inter-governmental body responsible for integration within the region on political and judicial matters. The *Framework Treaty for Democratic Security in Central America* (Framework Treaty) and the *Central American Project on Illicit Trafficking of SALW* (Central American Project) – which is still under development – fall under its jurisdiction.

The implementation of the Framework Treaty has proceeded slowly, due to the absence of effective operative procedures. However, the Central American Project, which includes calls for the modernisation of existing legislation and the creation of national SALW commissions, potentially strengthens certain aspects of the Framework Treaty. The amendments to legislation related to SALW in the Americas since the 2001 UN Small Arms Conference reflect national legislative and political dynamics and implementation of CIFTA rather than a conscious effort to comply with the PoA. Due to the legal commitments in CIFTA, the agreement has, unlike the PoA, been a priority for the national governments.

Follow-up to the 2001 UN Small Arms Conference has included the development of a matrix that outlines the commitments contained in the different OAS and UN agreements, assigns them to the relevant parties and categorises them as either national or regional responsibilities. SICA's Security Commission has adopted this matrix as part of its policy.

In addition to the activities of national governments and NGOs, several international organisations have

been active in implementing small arms control in the sub-region, including the UNDP, the Inter-American Defence Board (IADB) and SICA.

Activities since the agreement of the PoA include the following:

- The UNDP recently expanded its work on strengthening small arms control mechanisms in El Salvador. It is also developing a project for security sector reform and small arms control in Honduras, with the possibility of further expansion to Guatemala and Nicaragua.
- As of 1 July 2003, the UNDP will have established a regional office for strengthening small arms control within Central America, based in El Salvador, to support the existing country programmes and to promote sub-regional cooperation.
- Guatemala ratified CIFTA in 2003, which leaves Honduras as the only country in Central America that has not ratified the Convention.
- The UNDP and the National Secretariat of Security in Honduras have begun to destroy weapons in public ceremonies and to build public awareness through various campaigns.
- In March 2003, the governments of Costa Rica and Panama met with several NGO members of IANSA to discuss bilateral cooperation, information exchange and greater harmonisation of national legislation.
- In May 2003, Central American and European parliamentarians met in Panama City to discuss the implementation of the PoA. In a positive development, the Panamanian legislature is moving toward making illegal weapons possession a criminal rather than civil matter.

The role of civil society

Central America has one of the most vibrant and active NGO communities participating in IANSA. The Arias Foundation for Peace and Human Progress, based in Costa Rica, has been involved with security and demilitarisation issues for more than a decade. Since the establishment of IANSA in 1999, new NGOs have engaged with the small arms issue in Guatemala, Honduras, Nicaragua, El Salvador and Panama. At present, the Arias Foundation is leading a project to develop the capacity of Central American NGOs on small arms issues, while the sub-regional IANSA network for Central America, which also includes the Arias Foundation, has completed a comparative study of Central American arms legislation and the relationship between arms and gender.

WEAPONS COLLECTION, STOCKPILE MANAGEMENT AND TRANSPARENCY IN MEXICO

Mexico's geopolitical location, between North America and the rest of Latin America and the Caribbean, has made it vulnerable to becoming a transit point for weapons in the region. The disparity between Mexican and US State and Federal law facilitates the movement of illicit weapons from the US to South America. It is estimated that 80 per cent of illegal firearms found in the country originated in the US. In recent years, the illegal proliferation of SALW has increased, contributing to the incidence of crimes such as robbery and kidnapping. Current concerns reflect the fact that violence related to firearms mostly occurs in urban areas and is often linked to other types of criminal activities, particularly those related to narcotics. In rural areas, armed violence is often related to inter-community conflict and forms part of a traditional way of protecting economic property, following disputes over resources such as land and water. The damage caused by the proliferation of SALW has led to renewed efforts to control their circulation and introduce collection and destruction programmes where possible.

Implementation of the Programme of Action

Following the 2001 UN Small Arms Conference, there has been increased activity by both the Mexican government and Mexican civil society relating to the implementation of the PoA. In light of the PoA,

Mexico has reviewed and reinforced the existing regulatory framework on SALW and is currently discussing new proposals relating to the prevention of illicit small arms. Mexico was one of the original proponents of CIFTA, and one of the first countries to ratify it and since then, activities relating to the regulation of small arms have increased significantly. It would appear that the measures Mexico has taken to implement the PoA reflect the steps taken by the government to adopt and implement CIFTA. Mexico is a participant in the UN Expert Group on Marking and Tracing, and in 2002, Mexico participated in an initiative led by Switzerland and France to produce a political agreement dealing with marking and tracing. In addition, Mexico has ratified the UN Firearms Protocol.

Weapons collection programmes and stock management

Since the adoption of the PoA, participation by government authorities in civil-society-led activities, such as weapons collections, educational activities and public policies related to security, have increased notably. In 2002, as part of an effort to push for gun disarmament and for the reduction of small arms in circulation, civil society groups coordinated with federal, state and municipal authorities, including the Secretariat of National Defence (SEDENA) and the Department for Public Security (SSP). Certain initiatives have led to the participation of state schools in an ongoing coordinated effort, which has resulted in the collection and destruction of over 4,000 small arms in the states of Tamaulipas, Sinaloa, Jalisco, Chihuahua and Morelos, as well as in the Federal District of Mexico. In some cases, these initiatives have been carried out as exchange programmes, where weapons are exchanged in return for meal vouchers, domestic appliances or credit notes.

SALW that have not been collected under specific weapons collection initiatives are registered in the federal arms register under the licence of the police body. The management of stocks falls under the jurisdiction of the existing Federal Law on Firearms and Explosives. Although Mexico has clear regulations regarding marking, tracing and registration of small arms, there are no legal provisions that explicitly require the marking of small arms stocks. The national small arms register is considered an adequate method for controlling the management and security of national stocks of SALW. Surplus small arms that are not operational and that are not subject to criminal proceedings are generally destroyed.

Transparency and information exchange

The level of federal, state and municipal coordination related to transparency has also increased since July 2001, and this in turn has enabled the problems associated with SALW to be publicised more widely. At the national level, authorities responsible for security and defence have worked to release information on laws, regulations and procedures through bulletins, statistics and Internet pages. In 2002, the National Public Security Programme was published.

On the regional level, since agreement of the PoA, Mexico has continued its information exchange efforts through the Consultative Committee of CIFTA, the monitoring body for overseeing compliance with the provisions of the convention. Mexico has provided both official and unofficial information on SALW issues to the Committee and was one of the first countries to reply to the official CIFTA questionnaire. Mexico has inter-institutional coordination plans to undertake information exchanges with neighbouring countries regarding the tracing of weapons, as well as dealing with applications concerning marking, tracing, national registers, and judicial and customs information on illegal arms. In addition, Mexico is part of a bilateral information exchange programme with the government of the United States. Through the Drug Control Planning Centre (CENDRO), Mexico can officially request information on SALW related issues from the ATF. Regional coordination efforts have allowed justice officers, the armed forces and the navy to exchange information about criminal organisations, trafficking routes and other activities related to the illicit trade of small arms.

Learning points

- The development of existing regulations relating to the marking, tracing and registration of SALW is a good first step – but for this to be fully comprehensive, legal provisions relating to the marking of SALW stocks should be reviewed and amended where necessary.
- Work to date to review the legal framework relating to SALW has been very positive; however, it is important that this continues and that the momentum generated by this process is maintained.
- The role of civil society in the process of developing and implementing destruction programmes has been beneficial to their success. This partnership between authorities, civil society and affected communities should be further developed to enhance success in similar programmes in the future.

MARKING, STOCKPILE MANAGEMENT AND END-USER CERTIFICATES IN EL SALVADOR

General overview

The trafficking and the abuse of SALW in the region have significantly affected El Salvador. Hundreds of thousands, if not millions, of weapons were distributed in El Salvador during its 12-year civil war (1980–92) and scholars conservatively estimate that there are at least 400,000 firearms still circulating in El Salvador, of which only approximately 173,000 are legally registered with the authorities. Today, one of the major challenges in the country is the SALW illegal market, which acts as a source of weapons internally, as well as for export to other Central American countries.

Marking

The increasing problems associated with the development of the illegal market have focused attention on the illicit trade in SALW. El Salvador has mechanisms in place that pre-date the PoA, preventing the transfer and possession of unmarked or inadequately marked SALW. The National Civil Police (PNC) is the body that is authorised to confiscate unmarked or inadequately marked SALW. Confiscated SALW are sent to special deposits managed by the Ministry of National Defence. The Ministry's rules and procedures ensure that illegal and inadequately marked SALW are not retransferred, and special measures are taken to safeguard these types of weapons have been developed. According to officials, these measures take into account the risk of diversion of these weapons into illicit markets in line with the commitments adopted in the PoA. However, the rules and regulations within the ministry do not only apply to inappropriately marked SALW, but to all types of arms that have been confiscated.

Stockpiles

Following the 2001 UN Small Arms Conference, the department in charge of stockpiling illegal SALW in the Ministry of National Defence has introduced measures aimed at strengthening and improving the existing security measures. To date, the PNC lacks an institutional revision mechanism on small arms stocks. Presently, there are no guidelines on methods for reviewing SALW stocks, and due to the lack of a generic system, units often operate very different proceedings. The only existing general procedure that applies to all police units in the country is a ballistic examination of every small arm and light weapon, which is undertaken by the Arms and Explosives Division (DAE).

Prior to the agreement of the PoA, the PNC established review procedures for the management and control of access to SALW stocks. Each police unit has a stock of arms that falls under the responsibility of the commander of the unit and a person responsible for their storage. All units have a small-arms control book, which is used to monitor the type of arms used and registers the people using arms on a daily basis. The armed forces control and manage their stock of SALW through a system that is operated

by the General Inspectorate of the Armed Forces. The inspectorate undertakes inventories and maintains registers and a computerised system that includes detailed information on arms allocated to each military unit, along with a detailed description of the arm. The inventory procedures in the armed forces vary according to the hierarchy of the military units. For instance, arms allocated to a squadron are revised on a daily basis, arms used in platoon each week and arms in a brigade each month.

End-user certificates

End-user certificates for all SALW imports in El Salvador are issued by the Ministry of National Defence, which also maintains a detailed register of all national SALW purchasers. Although El Salvador has been significantly affected by the illicit trafficking of SALW in Central America, no efforts to review the legislation and norms on retransfer have occurred since the adoption of the PoA, despite the fact that an existing loophole in current legislation prevents the authorities taking any legal action against companies who fail to notify the original exporting state when retransferring SALW that previously have been imported.

Government-NGO cooperation

Shortly after the 2001 UN Small Arms Conference, the UNDP launched a project to tackle the problems of violence in El Salvador. The proliferation of small arms constitutes one of the programme's components, which focuses on strengthening the SALW control mechanisms in El Salvador. The project integrates efforts by the National Public Security Commission, the University Public Opinion Institute at the Central American University, the Latin American Faculty of Social Sciences, the National Judiciary Council and an NGO, Fundación de Estudios para la Aplicación del Derecho (FESPAD). It is one of the first projects of this scale in which government entities and civil society are working together to improve small arms controls. The achievements to date include a computerised PNC firearms and violence database to be used to support police interventions, various anti-violence campaigns in schools, and an ongoing firearms, explosives and ammunition legislation reform project. In 2003, the UNDP published a comprehensive, multidisciplinary report on the small arms situation in El Salvador. This project has been linked to the commitments outlined in the PoA and is considered a success in terms of cooperation between the country's civil society, the government and the international community.

Legislative review

Since the 2001 UN Small Arms Conference,¹⁴ separate reforms have been undertaken and 30 new articles have been added to the *Armament Law*. Amongst the most important changes were the increased criminalisation of violations of the law, with the establishment of a system for levying financial penalties; greater restrictions on the public places where individuals are permitted to carry firearms; the development of a psychological test for all those applying for a firearms license; and the categorisation of re-exporting arms, munitions or explosives imported from abroad to third countries without prior notification, as encouraged in CIFTA.

Learning points

- The logistics system used by the armed forces to control and manage their stock of SALW could offer a valuable model for other countries endeavouring to keep track of weapons held by the military. The General Inspectorate of the Armed Forces operates the system and undertakes inventories, holds registers and operates a computerised system that includes details and descriptions of arms allocated to each unit.
- The review of security initiatives relating to SALW stocks has led to the implementation of a project designed to improve conditions. The introduction of bunkers in place of existing

storage solutions will improve safety and could act as a precedent for other countries looking for a simple yet effective solution.

IMPLEMENTATION IN THE ANDES

Despite urgent problems related to the impact of small arms in Colombia and the fragile political, economic and social situations in the other Andean countries, there is no significant sub-regional framework in place to tackle small arms issues. All countries in the sub-region have during recent times been points of supply for arms *en route* to the Colombian guerrillas and paramilitaries and have also received refugees displaced by the ongoing conflict.

Sub-regional security issues are dealt with by the Andean Community Secretariat in Lima, Peru. The only visible multilateral actions taken on weapons proliferation issues to date are the incorporation of considerations to fight illicit arms trafficking as part of an Andean Anti-Drug Plan, and the control of conventional weapons, combating of illicit SALW transfers and coordination on security issues as part of the Andean Charter for Security and Peace.

- Since the 2001 UN Small Arms Conference, several initiatives have taken place at the local level in Colombia. For example, the mayor of Bogotá has implemented several gun buy-back programmes in the capital city; however, almost no systematic public information exists on the success or otherwise of this effort.
- The Peruvian government has started a campaign to inform the public that it will enforce new firearms legislation adopted in August 2002. When the law is operational, citizens will be required to register their firearms and surrender illegally held weapons. The new law calls for the destruction of all confiscated weapons and contemplates providing material incentives to those who turn in illegal weapons voluntarily. However, it does not stipulate what those incentives will be. The government has required that civil society organisations and NGOs assist in the implementation of the new legislation.

3.2.3. EUROPE

OVERVIEW OF PROGRESS IN EUROPE

Europe faces a series of important challenges relating to the supply, proliferation, availability, accumulation and misuse of SALW. As in many regions, SALW problems manifest themselves in different ways in different geographic areas. However, one feature that is common to most of Europe is that it is an important source of SALW, which are transferred widely both within and outside the region. The Small Arms Survey lists at least 23 countries in Europe as medium producers of SALW, with Russia regarded as a major producer.²⁰ The number of weapons in circulation following the end of the Cold War and, more recently, as a result of the intense conflicts in South East Europe and the South Caucasus presents significant obstacles to achieving stability in these parts of the region. This is compounded by the effects of organised crime and trafficking, which have exacerbated the proliferation of SALW and their impact on human security, development and economic growth.

The absence of one clearly defined problem that is specific to the whole region perhaps helps to explain the absence of a single SALW instrument or initiative relating to Europe as a whole. Apart from the PoA, the most wide-reaching initiative in geographical terms is that covered by the Organisation for Security and Cooperation in Europe. Although the OSCE extends beyond Europe, encompassing Central Asia

²⁰ Small Arms Survey, 2002, p.20

and North America, the development of the OSCE Document on SALW is in some ways the most applicable regional-wide initiative in Europe on SALW issues.

A study in this section of the OSCE Document on SALW examines two aspects of progress made on the exchange of information and the development of best practice guides on various aspects of small arms policy and practice. The development of measures to address SALW-related issues through the OSCE in Europe, such as weapons collection programmes, is discussed in the different sub-regional overviews and through national case studies.

Most action on SALW issues in Europe since the 2001 UN Small Arms Conference has occurred through sub-regional instruments and initiatives such as the Stability Pact for South Eastern Europe, the EU Code of Conduct and the EU Joint Action, all of which are analysed in the following sections.

There are two regions that fall within the OSCE area where action on SALW is less developed: Central Asia, which is discussed in the Asia section of this report, and the South Caucasus. In the South Caucasus, there has been no systematic action on SALW issues at the regional level; however, there has been some work undertaken at the national level. In Georgia, for example, within the framework of a voluntary weapons collection programme, the OSCE and several donors have provided funding for projects, such as upgrading a joint Georgian and South Ossetian law enforcement centre and donating computers to a school, after parents had organised a voluntary weapons surrender. By early 2002, 210kg of explosives and more than 1,300 units of arms and ammunition had been collected in the area of Georgian-Ossetia. In Armenia, the Ministry of Foreign Affairs in conjunction with Saferworld and the Armenian NGO Cooperation and Democracy hosted a seminar in November 2002 to address the proliferation of SALW in the region. These tentative steps must be recognised and welcomed in light of the instability in parts of the region and the challenges posed by the at times overwhelming internal and interlinked problems of corruption, organised crime and illicit trafficking, including of SALW, that are substantial impediments to action.

Implementation of Initiatives and Legislation Related to the PoA

In examining implementation of the PoA in Europe, it is clear that efforts at the regional, sub-regional and national levels have complemented, and in some cases exceeded, commitments agreed in the PoA. Some of the key activities and initiatives that have occurred at the regional and national levels include:

- Development of the EU Code of Conduct through, amongst other things, the compendium of agreed practices in the *Fourth Consolidated Annual Report on Implementation of the EU Code of Conduct* (see the case study on the EU page 82);
- Conferences on implementing the PoA, including the regional seminar on implementing the OSCE Document on SALW and the UN PoA in Bucharest on 24 February 2003 and the UN-OSCE Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe in Slovenia on 11–12 March 2003; a conference examining implementation of the PoA and export controls in Bonn in May 2003; and the Geneva Process, which since May 2002 has met nine times to share information on the implementation of the PoA;
- Bilateral initiatives on specific issues covered by the PoA, for example, the joint Swiss and French Marking and Tracing initiative; a joint French and Dutch initiative regarding ammunition stockpile security in the OSCE area; the UK Lancaster House Conference on Export Control Criteria; and a Swedish initiative on Strengthening Cooperation on Export Controls between the Nordic states, including Finland and Norway, and the Baltic states of Lithuania, Latvia and Estonia;
- Establishment of the South Eastern Europe Clearing-house for the Control of Small Arms and Light Weapons (SEESAC);

- Support for SALW projects in Central, Eastern and Southern Europe through the EU Joint Action on small arms; and
- The formation by NGOs from eight EU countries of a coalition and the launch on 27 January 2003 of an EU campaign, Controlling Arms Sales to Save Lives! (see page 88).

At least 40 countries in the region have now established national points of contact as required by the UN PoA. Fewer countries, however, have established national coordination agencies, which in some cases is arguably more important, considering the lack of coherence that exists in many governments across the different departments responsible for implementing aspects of the PoA.

Many states have laws and procedures governing the different aspects of SALW production, transfer and use, in line with PoA commitments. And in many cases, these go further than the PoA – particularly on, for instance, civilian possession and export controls. However, across Europe, as in other regions, the implementation and enforcement of legislation and related procedures is often sporadic. One of the major obstacles to effective implementation of the PoA is the lack of clear understanding by states of the commitments contained in the range of different instruments and processes. This is particularly the case in South Eastern Europe and Central and Eastern Europe, where states are contending with implementing several such initiatives, for instance, the EU Code of Conduct, the Stability Pact, the OSCE Small Arms Document and the PoA. Therefore, promoting awareness of states' obligations is important, and this is especially so in the context of the EU accession process, which requires candidate countries to fully implement the principles and provisions under the Code of Conduct and Joint Action as a condition of membership.

Individual EU states have been active in developing international and regional cooperation. For instance, in January 2003, several participated in an international conference aimed at facilitating discussions on export controls organised by the UK government at Lancaster House in London. Many EU states have provided significant financial and technical support to SALW-related programmes run by the UN, other international or regional organisations and NGOs. Member states have also funded individual projects directly on a bilateral basis, such as Sweden's contribution to the Peru-based UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. Within the region, the countries of South Eastern Europe have been beneficiaries of financial and technical assistance channelled in many cases through SEESAC.

The following section outlines progress taken at the sub-regional level to combat illicit SALW proliferation. It illustrates some of the major SALW control initiatives that have been developed since 2001, through examples drawn from countries across the region.

THE GENEVA FORUM

Two Geneva-based NGOs have created a regular forum for discussion among governments, NGOs and UN agencies interested in the implementation of the PoA. Quaker United Nations Office (Geneva) and the Programme for Strategic and International Security Studies (IUHEI), along with the United Nations Institute for Disarmament Research (UNIDR) are the hosts of the Geneva Process on small arms.

Since May 2002, the Geneva Process has hosted nine open meetings for key stakeholders to exchange experiences of PoA implementation and highlight areas for potential cooperation. This initiative aims to facilitate national and regional implementation of the PoA and promote effective reporting to the First Biennial Meeting of States.

For more information contact Patrick Mc Carthy, Geneva Forum, mccarthy@unige.ch

IMPLEMENTATION IN THE OSCE

General overview

The process of implementing the OSCE Document on Small Arms and Light Weapons (OSCE Document), which was adopted in November 2000, and the PoA is complementary in several areas. On a structural level, work currently being undertaken within the framework of the OSCE Document to develop a series of best practice guides on various aspects of small arms policy and practice is complementary to several commitments contained in the PoA, including, for instance, those on brokering and procedures for stockpile management. On a project level, there are various examples of practical support provided through the OSCE that resonate with specific elements of the PoA – the OSCE-supported weapons collection programmes in Georgia being one such example.

The OSCE Document includes a set of norms, principles and measures to address the proliferation of SALW, it recognises the "excessive and destabilising accumulation of the uncontrolled spread of small arms"²¹ and aims to improve regional security across the 55 participating states.²² Since 2001, several regional seminars have addressed the implementation of the OSCE Document and the PoA simultaneously, most recently in Bucharest, Romania, in February 2003 and Ljubljana, Slovenia, in March 2003. These have focused on developing concrete measures to take forward the implementation of both initiatives within the OSCE area.

Relating the OSCE Document to the UN process has in many ways enhanced its status amongst member states. Whilst the OSCE Document is limited for several reasons, not least because, like the PoA, it is only politically binding, it does contain commitments on some areas of small arms policy that are more developed and arguably more progressive than the PoA. For example, the OSCE Document contains a clear acknowledgement that export controls on legal transfers are crucial to combating the illicit trade, and it outlines a set of agreed standards to be taken into account when licensing transfers of SALW. These criteria, which draw on earlier work by the Forum for Security Cooperation, amount to an agreed set of export criteria that include assessing exports against their potential impact on the human rights situation of the destination country and compliance with international obligations.

It has also been important for the regional commitments to appear relevant to the wider global process and so, through close cooperation, the OSCE is able to provide assistance to the UNDDA in carrying out implementation of the PoA. However, it is unclear how far such practical assistance has been developed. Integrating SALW activities into the organisation's wider work, including those on early warning and conflict prevention, to reflect Section V of the OSCE Document, has been difficult. This area is important and warrants particular attention to encourage the engagement and involvement of OSCE missions and field operations in PoA implementation.

Reviewing the exchange of information

Since its adoption, implementation of the OSCE Document has focused particularly on efforts to increase transparency, mainly through the annual exchange of information among participating states. Following the first information exchange in June 2001, which revealed a significant variance in the quality

²¹ OSCE, OSCE Document on Small Arms and Light Weapons, 24 November 2000.

²² The OSCE region comprises states from Europe, Central Asia and North America, including Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia and Montenegro, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States of America and Uzbekistan.

and scope of the submissions by states, a series of recommendations were proposed to provide a basis for standardising reporting in subsequent years. The aim of this was to develop a system that would make information more comparable and therefore more useful as a tool for identifying common approaches and developing best practices. A "Model Answer" was developed and circulated to provide member states that were still to submit their first report with a basic structure. In addition, the Conflict Prevention Centre, based within the OSCE Secretariat, produced reporting templates on various issues, including transfers between OSCE states and stockpile management. While the majority of participating states have used these templates for their 2002 submissions, at present no systematic evaluation has been conducted to assess their effectiveness in enhancing the quality and scope of reporting.

The provision of information is essential for building trust and cooperation among states, as part of wider efforts to increase transparency and accountability. While many governments do not collect, maintain or exchange sufficient data even for their national control purposes, the OSCE information exchange makes an important contribution to stimulating the provision of quality information by states.

Developing best practices

In February 2002, at a workshop in Vienna focused on implementation of the PoA, participating states agreed to identify and develop best practice guides on various aspects of small arms policy and practice that is operational at the national level, in order to advance common standards among all states. These areas include controls on arms brokering activities, procedures for stockpile management and security, and export and import policy. Publishing best practice guides can contribute to standardising policy and practice on SALW issues among states. They can assist with clarification on measures where wording is ambiguous and open to interpretation (whether inadvertent or deliberate). While the development of best practice guides can serve as a tool to enhance common standards, implementation and enforcement, as with the OSCE Document as a whole, is undertaken at the national level and is subject to the political will, commitment and capacity of individual states.

A number of countries have volunteered to prepare these guides, but at present there is no overwhelming consensus regarding their adoption, so at best they will serve as a useful tool. Nonetheless, it is important for states to apply best practices in order to advance the global process to combat the proliferation of SALW. The experience of the OSCE has shown that even without common agreement, the development of best practice guides is a useful contribution to moving forward the international debate and building norms on aspects of SALW issues that can shape the basis for relevant international legally-binding instruments.

IMPLEMENTATION IN THE EUROPEAN UNION

General overview

The EU is a major supplier region, and so addressing the proliferation of SALW relates primarily to developing and enforcing effective arms export controls. Since 2001, significant efforts have been undertaken at the national level and through other multilateral forums such as the Wassenaar Arrangement.²³ However, a major focus of arms control efforts by EU member states is strengthening the Code of Conduct on Arms Exports (which includes SALW). Arms brokering is currently high on the political agenda, following a European Council resolution in November 2001 and subsequent efforts to agree a common EU position on regulating brokers, which was agreed in April 2003. In other areas, the

²³ In December 2002, the participating states of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies adopted Best Practice Guidelines for Exports of Small Arms and Light Weapons; see Section 3.3 for more information.

EU has also made significant progress on advancing international cooperation and provision of assistance in accordance with Section III of the PoA, a large part of which has taken place through the Council of the European Union Joint Action on SALW.

The EU played an important role in negotiations during the 2001 UN Small Arms Conference, advocating concrete action combating the proliferation and misuse of SALW. The PoA did not reflect these endeavours; however, work has continued at the sub-regional level on some of the issues that EU states felt were not fully addressed or which were omitted from the PoA. SALW remain on the agenda for the EU and progress has been maintained, mainly through two key related instruments: the EU Code of Conduct on Arms Exports and the Council of the European Union Joint Action on SALW (commonly referred to as the European Council Joint Action on SALW).

EU Code of Conduct on Arms Exports

The EU Code of Conduct on Arms Exports (Code of Conduct), adopted in 1998, sets out eight criteria that member states must take into account when making arms export licensing decisions (including those relating to SALW), and a set of operative provisions that mandate a number of procedures for its administration. Since 2001, progress on strengthening the Code of Conduct has continued in several current and emerging thematic areas, such as transparency and accountability, and arms brokering controls. The Code of Conduct has improved communication between states on these matters, and under its operative provisions, EU countries are required to exchange information on those applications for arms export licenses that are denied, and to consult where one member state is considering awarding a license that has already been refused by another. In 2002, member states decided to extend the denial notification mechanism to provide for some sharing of information with EU accession states that are due to join the EU in 2004.²⁴ Enlargement of the EU to include ten new states from Central and Eastern Europe presents a range of opportunities and challenges for strengthening and implementing the Code of Conduct. These are discussed in more detail in the sub-regional overview of Central and Eastern Europe (see page 93).

As a consequence of the Code of Conduct's evolving role and no doubt encouraged by the UN process, a number of EU governments, including Belgium, France, Germany and the UK, are engaged in reviewing aspects of their national arms control regimes. In October 2002, Belgium set a precedent by becoming the first country to incorporate the Code of Conduct into its domestic law. The EU Code Annual Review process has also led to member states addressing within the context of the Code of Conduct a number of issues untouched by the Code of Conduct itself. For example, in 2002, member states agreed a set of guidelines for controlling arms brokers and they have since commenced negotiations on a Common Position on arms brokering. Member states have also begun to address the issue of the overseas production of military goods under license – an area neglected during the initial drafting of the Code of Conduct and the negotiations on the PoA.

Also in 2002, member states agreed two sets of elements for inclusion in a certificate of final destination. The first set is a group of "core" elements that *should* be included, which focus on the supply of information by the purchaser, for example, with regard to the type, quantity and end-user of the goods. The second, "additional", set, which *might* be required, includes provisions that place limitations on use, for example, restrictions on re-export. It is to be hoped that the EU will in the near future include limitations of use in the core set of elements and include provisions for monitoring end-use, thereby addressing one of the primary channels for diversion of SALW into the illegal trade, due to inadequate and inappropriate monitoring of the intended destination of transfers.

²⁴ The accession states are Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

Table 6: National Implementation in Europe

Country	National		Laws and Procedures on Production, Export Import and Transit					National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC	R			M	P	St	
Albania			Y	•	•	•							Y	•	•	•	
Andorra		Y															
Armenia		Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	
Austria		Y	Y		•	•	•	Y	•	•		Y					
Azerbaijan			Y		•	•							Y	•	•		
Belarus		Y	Y	•	•	•	•	Y		•		Y	Y	•	•	•	
Belgium		Y	Y		•	•	•	Y				Y					
Bosnia-Herzegovina		Y	Y	•	•	•	•						Y	•	•	•	
Bulgaria	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•		
Croatia																	
Czech Republic		Y	Y	•	•	•	•	Y			•	Y	Y	•	•	•	
Denmark		Y	Y		•	•	•	Y	•	•		(2)					
Estonia		Y	Y		•	•	•	Y		•	•	Y					
Finland		Y	Y		•			Y	•	•		Y					
France		Y	Y	•	•	•	•	Y				Y	Y	•	•		
Georgia			Y		•	•	•	Y		•			Y		•	•	
Germany		Y	Y	•	•	•	•	Y		•	•	Y	Y	•	•		
Greece		Y	Y		•	•	•	Y	•	•							
Holy See		Y															
Hungary	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	
Iceland		Y															
Ireland		Y	Y		•	•		Y	•			(2)	Y		•		
Italy	Y	Y	Y	•	•	•	•	Y		•		(2)	Y	•	•	•	
Kosovo*	Y		(3)	•	•	•	•	(4)					Y	•	•	•	
Latvia	Y	Y	Y	•	•	•	•	Y	•	•	•	(6)	Y	•	•		
Liechtenstein		Y															
Lithuania		Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	
Macedonia			Y		•	•							Y		•		
Malta		Y															
Moldova		Y	Y		•	•	•	Y		•	•		Y	•	•		
Monaco		Y															
Netherlands		Y	Y		•	•	•	Y	•			Y	Y		•		
Norway	Y	Y	Y	•	•	•	•	Y				Y	Y				
Poland	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	
Portugal		Y						Y	•	•							
Romania	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	
Russian Federation		Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	
Serbia/Monetengro		Y	Y	•	•	•	•	Y		•		Y	Y	•	•	•	
San Marino		Y															
Slovakia		Y	Y	•	•	•	•	Y	•	•		Y					
Slovenia		Y	Y	•	•	•	•	Y	•	•	•	(8)	Y	•	•	•	
Spain		Y	Y	•	•	•	•	Y		•		(9)	Y	•	•	•	
Sweden	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	
Switzerland		Y										Y					
Ukraine		Y	Y		•												
United Kingdom		Y	Y	•	•	•	•	Y	•	•		Y	Y		•		

*Kosovo is an entity under interim international administration

KEY:

Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfers

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected

DDR = Disarmament, demobilisation, reintegration
 VWCP = Voluntary weapons collection program
 F = Financial
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance				
	T		Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other		Provision		Receipt		
							S	C				F	T	F	T	
	•	Y		•	Y	•			Y		VWCP, amnesty	Y			•	•
	•	Y		•					Y		VWCP, amnesty					
		Y			Y	•										
	•	Y		•	Y	•	•		Y		VWCP				•	•
	•	Y		•	Y	•	•		Y		(1), amnesties					
	•	Y		•	Y	•	•					Y			•	
					Y	•			Y		amnesties, buybacks					
	•	Y		•					Y		VWCP	Y	•			
												Y	•			
												Y		•		
	•	Y			Y	•						Y	•			
	•				Y	•	•		Y		VWCP	Y			•	
	•	Y	•	•	Y	•	•					Y	•	•		
												Y	•	•		
	•	Y	•	•												
												Y	•			
	•	Y		•	Y	•	•									
	•	(5)			Y	•			Y	•	amnesties	Y			•	•
	•	Y			Y	•		•								
	•	Y	•	•	Y	•		•	Y		amnesty					
									•		(7)					
	•	Y		•	Y	•	•		Y		amnesty/ registration					
	•	Y			Y	•						Y	•	•		
		Y										Y	•	•		
	•	Y	•	•	Y	•		•	Y		amnesty	Y	•	•	•	•
		Y		•	Y	•										
	•	Y		•	Y	•	•		Y	•	buyback					
	•	Y	•		Y	•	•	•	Y	•	amnesties	Y			•	•
	•	Y	•	•	Y	•	•		Y		amnesty/legalisation	Y				•
	•	Y						(10)				Y		•		
	•	Y		•	Y	•	•					Y	•	•		
												Y	•	•		
	•	Y	•	•	Y	•	•		Y	•	amnesties	Y	•	•		

- (1) Operation "Harvest" (ZETVA)
- (2) Being considered
- (3) UNMIK/KFOR
- (4) UNMIK
- (5) No stocks
- (6) Draft
- (7) Forthcoming VWCP /amnesty
- (8) Being reviewed
- (9) Being drafted
- (10) Unserviceable

It should be recognised, however, that potential for future progress on export controls within the EU will inevitably be complicated by the requirement for consensus to be reached among 25, rather than 15, members. Doubts are amplified by concerns over the capacity and the inclination of new member states to affect further change.

This concern for the future notwithstanding, the Code of Conduct is widely considered as among the most rigorous and dynamic export control instruments in the world. It sets relatively high common minimum standards governing arms transfers, and the annual review process has provided for ongoing development and improvements in implementation. It also exhorts "Member States [to] use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code",²⁵ and a number of member states have made it clear that they see the Code of Conduct as a potential basis for a wider international instrument. However, although the Code of Conduct has been useful in norm-building, some states from other regions may be suspicious of basing international controls on a "Northern" document. Regionally, its success has been largely contingent on the political will of member states and the progressive stance of key governments concerned by the humanitarian impact of SALW. In order to ensure that progress to date is firmly embedded in national practice, it is important that member states' national legislation includes at a minimum the obligations mandated by the Code of Conduct and the requisite annual reports.

European Council Joint Action on Small Arms

In December 1998, the EU Council of Ministers adopted a Joint Action on Small Arms (Joint Action) as part of global efforts to combat the destabilising accumulation and spread of SALW. This agreement, which builds on the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms adopted by the European Council in June 1997, and the Code of Conduct adopted in June 1998 (see above), takes a regional and incremental approach to the problem of SALW proliferation. The Joint Action was amended in 2002 to include SALW ammunition within its provisions.

The Joint Action aims to help further the international effort to combat the excessive and uncontrolled spread of small arms, through support for existing regional and international initiatives. EU member states agreed to develop a cooperative policy, aimed at:

- 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;
- Helping solve the problems associated with accumulations of weapons; and
- Making a multifaceted contribution to a range of control and reduction measures.

The European Council publishes an annual report on implementation of the Joint Action, which incorporates activities undertaken as part of the EU Programme on Combating Illicit Trafficking in Conventional Arms. The most recent report, published in December 2002, detailed a wide range of activities carried out by member states, which are relevant to commitments outlined in the PoA. These included:

- Support for arms collection and/or destruction programmes in Albania, Bosnia and Herzegovina, Cambodia, East Timor, Kosovo, Macedonia, Niger and Sierra Leone;
- Projects to build law enforcement capacity in Guatemala, Honduras, Kenya, Mozambique, Nicaragua and Romania;

- Support for soldier demobilisation and reintegration projects in Angola, Democratic Republic of Congo, Guinea-Bissau, Liberia, Sierra Leone and Uganda; and
- Financial support for civil society and NGOs working to address the problems caused by destabilising accumulations and the proliferation of SALW.

As the largest donor for SALW-related projects and programmes, the EU has provided significant assistance for the implementation of the PoA. The allocation of funds is based on producing tangible results and the need for targeted action. In reviewing lessons learnt from past assessments, the EU is now looking towards focusing on a limited number of large-scale projects.

Finally, though the PoA made no mention of SALW ammunition, the recognition by the amended Joint Action of the impact of SALW ammunition on conflict highlights the importance of the need to address this issue. Already this has been looked at through practical programmes to destroy SALW and ammunition. For example, in Serbia in April 2003, approximately 40,000 tons of small arms ammunition was destroyed.

National implementation by EU member states

Given the emphasis on the introduction of stricter export controls, examination of implementation of these sub-regional initiatives focuses on the introduction of new laws or the reform of existing legislation since 2001. These have contributed to strengthening arms trade controls, in particular with regards to arms brokering. Arms brokering has come to the fore in Europe due to the increasing recognition that a significant proportion of grey and illicit market weapons used in conflict zones are transferred by arms brokers, and as such, it is crucial that the activities of brokers are properly regulated. The range of national brokering regulations highlights the complex and technical nature of this issue and gives an indication of the degree to which governments are prepared to address it. Two case studies looking at progress in Germany and the UK to introduce specific controls on brokering are reviewed and the difference in approaches, rather than outcome, is examined. Germany already has some specific controls over brokering, whereas the UK is in the process of overhauling its arms legislation and has made a public commitment to extend extra-territorial controls to British brokers of SALW. Furthermore, these case studies demonstrate the scope of measures required nationally, regionally and internationally to curb the activities of unscrupulous arms brokers.

In other EU countries, Austria's national legislation on the import, export and transit of war material has been amended to cover the brokering of war material, and in Finland, a new motion to change the *Act on Export and Transit of Defence Material* to include arms brokering is being prepared.²⁶

The role of civil society

Civil society organisations have been central in monitoring implementation of the Code of Conduct and in putting pressure on governments to widen its scope and effectiveness. These activities have included the convening of a seminar in Madrid in May 2002 to examine the implementation of the Code of Conduct a year after the 2001 UN Small Arms Conference and the development of an EU campaign in 2003 that has focused in particular on the development by member states of effective controls on the activities of arms brokers.

²⁶ Information current as of 31 December 2002 and detailed in the *Second Annual Report on the Implementation of the EU Joint Action on Small Arms*, 12 July 2002.

Within the EU region, there have been significant interventions by civil society organisations in many countries to support the implementation of the PoA, at national and regional levels. The Geneva Forum, Biting the Bullet, the Small Arms Survey, Oxfam, Amnesty International, the Bonn International Centre for Conversion (BICC) and the Group de Recherche et d'Information sur la Paix et la Sécurité (GRIP), among many others, have engaged on a variety of levels, including through conducting research, advocacy, capacity-building, policy development and funding.

THE EU CAMPAIGN: EUROPEAN NGOS CAMPAIGN TO CONTROL THE ARMS TRADE

On 27 January 2003, a coalition of non-governmental organisations from France, Germany, Austria, Netherlands, Italy, UK, Spain and Belgium launched a EU campaign entitled Controlling Arms Sales to Save Lives!

The aim of the campaign is to prevent transfers of arms when there is a clear risk that the likely recipients will use them to commit violations of human rights and international humanitarian law, and to establish tough controls on arms brokering and the export of licensed arms production. The campaign was launched by French World Cup-winning footballer Lillian Thuram, who has for several years campaigned against the proliferation and misuse of SALW.

For more information contact Holger Anders, IANSA European Information Officer, europe@iansa.org

LEGISLATIVE CHANGES AND INTERNATIONAL COOPERATION AND ASSISTANCE IN THE UNITED KINGDOM

General overview

The UK government played an active role in developing and promoting the PoA. Since 2001 it has taken many positive steps to prioritise SALW issues in both policy and practice. These have included: legislative changes; increased transparency on national SALW transfers; the launch of the 'Lancaster House' international initiative to promote implementation of the PoA through strengthening international controls on arms transfers; leading roles in strengthening guidelines for SALW transfers in the Wassenaar Arrangement, EU, OSCE and other bodies; support for and participation in a range of other regional, international and civil society initiatives and programmes; and the establishment of the Global Conflict Prevention Pool Small Arms and Light Weapons Programme, which has integrated the issue of small arms into conflict prevention policy and which provides assistance for several SALW projects around the world.

From the outset, the UK has made the provision of assistance to promote implementation of the PoA and related national and regional SALW initiatives a priority in its work. It has become one of the most significant donors in this area, and has also played a leading role in promoting wider international co-operation and donor assistance programmes, including efforts to integrate SALW concerns into development, humanitarian, and post-conflict assistance and other spheres of aid and international co-operation.

The paragraphs below discuss in more detail two of these elements of UK activity relating to the implementation of the PoA.

Changes in legislation

In 2002, the *Export Control Act* was passed, marking a significant revision of the antiquated legislation that had governed arms export policy since 1939. The Act introduces new powers to control UK arms exports, and in particular, to regulate the activities of UK arms brokers and traffickers.

The UK is, according to the Small Arms Survey, a medium supplier of SALW. The UK government has a well-developed export control system. In recent years it has developed policies and guidelines to promote and ensure responsible restraint in its own decisions on whether to authorise SALW transfers, and it has also generally played a very constructive role in promoting similar restraint amongst its partners in the EU, Wassenaar Arrangement, OSCE and UN. Through the development and annual publication of a national report on arms transfers, the UK government has enhanced mechanisms for democratic accountability in arms transfers and related policies.

Nevertheless, issues relating to UK arms exports, including SALW transfers, remain controversial in the UK and beyond. There are real tensions raised by government policies to both promote and ensure responsible restraint and to maintain the UK as a major arms supplier. This continues to lead to controversial decisions, where there is apparent dissonance between licence authorisations and the government's conflict prevention work. For example, in July 2002 the UK Government used conflict prevention funds to provide the Nepalese Government with military equipment including explosive ordnance and military helicopters. Given that the conflict in Nepal had during this period escalated and been characterised by killings of civilians by both sides, this and a related but separate transfer in 2001 (not using conflict prevention funds) of 6780 assault rifles, is in tension with government commitments to human rights standards, conflict prevention, and sustainable development.²⁷

There are admittedly real dilemmas involved in decisions on the risks associated with SALW transfers, and about whether to authorise such transfers to countries where there are risk of conflict or misuse. But it appears that the UK remains prone to give insufficient weight to the risks of such transfers. It is not, of course, alone in this. Overall, the UK's implementation of the PoA, and in particular of measures to strengthen SALW transfers and legislative changes that aim to prevent transfers by unscrupulous arms brokers to conflict regions, has been relatively positive.

The role of civil society in Britain has been pivotal in raising awareness about the weaknesses and loopholes in UK arms export legislation over recent years. A number of NGOs, including Amnesty International, Oxfam and Saferworld, have mobilised public opinion campaigning for tougher arms controls. As a measure of the impact of these efforts, in 2000, the then Secretary of State for the Department of Trade and Industry – one of the government departments responsible for arms exports – made a speech promising new legislation using the precise language and core message of the campaign: that you need a license to go fishing and get married but you don't need a license to broker weapons.

The UK Working Group on Arms – an alliance of organisations working towards a more ethical arms trade, which includes Amnesty International, the British American Security Information Council (BASIC), Christian Aid, International Alert, Oxfam and Saferworld, has advocated extensively for a strengthening of export legislation for the last seven years. It has provided evidence at Select Committee hearings, briefings for parliamentarians and lobbied for changes throughout the passage of the export control legislation through parliament.

²⁷ 'Publication of Government's Human Rights Report – Tougher action on arms export needed', *Saferworld Press Release*, 26 September 2002.

Reviewing brokering controls

One of the positive aspects of the UK's implementation of PoA commitments has been the revision of legislation and the development of controls over arms brokering. The UK has taken positive legislative steps to respond to the problem of unscrupulous arms brokers transferring SALW to conflict regions and to states where there is a danger that they will be used to violate human rights. In accordance with the PoA, the supply of SALW through brokering and trafficking activities from the UK will, once the *Export Control Act* enters into force, be subject to tougher controls, and those engaged in illegal activities will face prosecution and imprisonment of up to ten years. Under the proposed regulations, the brokering by UK persons of transfers of torture equipment, long-range missiles and of all strategic goods to embargoed destinations will be controlled, regardless of where those persons carry out their activities. The provision of any support services, for example, transportation or insurance, will be similarly controlled. Thus, a wide range of brokering and other facilitating activities will be controlled by the new legislation.

Nevertheless, a number of loopholes exist. For example, in the secondary legislation (currently in draft form), which sets out in detail how the Government intends to exercise its new powers, the Government has decided to limit the extraterritorial application of the controls on arms brokers. Thus, in cases of the brokering of conventional weapons, including SALW, to non-embargoed destinations, a licence will be required only where at least part of the activity is carried out on UK territory. This suggests that brokers could organise shipments of SALW to non-embargoed destinations and evade regulations by working entirely from another country. Promotional or marketing activities will remain unregulated, as will arranging the transport or financing for such transfers. It is not yet known at what point promotion and marketing becomes brokering, and thus the "trigger point" for determining when a brokering licence is required is unclear.

The registration of arms brokers was recommended in the PoA. In the UK, the government currently favours applying a form of registration process based on the development of a list of brokers compiled from licence applications. There are a number of reasons why the government should ensure that this rapidly becomes a de-facto register of brokers. Such a register would, for example: help the government to gain a better understanding of the scale and nature of arms brokering; improve information collection and circulation within the UK; and facilitate information exchange mechanisms with other governments.

Learning points

Measures contained in the PoA relating to regulating the activities of those engaged in SALW brokering are ambiguous, and while the application of controls at the national level would suffice if all UN member states introduce them, in the absence of this, regulations covering brokering must be applied more extensively. The UK has been one of the few states to conduct a review of its legislation and to introduce controls on brokering activities. This process is commendable, but the resultant controls could be strengthened.

- The UK government should apply full extra-territorial controls to any company or individual resident or registered in the UK, thereby preventing UK arms brokers from evading regulation and operating from countries with less adequate controls.
- The UK should require all arms brokers to register, and any agents involved in illegal activities should be prosecuted and prohibited from further brokering.

International assistance and cooperation

Improving policy coherence across governments and enhancing (donor) assistance has characterised the UK's approach to promoting international assistance. In 2001, the UK established the Global Conflict Prevention Pool Small Arms and Light Weapons Programme (Global Pool), involving the Foreign and

Commonwealth Office (FCO), the Department for International Development (DFID) and the Ministry of Defence (MoD). The Global Pool was set up to support a range of initiatives tackling both the supply of and demand for SALW. In 2001, the government committed £19.5 million, based on a three-year strategy, to support the implementation of the PoA. Such financial assistance has supported the activities of civil society groups around the world, including, for instance, Vivo Rio, which works with the police in Brazil on weapons collection and destruction programmes (see page 73). Other small-arms-related projects and programmes funded from the Global Pool include supporting NGOs conducting policy research, analysis and advocacy on small arms issues, including IANSA, International Alert and Saferworld. It also supports a range of bilateral initiatives, including, in 2002, funding a large-scale programme to help ex-combatants return to civilian life in Sierra Leone. In March 2003, the British government donated two gun-shredding machines – nick-named "Euro-shredders" – to Kenya to assist in destroying illicit firearms (see page xx). More recently, DFID, in conjunction with the UNDP and UNDDA, has established a technical web resource, the Small Arms Reduction and Demobilization Specialist Roster (<http://www.smallarmscontrol.org>), which will help to match assignments with experts working on small arms issues such as government policy, weapons destruction and stockpile management. The UK has also provided financial assistance to other states for the development of national action plans for implementing the PoA. The recipients of such assistance include Bulgaria, Kenya, Mozambique, Tanzania and Uganda. These initiatives have established the UK as an important actor in the provision of international assistance.

Learning points

Clearly, the contribution by the UK government has assisted the development of important projects and increased the role of civil society engaging on SALW issues. It is important that the UK should continue the current provision of financial and technical assistance, whilst also looking towards integrating such assistance into long-term strategies that would make available resources to sustain useful projects while minimising the potential for creating dependencies.

- The experience of the UK demonstrates that donor contributions can have a real and positive impact on a recipient country. All states with available resources should review the current status of their provision of assistance to identify potential projects or programmes for targeted assistance as part of their implementation of the PoA.

GUN CONTROL IN THE UNITED KINGDOM

In the UK, community leaders and the police are cooperating to tackle the indiscriminate use and possession of guns in their communities. In September 2002, community leaders in the north London borough of Haringey called for residents to unite under an initiative called Not Another Drop – Haringey Peace Alliance, which will work in close partnership with Haringey police and council to fight crime. This scheme, which was started in Harlesden, London, in 2001, aims to get people working together to identify and resolve the problems associated with indiscriminate use of guns in the community.

In August 2002, London's black-on-black crime team ("Operation Trident") launched a new advertising campaign to try to reduce gun violence. The campaign included posters – "*Turn away from Guns and Drugs*"; "*Don't Let the Gunmen Prejudice our Children's Futures*" – and radio advertisements with music by a top UK garage group, NAP Syndicate.

BROKERING LEGISLATION IN GERMANY

General overview

In recent years, Germany has strengthened its arms legislation, adopted stricter criteria governing licensing of exports, and recently improved controls on arms brokering. On 1 April 2003, a new law tightening regulations relating to civilian possession entered into force and at present, an amendment to the *War Weapons Act* is under consideration, which will make tampering with official markings an offence. The destruction of surplus SALW continues after the scaling back of the armed forces in the 1990s, and while theoretically, surplus stocks can either be destroyed or transferred, it is becoming common practice in the German armed forces to destroy surplus SALW. Contending with the challenges of dismantling significant sections of the armed forces following the end of the Cold War has meant that Germany is well equipped to assist other countries dealing with the legacy of conflict. As a result, it has engaged in crisis prevention, small arms control and security sector reform programmes through its technical agency for cooperation, GTZ. And in April 2003, the city of Bonn hosted a major international conference on the implementation of the PoA, attended by governments and civil society organisations from around the world. However, one of the most interesting elements of change in Germany, which relates to implementation of the PoA, is its recent review of brokering legislation.

Reviewing brokering legislation

Prior to 2001, Germany already had specific measures dealing with arms brokering. Under the *War Weapons Act*, brokering activities require a license from the German authorities for all physical transactions concerning war weapons located in Germany. Since an amendment to the Act in 2002, additional activities are now also subject to licensing, including the mediation of a contract on the acquisition or transfer of war weapons located outside German territory or the conclusion of a contract on the transfer of war weapons located outside German territory. Applications are judged on the same criteria that apply to arms exports from Germany.

However, this new provision only applies to deals concluded or brokered in Germany – there is no extra-territorial dimension – so while they are outside their country, German arms dealers can transfer arms from one foreign country to another, or broker such transfers, without applying for German government authorisation. For controls to apply, some aspect of the brokering deal must fall under German jurisdiction. This would include, for example, a meeting between the interested contract parties with the participation of the broker in question or using German telecommunication resources – telephone calls, facsimile emissions or letter mailings from Germany.

The government does not keep a formal register of licensed arms brokers, claiming that it knows who in Germany is engaged in legal arms brokering from license applications. Without a formal reporting requirement, monitoring brokering activities becomes difficult and without a register there is no formal recourse to disbar brokers, although the government may conceivably abstain from granting further licences to a broker. However, a license for brokering may be revoked at any time if, after granting the license, a reason for refusal becomes evident. Anyone engaged in brokering activities without the necessary license under the *War Weapons Act* faces imprisonment of between one and five years and in serious cases even up to ten years. There are problems relating to the implementation and enforcement of the legislation, which include problems associated with the level of transparency provided for in the legislation and its application. For instance, in Germany, exporters of military equipment are not legally obliged to disclose publicly whether a broker has been involved in a transaction.

Learning points

- Since 2001, the adoption of further controls on brokering has been an important step forward, but the absence of extra-territoriality limits the effectiveness of these latest provisions. To some extent, Germany has already recognised the importance of controlling brokers beyond the national level through its work on the need for the adoption of EU-wide brokering controls, through the restructuring of the EU Code of Conduct. As such, similar principles should be incorporated nationally to regulate brokers both inside and outside Germany. These principles are an important element of the development of effective controls that should be adopted by all states.

IMPLEMENTATION IN CENTRAL AND EASTERN EUROPE AND RUSSIA

General overview

For several years, there has been increasing evidence to suggest that many illicitly held or traded weapons have been sourced from Central and Eastern Europe (CEE). Substantial quantities of weapons, particularly SALW, pass illicitly through the region, or are traded by brokers into regions of conflict and human rights crisis zones. As such, the countries of CEE are important both as a source and a transit route for transfers of SALW, which is exacerbated by the threat posed by organised crime and other forms of illicit trafficking.

Efforts aimed at addressing these problems have taken place through a number of regional and sub-regional organisations and initiatives including the OSCE Document on Small Arms and the Wassenaar Arrangement, as well as within those that have a remit to address problems of organised crime and illicit trafficking, for example, the Task Force on Organised Crime in the Baltic Sea region. However, for the countries of CEE, a main focus has been on expansion issues and particularly the accession to the EU of the first ten associate countries, due to take place in May 2004.

EU Code of Conduct on Arms Exports

All candidate countries have endorsed the EU Code of Conduct and the EU Joint Action, in the case of the Code of Conduct, pledging their commitment to the risk-assessment-based export criteria on which it is based. Application of these criteria, however, is not systematic, considering the number of transfers that have been authorised to states where there is a risk that they will fuel human rights abuses and armed conflict. For example, according to the Czech Republic 2001 annual report, it sold machine guns to Sri Lanka – where both sides in the conflict that was ongoing at the time had a history of violent human rights abuses.

All EU candidate countries pledged their support to the Code of Conduct by aligning themselves with its principles several years ago. However, the standard of export control regimes in several of these countries falls short of these principles and, despite the fact that some accession countries have recently adopted comprehensive arms export control legislation, the regulatory framework in others remains weak and enforcement capacity in many remains poor. For these concerns to be adequately addressed, it is important that the EU engages with these states effectively to, inter alia, promote a clear understanding of the commitments under the Code of Conduct, encourages strict adherence to its principles and facilitates reform of national legislation and enforcement procedures.

National implementation

There has been some positive progress made on reforming national legislation relevant to implementation of the PoA, notably in Slovakia, Bulgaria and the Czech Republic, and the political

momentum does exist for securing future changes. Bulgaria adopted legal reforms to introduce arms brokering controls and strengthen regulations to prevent the diversion of weapons to unauthorised destinations. However, it did not extend this law to cover the minimum export criteria as contained in the Code of Conduct, which it has pledged to follow.²⁸ This variance between acceptance of criteria and their application is not though confined to the accession countries. For example, since the 2001 UN Small Arms Conference, the UK and Belgian governments have transferred small arms to Nepal during the ongoing internal conflict characterised by serious human rights abuses by both sides.

Recently, Lithuania amended legislation on the import, transit and export of strategic goods and also approved a law controlling arms and ammunition to strengthen controls over SALW, taking into account the main principles of the PoA. In Latvia, a new law on the circulation of arms covering the export, import and transit of SALW entered into force in January 2003. And in light of the PoA and the OSCE Document on SALW, Hungary is currently reviewing its licensing system, which may involve the amendment of relevant legislation.

The role of civil society

Across the countries of CEE, civil society organisation are engaging on SALW issues. In some countries, the 2001 UN Small Arms Conference acted as a catalyst for action, which has been sustained and developed since.

- In the Slovak Republic, an Arms Trade Working Group comprising five NGOs has been working on joint projects to improve the transparency and accountability of Slovak arms export controls.
- In Bulgaria, a Task Force coordinated by the Centre for the Study of Democracy is undertaking a national assessment of existing controls on the arms trade, including measures for combating SALW proliferation.
- Saferworld and the Lithuanian Centre for Human Rights organised a seminar, co-hosted by the Lithuanian Ministry of Foreign Affairs, in March 2002 on Combating Illicit Arms Trafficking in the Baltic Sea Region. Some 50 participants from ten countries, mostly from the Baltic Sea region, attended the international seminar to examine the arms transit trade and risks of diversion in the region.
- A Czech Working Group on arms has been established to enhance transparency in the Czech arms trade (see page 98 below).

STOCKPILE MANAGEMENT AND RECORD-KEEPING IN RUSSIA

General overview

As one of the worlds' largest producers and exporters of SALW, Russia faces enormous challenges in curbing the proliferation of SALW. In principle, Russian laws and regulations relating to SALW are fairly comprehensive, in line with many of the measures proposed in the PoA. Following the 2001 UN Small Arms Conference, there appear to have been several positive steps taken by the Russian government, which include a revision of legislation controlling SALW production, which was approved on 21 June 2002. At present, controls over production ensure that any violation by the manufacturer of the requirements and conditions under which the licence to produce SALW is granted may result in it being suspended. However, the lack of transparency relating to SALW issues in Russia makes it difficult to assess implementation and enforcement of this and other laws and regulations.

²⁸ Human Rights Watch, "Arms trade, human rights, and European Union enlargement: The record of candidate countries", Human Rights Watch Briefing Paper, 8 October 2002, p. 2.

Russia regularly destroys surplus or confiscated SALW, and in 2001, around 21,000 weapons were destroyed. However, the risk of diversion through the misappropriation of these weapons is a real danger, as recently highlighted by one incident in Southern Russia where confiscated arms registered as destroyed were resold to criminal groups.

Reviewing stockpile management and accounting

Detailed measures relating to stockpile management are well established and include specific documentation on SALW accounting, which includes record-keeping on distribution and movement of SALW and a database of authorised personnel assigned SALW. While regular reviews and inspections take place, the sheer volume of illicit weapons in circulation raises doubts about the effectiveness of stockpile security and the efficiency of related accounting systems. Reports of theft and losses from storage facilities led the Ministry of Defence in 2002 to seek clarification from the Ministry of the Interior on the status of around 27,000 SALW. Enforcement also appears relatively weak, given that, in 2001, the Ministry of Defence registered up to 700 separate cases of SALW theft from stocks, but only 14 people were convicted and imprisoned. The socio-economic problems of the Russian military compound the difficulties of implementation and enforcement. This is particularly true when analysing the capacity of enforcement agencies to secure stocks, prevent diversion and enforce penalties. On a more positive note, according to the Ministry of the Interior, theft from weapons storage facilities between 2000 and 2001 decreased and efforts are being made to improve security of storage facilities and arsenals through the installation and upgrading of protection equipment.²⁹

Reviewing record-keeping

SALW record-keeping in Russia is extensive, accounting for production, holding and transfers of SALW. However, these records are classified and their effectiveness is difficult to monitor, due to the lack of transparency. At production facilities, special units are responsible for centralised control and accounting for SALW movements and there are monthly inspections of inventories. There is little information available to discern how well these regulations are being enforced, but considering the vast size of Russia and the number of companies involved in SALW production, enforcing these procedures must be extremely resource - and capacity-intensive and consequently it is unlikely that each facility is subject to rigorous scrutiny.

It is hoped that the introduction in 2002 of a computer data search system containing information on all weapons produced in 20 regions around the country will hopefully enable the Ministry of the Interior to track the movement of any SALW from manufacturer to end user. In 2002, the Ministry of the Interior also drafted a programme for the technical re-equipment of the system to account for and control SALW and ammunition. These efforts towards improving record-keeping and accountability are welcome steps, which the government should continue to develop and enhance.

Learning points

The challenge for Russia, as with all UN member states, is to ensure effective implementation of the PoA. The risk of diversion into the illicit trade from stockpiles and storage facilities is an important factor in the proliferation of SALW, and in Russia, where stockpiles are huge and in some cases insecure, this presents an enormous challenge. More specifically, Russian agencies should undertake further work to ensure the effective management and security of stockpiles, including the provision of adequate accounting systems, in line with international standards of best practice.

²⁹ Alexandr Shklyar, Ministry of the Interior, Russian Federation, "SALW trafficking and organised crime: Making the links", in *National and International Norms, Principles and Measures for Controlling Small Arms Proliferation: The View from Russia*. Report from a seminar hosted by the Center for Policy Studies in Russia (PIR) and Saferworld, 6–7 December 2001.

TRANSPARENCY IN THE CZECH REPUBLIC

General overview

Since the 2001 UN Small Arms Conference, the Czech government has taken several positive steps to control the proliferation and misuse of SALW. For instance, on 1 January 2003, amendments came into effect to the *Firearms Act* governing civilian possession of arms and ammunition in order to harmonise existing legislation with that of the EU. As an associate EU state, it aligned itself with the EU Joint Action of 12 July 2002 aimed at combating the destabilising accumulation and spread of SALW. Efforts to streamline its legislation with that of the EU Code of Conduct and other EU-wide initiatives are welcome, particularly as these regional commitments are in some cases more progressive than those contained within the PoA. However, other efforts to strengthen legislation and improve implementation have been clouded by high profile cases that have highlighted the inadequacies of export controls – including the delivery of arms to Yemen in 2001 and alleged shipments of weapons to Iraq in 2002.

In terms of international cooperation and assistance for implementation of the PoA, the Czech Republic made a modest but welcome financial contribution of \$65,000 to the UNDDA Trusteeship Fund, which has partly funded education programmes to promote a culture of peace, conflict prevention and SALW destruction in, for instance, Albania, Cambodia, Niger and Peru. However, some of the most important steps taken by the Czech Republic relate to the development of transparency measures.

Reviewing transparency

At the 2001 UN Small Arms Conference, the Czech government signalled its intent to contribute to the development of transparency by circulating the report, *The Czech Republic and SALW*, which acknowledged the country's role in the export and import of SALW and established transparency and information exchange as key priorities for Czech national policy. In conjunction with this pledge and in accordance with its commitment to abide by the operative provisions of the Code of Conduct, the Czech Republic has produced two annual reports on exports and imports of SALW (accessible on the Czech government website), which, although limited, represent a positive step forward to increase transparency and accountability.

In both cases, there have been significant time lapses between completion of the reports and publication. Concern over this delay (between the initial circulation among relevant government officials and external publication) prompted NGOs to raise doubts about the sincerity of the original pledge by the Ministry of Foreign Affairs to guarantee the public availability of the report. However, following pressure from civil society, the Czech Republic has made efforts to reduce the time lapse between internal and external publication.

The reports analyse Czech approaches to international negotiations and contain information on the number of exports and imports of SALW, including details on the category, quantity and destination of exports. At present, both reports record the weapon type and quantity separately from the export destination, which makes it difficult to assess the numbers of particular weapons types transferred to particular destinations. It would be more useful for all three pieces of information to be tabulated together to allow for better scrutiny. Unusually, compared to similar publications, the reports provide information on firearm permit and licence holders in the different police authorities, which is a useful contribution to efforts to document domestic possession.

The reports only contain information on exports and imports of so-called military weapons, whereas data on the export of sports and hunting weapons and components of weapons are not included. Under current legislation, in many instances it is the decision of the trading company whether the weapons sold are categorised as military or recreational, the latter requiring a different and more easily obtainable licence. A new amendment under consideration by parliament will establish stricter criteria for the description of the different weapons categories.

The 2001 report concludes by stating that it demonstrates a decline in small arms exports since 2000. It is difficult to ascertain whether this decline is the product of the new competencies in the *Firearms Act 2002* or whether it simply reflects a year of poor sales. To demonstrate that this is a result of more rigorous implementation of export controls and licensing procedures, the scope and depth of information provided would need to be more comprehensive. For instance, publishing information on licence application denials would indicate how rigorously the government had applied licensing criteria to applications.

Indicative of the government's efforts to develop better regulations and improved transparency relating to SALW, the release of the 2001 report was approved together with a major decision by the Czech government to ratify the UN Firearms Protocol and the introduction of proposals to revise legislation for the certification of firearms and ammunition and to oblige all producers to mark all new weapons. An investigatory committee was also established to ensure Czech firms are not involved in supplying terrorist groups. Its responsibility for conducting the review of arms trading licences enables it to monitor some licensed companies more closely – however, at present the lack of parliamentary scrutiny makes it difficult to assess how this translates into practice.

The Czech Republic has instigated other important developments aimed at increasing transparency, including the creation in November 2001 of an investigatory body to scrutinise arms trading licences. However, the limited scope of this commitment is demonstrated by the fact that the results of its investigations remain unpublished.

Learning points

The experience of the Czech Republic demonstrates how implementation of regional initiatives, which go beyond the requirements of the PoA, provide a strong reference point for countries applying its broader commitments. This highlights the complementarity of regional and sub-regional processes to the implementation of the PoA, and indicates how these instruments can in some instances represent a more progressive framework within which to implement changes. In this case, efforts by the Czech government to implement EU initiatives relating to enhancing transparency on arms controls reflects a more developed level of activity than that required by the PoA.

- The Czech experience has demonstrated that transparency is a vital component of developing responsible arms production and export capacity, and that work towards improving the supply and quality of information to allow for proper scrutiny remains important. Delays in publishing annual reports suggest that this should become a statutory requirement that would help to prevent changes in political leadership affecting future implementation.
- The role of civil society has been shown to be an important part of the process of enhancing transparency. NGOs and wider civil society play an important role through monitoring and holding accountable those claiming to operate a responsible arms policy.

WORKING FOR GREATER TRANSPARENCY IN THE CZECH REPUBLIC

Civil society organisations in the Czech Republic are working with the media, public and government to enhance transparency in the arms trade. In April 2003, NGOs led by the People in Need Foundation organised a panel discussion on arms export controls at the Fourth One World Film Festival in the capital, Prague.

Since this event, civil society groups have decided to establish a Czech Arms Working Group to coordinate work on arms issues. People in Need and the Czech branches of Transparency International and Amnesty International coordinate the group. With time, it is hoped that the group will engage a wide cross-section of the vibrant civil society active in the country. The working group aims to identify loopholes in Czech legislation and develop positive policy recommendations for change.

For more information contact Goska Wasilewska, goska@saferworld.org.pl

IMPLEMENTATION IN SOUTH EASTERN EUROPE

General overview

Most of the work undertaken in South Eastern Europe (SEE) relating to SALW issues has taken place within the context of the Stability Pact for South Eastern Europe (Stability Pact) and the Szeged Small Arms Process (SSAP). The PoA highlights the important role regional organisations can play in assisting with national implementation and in addressing regional concerns – and so in this context, action on SALW in SEE is relevant to PoA implementation. This is reinforced by the fact that the aim of the Stability Pact is to translate regional and international measures, including the PoA, into an implementation plan relevant to the specific challenges facing countries in SEE. The SSAP, which was established in 2000 as an informal forum for encouraging dialogue between governments, regional institutions and civil society, has played a complementary role.

Reviewing the Stability Pact's Regional Implementation Plan

The Stability Pact was adopted on 10 June 1999 in an effort to promote a comprehensive conflict-prevention and peace-building strategy following the prolonged period of conflict in the region. One of its key functions is to combat the proliferation of SALW, which is undertaken within this framework through a "Working Table" established to examine security issues.³⁰ Building on the momentum generated by existing processes, in November 2001, the Stability Pact adopted a Regional Implementation Plan Combating the Proliferation of SALW (RIP) in order to develop a coordinated regional approach to tackle the excessive and uncontrolled circulation of SALW.³¹

This plan provides a structure for advancing tangible projects through regional cooperation to reduce SALW in the region; however, as with the PoA, the onus on implementation is with national governments. Many of the thematic areas covered at the regional level by the RIP correspond with those contained in

³⁰ Stability Pact Working Table III, which is a sub-table on defence and security issues.

³¹ The Stability Pact regional country partners are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania and Serbia and Montenegro. Others include EU member states and the European Commission, international organisations and institutions (for example, the UN, OSCE and IMF), as well as regional initiatives.

the PoA, including, for example, transparency and accountability and DDR. Other measures to be undertaken at the national level lack the level of guidance necessary for states to clearly interpret their obligations. For example, the plan recommends that "significant amounts of illicit and surplus SALW should be collected and destroyed", but does not indicate what constitutes "significant" or "surplus". The scope for interpretation presents several problems for the development of best practices and the standardisation of legislation and procedures across the region, which have the potential of creating irregularities in implementation of shared commitments. It also provides the scope for government to take minimal action, particularly in those areas that are more politically sensitive or where there is a lack of political will.

While there has been a profusion of SALW-related action in the region, including legislative reviews and destruction programmes, judging implementation of the RIP is difficult without a clear set of common measurement indicators. So, measuring how much structural change has taken place is quite difficult, although, at the moment, it is probably still too early to observe tangible results. Nonetheless, a combination of positive commitment from the SEE countries, significant input from regional and international organisations – particularly in building capacity to implement SALW programmes – and the role of civil society – have provided momentum to the RIP and contributed to the significant level of action that has been undertaken. The SSAP has played an important role in monitoring implementation of the RIP, in conducting research to develop and aid understanding of SALW problems in the region, and in mobilising political support for practical SALW initiatives, such as capacity-building for law enforcement officials.

The Role of the South East Europe Regional Clearing-House (SEESAC)

One of the most concrete outcomes from the RIP was the establishment of the South East Europe Regional Clearing-House for the control of SALW (SEESAC) created under the auspices of the Stability Pact in partnership with the UNDP, which opened on 8 May 2002 in Belgrade. It has become the regional focal point, providing practical assistance to a variety of national and sub-regional SALW-related projects and programmes working towards implementing the RIP in the eight countries of the region.³²

To ensure that SEESAC is relevant to the needs of the states that it supports, governments have established NFPs to form a Regional Steering Committee. This has proven valuable for building trust and confidence among governments and is important in securing long-term commitment from them.

Since its inception, SEESAC has assisted, supported and developed numerous activities working with governments and NGOs in the region. For example, SEESAC initiated in conjunction with the Southeast Europe Cooperative Initiative (SECI) border control and policing projects aimed at strengthening the capacity of governments to combat the trafficking of illicit SALW. SEESAC has funded a number of weapons collection and destruction projects, for example, smelting 3,859 weapons and 40,000 rounds of small arms ammunition in the wake of the Serbian Government's March 2003 amnesty for citizens possessing illegal arms. The SEESAC website was launched on 10 September 2002 as an important part of facilitating information exchange. Other areas of operation include legislative and regulatory measures, management information, public awareness and media training. The capacity to coordinate and facilitate efforts on several SALW-related issues has placed SEESAC at the forefront of regional efforts to combat the proliferation of SALW.

SEESAC faces a series of challenges, not least maintaining the political momentum that it has helped to stimulate at the state level. There is a concern that SALW-related issues could be pushed to the periphery, due to the significance of other competing priorities facing governments in the region. To reduce the risk of this happening, continued donor support through the provision of both technical and financial assistance is necessary to carry forward the progress already made. It is also important for SALW-related issues to be

³² These are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, and Serbia and Montenegro.

integrated into other broader regional and national development programmes. Encouraging greater and more effective engagement of civil society in implementing SALW projects, sometimes through integrating these issues into existing work, is vital. At present, the SSAP supports SEESAC through the secondment of an NGO Coordinator, who works closely with relevant stakeholders to coordinate projects and facilitate information-sharing. The need to develop better exchange mechanisms in an effort to coordinate common efforts on SALW-related issues was agreed as part of the Szeged Call for Action, during a seminar organised in November 2002 at which the Szeged Small Arms NGO Network was established. This will allow NGOs working on SALW-related issues in the region to share information and experience, assist them in identifying partners and build their capacity to develop and implement SALW projects. Also, in order to build on the accomplishments of its first year and to address these challenges, SEESAC has now developed a strategy plan to be implemented from May 2003 onwards.

The range of initiatives undertaken within SEE since 2001 have helped foster a strong regional approach to tackling SALW issues, through cooperation between governments, civil society and international organisations. Over a relatively short period of time, there has been a significant level of activity that has contributed to tackling the proliferation and misuse of SALW in South East Europe.

The role of civil society

Since 2001, civil society has increasingly been perceived by governments and international organisations as a valued partner in the development of responses to small arms problems. Civil society organisations, particularly NGOs, are involved on various levels in the implementation of SALW reforms in several countries in the region. Examples of NGO activity include the following:

- In Serbia and Montenegro, the Red Cross has for several years led public awareness campaigns on the dangers of SALW misuse (see below).
- In Macedonia, Montenegro and Kosovo, the UNDP is working with local civil society organisations to develop public awareness and education campaigns.
- Regionally, the SEE NGO network acts as an informal information-exchange mechanism and has been a valuable tool in developing NGO engagement across the region.

PUBLIC CAMPAIGNING ON SALW IN SERBIA AND MONTENEGRO

In September 2001, the Yugoslav Red Cross³¹ launched a national public campaign, “For Life – Without Weapons”, which aimed to raise awareness among the public about the dangers of SALW and to work with government to tackle their availability.

The campaign stimulated public discussion on SALW issues across the country and generated significant national media coverage. Prior to the campaign launch, the government had pledged the public destruction of a quantity of SALW, which it announced at the 2001 UN Conference on Small Arms. Following the campaign launch, the Red Cross, with the Serbian Ministry of Education, prepared and distributed to over 1,500 schools in Serbia short and clear messages about the danger of small arms, and in August 2002, several summer camps were held to deal with the different aspects of the SALW problem.

For more information contact Simon Rynn, NGO coordinator, SEESAC, simon.rynn@undp.org

³¹ Since March 2003, the Yugoslav Red Cross has become the Serbian and Montenegrin Red Cross.

WEAPONS COLLECTION AND DESTRUCTION IN SERBIA AND MONTENEGRO

General Overview

Since 2001, progress in implementing the PoA in Serbia and Montenegro has been difficult, due in large part to the number of competing priorities facing government, and, in some cases, to a lack of systematic political engagement. However, the role of the UNDP (through SEESAC) and civil society in supporting government action is a positive example of implementation. Much of the action on SALW issues in Serbia is linked to SEESAC, which is based in Belgrade. SEESAC provides assistance to countries in South Eastern Europe on implementation of the Stability Pact Regional Implementation Plan for combating the proliferation of SALW, which builds on the commitments contained in the PoA and in other regional and international initiatives. As with many countries in the region, the challenges that Serbia faces are significant, and include a legacy of weapons proliferation from the Communist era, the impact of the conflicts that have affected the region since 1991, and problems relating to civilian possession of SALW and organised crime (legislation covering civilian possession is fairly comprehensive; however, there are significant challenges relating to implementation and enforcement).³⁴

Weapons collection and destruction

Since 2001, the government has made progress on developing weapons collection and destruction programmes in keeping with an announcement by the Government of Yugoslavia³⁵ at the 2001 UN Conference on Small Arms to carry out the first in a series of weapons destructions of a "sizeable quantity".³⁶

In Serbia, weapons collection programmes have been established to tackle the large number of arms that remain in society following the end of recent conflicts. These are also part of national efforts to stem organised crime and trafficking. The most recent effort there was the sudden announcement of a 15-day national weapons and ammunition amnesty, starting on 25 March 2003. While this programme was not directly related to implementation of the PoA and was instead borne out of the imposition of martial law following the assassination of Prime Minister Zoran Djindjic, it has received widespread regional support. The successful aspects of this voluntary surrender have been attributed in part to a public awareness campaign involving NGOs and regional bodies – highlighting the important and effective role civil society can play in such schemes. Once the amnesty period started, several NGOs were approached by government to participate in related events, including the national student movement, OTPOR, which helped to disseminate leaflets, and the Balkan Youth Union, which organised a day of action dedicated to developing public awareness of and engagement in the campaign. Considering the sudden nature of the decision by the government to hold the weapons collection, and consequently the lack of preparation time, NGOs were instrumental in quickly raising the profile of the amnesty among the public.

The amnesty deadline was extended for the voluntary surrender of military or non-licensed weapons. During this period, 4,000 SALW were publicly destroyed in Smederevo, south-east of Belgrade, and 40,000 rounds of small arms ammunition were destroyed in Uzice in western Serbia, both of which contributed to developing and maintaining the momentum of the amnesty.

³⁴ The *Weapons and Ammunition Act*, last amended in December 1998, governs the acquisition, possession, keeping, carrying, sale, transport, repair and modification of weapons, parts of weapons and ammunition. The Act also applies to foreigners, either permanent or temporary residents. The 1996 *Law on Production and Circulation of Armaments and Military Hardware* governs production and circulation. This federal law will remain applicable despite the Federal Republic of Yugoslavia having ceased to exist.

³⁵ On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

³⁶ Statement by H.E. Stevan Nikcevic, Assistant Federal Minister for Internal Affairs of the Federal Republic of Yugoslavia to the 2001 UN Conference on Small Arms, July 2001.

Prior to this most recent period of activity, several other initiatives took place that are linked to the implementation of the PoA. For instance, in 2002, 50,000 small arms were destroyed in a project financed by the US and weapons collection in southern Serbia took place following the conflict in Kosovo.

Beyond the voluntary surrender, many stockpiled weapons awaiting destruction have been confiscated in different police and armed forces actions. While there is a clear policy on destroying all surplus and confiscated, seized or collected weapons, there is no clear understanding of what constitutes surplus. However, discussions on this issue are currently taking place, as part of the process of restructuring the police, armed forces and other entities authorised to carry weapons in an effort to reach a definitive position.

Learning points

In large part, the collection and destruction programmes in the former Federal Republic of Yugoslavia – now the Republic of Serbia and Montenegro – have received the support of Belgrade-based SEESAC, for instance, through financial and technical assistance to develop the capacity of the Ministry of the Interior's relevant agencies responsible for destruction. SEESAC also designed and financed an information leaflet, two million of which were distributed throughout the national postal service during the amnesty, which is seen to have been invaluable in drawing public attention to the process. Such close cooperation has most probably provided legitimacy to these national efforts among the public and helped to prioritise the reduction of weapons in Serbia as fundamental to enhancing personal security and contributing to both national and regional stability.

- Regarding the recent amnesty, the role of civil society enhanced the profile of the weapons surrender. Based on experiences from the region, cooperation between NGOs/civil society and government has shown to be crucial in effecting the success of weapons collection programmes.
- Concerns over the issue of what constitutes surplus weapons must be addressed to rectify confusion over the action that needs to be taken to deal with stockpiled weapons that do not match the requirements of the police or armed forces.
- Targeted donor assistance has an extremely important role to play in the organisation and implementation of weapons collection and destruction programmes. The role of SEESAC in the case of Serbia has been important in providing and focusing the role of assistance in the de-weaponisation process.

DEVELOPING INTERNATIONAL COOPERATION IN ROMANIA

General overview

Romanian efforts to curb SALW proliferation are linked to both the PoA and the OSCE SALW Document – both of which were reviewed at the Regional Seminar on the Implementation of the OSCE Small Arms and Light Weapons Document and the UN Programme of Action in All its Aspects held in Bucharest on 24 February 2003. Romania has focused significant attention on bi-lateral consultations and fostering international cooperation and assistance in implementing these and other processes. These have included, for instance, moves towards applying the OSCE Best Practice Guide on export legislation.³⁷

Romania has begun to streamline its export control system among the relevant institutions using the TRACKER electronic system for managing licence and control applications.³⁸ This is an important administrative step in enhancing internal coordination and coherence among those responsible for

³⁷ Romania indicated that it drew on the Best Practices Guide at the Bucharest Regional Seminar on 24 February 2003.

³⁸ Annex 1, Summary of Proceedings from the Regional Seminar on the Implementation of the OSCE Small Arms and Light Weapons Document and the UN Programme of Action in All its Aspects, Bucharest, 24 February 2003.

implementing and enforcing legislation and licensing procedures. The lack of access to information and transparency, though, makes it difficult to assess the effectiveness of implementation and enforcement of current legislation. However, in a positive move towards public transparency, on 28 September 2002, the National Agency for the Control of Strategic Exports and Prohibition of Chemical Weapons (ANCESIAC), the main body responsible for enforcing arm export controls, presented its first annual report on arms exports covering the period 2000–01. The report sets out the legislation governing arms exports and figures on licenses granted and deliveries of arms. Unfortunately, no detailed description is supplied on the types, quantities and end-users of military equipment exported or licensed, or information related to licensing denials. Therefore, whilst the report is a welcome move towards greater transparency, it fails to provide the levels of information necessary to form an objective assessment on how Romania is applying in practice its commitments at the national and international levels.

International cooperation

Small arms trafficking and organised crime present major challenges to the countries of South Eastern Europe. Efforts to tackle these have centred on cooperation and information exchange among neighbouring countries, often through regional initiatives, for example, SECI, which aims to encourage cooperation among the countries of the region and facilitate European integration. Following the adoption of Romania's proposal for SECI to engage in efforts to counter cross-border crime, the Regional Centre for Combating Transborder Crime within SECI was established in November 2000 in Bucharest. Subsequently, a specialised Task Force composed of police and custom officers from SECI participating states was set up in 2002 to combat and prevent trafficking of SALW in SEE. However, whilst this is a positive step forward, the Task Force is at present only engaged in information exchange. To be more effective, there is a need for it to become more operationally focused by, for example, positively identifying smuggling patterns and targeting clandestine operations.

Learning points

The outcome of Romanian efforts to promote international cooperation and bi-lateral consultations has encouraged an exchange of information that may contribute to the strengthening of Romanian laws and regulations relating to SALW, and enhance their implementation. The provision of technical assistance is of mutual benefit to the countries concerned, helping to shape best practices and emerging areas of consensus that will contribute to curbing the proliferation of SALW.

- Romania's experiences of promoting international cooperation suggest that states should be supported through technical and financial assistance to strengthen, *inter alia*, the effective implementation of legislation and regulations and the capacity for implementation and the support of programmes to reduce weapons.
- Furthermore, steps towards transparency through annual reporting are a valuable mechanism, allowing for public and parliamentary scrutiny. Romania should take the opportunity to put its annual report on a statutory footing, making publication in the future mandatory.

COOPERATION BETWEEN CIVIL SOCIETY, GOVERNMENT AND INDUSTRY IN BULGARIA

The Centre for the Study of Democracy (CSD), a Sofia-based NGO, has made an important contribution to the development of a Bulgarian National Action Programme on Arms Export Control and Combating Small Arms Proliferation. The CSD coordinated the process of researching a report, which forms the basis of the programme, which was discussed at an international seminar in May 2003. The research included conducting in-depth interviews with current and former public officials and managers of SALW production companies. Efforts to develop a National Action Programme represent the first such comprehensive strategy for tackling small arms proliferation in SEE. It also represents the first time in Bulgaria that experts from government, civil society and industry have cooperated on the issue.

To find out more contact Boyko Todorov, Center for the Study of Democracy, csd@online.bg

3.2.4. THE MIDDLE EAST AND NORTH AFRICA (MENA)

OVERVIEW OF PROGRESS IN THE MIDDLE EAST AND NORTH AFRICA

A lack of detailed research, compounded by a lack of transparency on arms and security issues in general, makes it difficult to assess the extent of the small arms problem in the Middle East and North Africa region. The MENA region, including all Arab countries, Israel, Iran, Turkey and Sudan, was a major recipient of small arms during the Cold War and has since received large transfers of legal and illicit weapons. Though the Arab-Israeli conflict has been the nucleus of many problems in the region, and illicit transfers are often connected to support for non-state actors in that conflict, many countries in the region are engaged in border disputes with their neighbours. Religious, ethnic and national conflicts are widespread. Cross-border trafficking occurs between states for political reasons and arms are also retransferred to tribes or non-state actors to consolidate relations between sub-national actors and central governments.

Regional control measures

There has been no systematic progress to date towards establishing region-wide instruments for SALW control. There are several reasons for this, including the Arab-Israeli conflict. Small arms are the source of a major national security concern for Israel. The illicit transfer of weapons to Palestinian combatants is seen by Israel and others as exacerbating the conflict and reducing the chances for peace and, by extension, coordinated regional activity. Another barrier to progress in controlling SALW is that, for other actors in the conflict, small arms are considered the only means of defence against a modern state army. Thus there is significant variation in local understandings of SALW, which makes coordinated action extremely difficult.

As a result of these and other differences, the states of the MENA region have demonstrated limited engagement with the PoA, and few activities can be interpreted as a direct response to it. It is only recently that the proliferation of SALW has become a focus of concern in the MENA region, and a regional concept of the problem is yet to emerge.

National implementation of the PoA

Within the region, few activities at the government level, other than the designation of national points of contact, have been linked to implementation of the PoA.

- Algeria, Egypt, Jordan, Lebanon, Morocco, Oman and Syria have notified the UNDDA of a designated national point of contact for small arms matters. Of these, Algeria, Morocco, Oman and Syria have designated individuals with contact details provided. The others have relied instead on the designation of a pre-existing department or agency in the national government. The extent to which these agencies have the capacity or will to advance the PoA agenda is presently unclear.
- Turkey has declared that all SALW produced in the country after 30 June 2001 should be marked at the point of manufacture to enable each small arm to be traced. Turkey, also actively participated in the OSCE Information Exchange and has demonstrated a strong inclination to bring policy in line with that instrument – which shares many overlaps with the PoA.
- Though the matter was coincident to the PoA, and not a result of it, Sudan demobilised 909 child soldiers of the Sudan People's Liberation Army (SPLA) in Bahr al-Ghazal, southern Sudan, in December 2001 and January 2002. This was in addition to the demobilisation of 3,551 child soldiers in 2001. The PoA strongly emphasises the importance of DDR activities, and makes special note of the plight of child soldiers.
- According to unverified news reports, in September 2002, the United Arab Emirates was engaged in the process of drafting federal laws regarding ownership of firearms.
- Iran is the only Middle Eastern state to have provided a formal report to the UNDDA on the implementation of the PoA in 2002. None were provided in 2001.
- Despite reports of voluntary weapons collections since 2001, there are no known programmes that have been initiated by governments in the region.

Despite the useful steps taken by some governments — often at a fairly ad hoc level — there appears to be a real absence of systematic action to address small arms proliferation and misuse across the region. There are no doubt several reasons for this, and they include the current security environment and, on a more practical level, a lack of publicly accessible information regarding activities undertaken by states. The following illustrative examples of action at the national level have been selected to demonstrate some of the approaches taken by governments to tackle small arms problems from different perspectives. They focus on different aspects of SALW proliferation and misuse and demonstrate varying degrees of success and coordination in achieving positive change. However, they all have one common thread, and that is that in countries analysed across the region, accessing verifiable and qualitative information is problematic and this makes it difficult to judge the success or otherwise of the various initiatives undertaken by governments.

The role of civil society

Civil society actors in the region have only recently begun to focus on small arms issues. However, civil society organisations in the MENA region have played a major role in raising awareness of the importance of combating and eradicating the illicit trade in SALW in the region. Since 2001, they have organised five major national and regional workshops related to various issues of SALW. In November 2002, civil society groups from Jordan, Yemen, Lebanon, Palestine, Egypt and Northern Sudan launched a MENA regional network on small arms. The network and interested governments have started a dialogue about the importance of establishing partnerships among themselves to tackle the illegal proliferation and misuse of SALW and address adequate laws, regulations and administrative procedures related to various aspects of SALW in the region. It is hoped that such partnerships will be developed and institutionalised.

Israel has active and refined national laws for matters of possession, export, import and storage of small arms, and there are numerous domestic NGOs in Israel who work on matters peripherally related to small arms, such as domestic abuse. However, Israel does not broadly cooperate with its neighbours, due to political and military tension, and no activities since July 2001 can be attributed to implementation or strengthening of the PoA.

Table 7: National Implementation in the Middle East and North Africa

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Algeria		Y														
Egypt		Y														
Iran	Y	Y	Y	•	•	•						Y		•		
Israel	Y	Y	Y	•	•	•	•					Y	Y	•	•	
Jordan		Y											Y	•		
Lebanon	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	
Morocco		Y														
Oman		Y														
Qatar		Y														
Syrian Arab Republic		Y														
Turkey	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	
Yemen													Y	•	•	

KEY:

Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfers

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected

DDR = Disarmament, demobilisation, reintegration
 VWCP = Voluntary weapons collection program
 F = Financial
 T = Technical

		Stockpile management			Destruction				Disarmament and weapons collection			Financial or Technical Assistance			
	T	Review of Procedures	Regular reviews of stocks		S	C	Policy of Destroying All			DDR	other	Provision		Receipt	
							S	C				F	T	F	T
	•														
	•														
	•								Y	other					
	•	Y	•	•											
	•				Y										
	•														

WEAPONS COLLECTION AND TRANSPARENCY IN JORDAN

The problems related to SALW in Jordan are complex and closely linked to wider problems throughout the region. The violence between the Israelis and the Palestinians, and more recent tensions resulting from events in Iraq have increased the risk of public disturbance, illustrated by demonstrations in Jordan in refugee camps, university campuses and cities across the country. In addition, there has been a pattern of rioting in southern cities such as Ma'an, where there is a history of anti-government disturbances and Islamic activism. In a country whose geopolitical location has provoked internal tensions and where carrying weapons is deemed traditional in many areas, the proliferation of SALW could, potentially, have a very destabilising impact.

Jordan has perhaps the most active and independent civil society group working on SALW issues in the Middle East and has taken a lead in engaging with the international community, generating support and coordinating capacity on SALW work. Despite this, there is still a long way to go in terms of tackling SALW issues and implementing the PoA.

National implementation

Jordan faces a number of challenges with regard to implementation of the PoA. On a relatively basic level, for instance, the government has yet to establish the agency responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW. However, there have been some positive efforts taken by the Jordanian government to address issues related to commitments contained in the PoA.

Weapons collection

Jordan has one of the few disarmament processes implemented in the region since the PoA. This resulted from events in November 2002, when King Abdullah II sent tanks into the city of Ma'an in what was described as a pre-emptive strike against Islamic activists, as it was feared that they would spark widespread dissent should the US and UK initiate a war on Iraq. There was significant resistance, a number of people were killed and scores were injured. The reaction of the authorities to this violence, which was fuelled by the widespread availability of weapons in the city, was to declare Ma'an a "completely weapons-free" zone. All licenses that had previously been issued to citizens were declared null and void and the government began collecting arms. While many weapons were surrendered, it is doubtful whether either the collection policy or programme will really make Ma'an a weapons-free zone, given that the area is populated by people who are traditionally heavily armed.

With regard to SALW stocks and weapons destruction, very few details are known, as the government considers this to be classified information. As a result, civil society organisations do not have credible information on the standards and procedures relating to the management and security of the stocks of SALW held by authorised bodies, nor on the policies of destroying surplus, confiscated, seized or collected weapons.

Transparency

Efforts on the part of the Government in relation to record-keeping, transparency and marking and tracing of SALW have not yet been adequately developed. Given that laws and regulations relating to SALW are not made publicly accessible, there is little knowledge regarding the extent to which they include measures to ensure that licensed manufacturers apply an appropriate and reliable marking on each SALW as an integral part of the production process.

Learning points

There has been little concrete systematic action undertaken by the Jordanian government to implement commitments contained in the PoA or in other relevant international or multilateral initiatives. However, since 2001, Jordan has begun to experience changes in the way that SALW issues are perceived by government and by civil society.

- Jordan has benefited from the development of the PoA, as it has contributed to opening the policy agenda to discussion of small arms, and it has demonstrated that international multilateral support is available if required.
- Civil society actors are still not particularly empowered to engage on SALW matters, but organisations like the Jordanian Institute for Diplomacy and the Regional Human Security Center have demonstrated that regional centres can provide direct capacity-building support to the MENA region if provided with sufficient international support and national encouragement.
- The issue of culture and tradition plays a major part in fuelling demand for weapons, as illustrated by the events in Ma'an. Therefore, there is a real need to work at a community level with relevant actors to change social perceptions in relation to SALW, prior to engaging in, for instance, collection and demand reduction strategies.

CONTROLS AND LEGISLATION IN YEMEN

Any positive attempt to address small arms in Yemen is primarily connected to the central government's interest in creating a modern nation-state with increasingly centralised power in the capital. At present, however, the stability of the country rests on a negotiated relationship between the tribes and the government, in which by some six-to-nine million small arms, light weapons, and even heavy weaponry play a significant part. Efforts are being undertaken to address strong traditions of weapons ownership among tribal groups, but such a change in social practices is difficult to organise and sustain. Previous short-term collection and destruction programmes have not altered the underlying relationship of Yemenis to their weapons.

In Yemen, gun ownership is very much a part of local culture and tradition. Though accidents are common, and relationships between security forces and tribal groups in various regions are often hostile, criminality in the country appears to be low, and the wide availability of weapons has not undermined traditional social structures. However, it is alleged that some regions in the country have links to international terrorism, and the government is increasingly interested in reducing the number of weapons accessible in these areas and bringing such links to an end.

National implementation of the Programme of Action

The Government of Yemen has yet to implement many aspects of the PoA. In some cases, it is likely that it lacks capacity – for instance, the Government is suspected of lacking the capacity to bring national laws, regulations, norms and practices on SALW in line with those of the international community. Indeed, little progress has been observed in light of the agreement of the PoA, although interest in engaging with the subject matter does seem to be increasing. There are also ongoing government efforts to combat the personal use of firearms; however, these predate the PoA and their impact has been rather minimal.

Although information on stocks of SALW in Yemen is limited and difficult to access, various reports from local and regional newspapers have suggested that there have been numerous incidents in the past few years of small explosions at arms depots and ammunition dumps, some of which are suspected of being linked to incidents of arson, used to cover the theft of military equipment.

Civil society engagement with SALW issues has been limited. However, there are several NGOs that have endeavoured to address the SALW problem in Yemen. Positive efforts include the development of a training and awareness programme, designed to educate people about the misuse of SALW.

SALW controls and legislation

The Ministry of the Interior is the government body responsible for matters pertaining to the illicit SALW trade; however, there are no specific provisions in relation to SALW control. Rather, responsibility in this area falls under the broader topic of general security issues. Furthermore, the government has not designated a national point of contact to liaise with other organisations and governments on implementation of the PoA.

Yemeni laws and regulations concerning the export, import, transfer and production of SALW are synchronous with the PoA, and this has not been a priority, as the government maintains that it does not export or import SALW. The existing regulatory framework does not account for the risk of diversion into the illegal arms trade as outlined in the PoA and there is no system for notifying the country of origin prior to retransfers taking place. Laws and regulations specific to the brokering of arms in Yemen are still to be developed. The illegal manufacture, possession, stockpiling and trade of illicit SALW is prohibited under domestic law.

On a positive note, the Yemeni government is reforming current SALW practices in relation to the civilian possession of firearms. Under Article 9 of the existing Yemeni law on weapons, citizens actually possess the right to acquire firearms and do not require a license. There is no restriction on the number of weapons or amount of ammunition any one person may possess. Previously, the law prohibited people from brandishing firearms in cities and required people who possessed firearms in cities to obtain a licence. In a positive move, in April 2002, the Yemeni government introduced a new law banning civilians from carrying weapons in cities. However, the ban, enforced by the Interior Ministry, does not apply to rural areas, and it quickly proved unpopular with tribal leaders, who felt it was undermining their authority. Following the ban, the Cabinet called on parliament to take further action and to approve a draft law on arms possession.

Learning points

Despite fairly minimal efforts to implement the commitments contained within the PoA, the experience of attempts over the recent years by the government in Yemen to address SALW problems presents some interesting learning points:

- The Yemeni experience has demonstrated that initiatives tackling the illegal possession of SALW amongst civilians are more effective when they take into account local traditions and value systems. In this case, firearms are valued as status symbols and seen as essential to protect tribal and family honour.
- Collection programmes and stricter laws, while possibly helpful in the short term, have been complicated by the easy replacement of confiscated weapons, and by the absence of changes to security sector tactics in confronting tribal groups. Yemen's experiences have shown how intimately security sector reform and new legislation need to work together.
- Implementation of the PoA will require efforts on behalf of the central government to increase transparency, record-keeping and public access to information regarding SALW in Yemen.

LEGISLATION, DDR AND STOCKPILE MANAGEMENT IN LEBANON

Lebanon's devastating civil war, which lasted some 15 years, had a profound impact on the SALW-related problems experienced in the country, both during and since the end of the war, with SALW being widely dispersed throughout the country. In addition to the security problems particular to the wider region, Lebanon has specific problems with trans-shipments of SALW, possession by non-state actors and border control problems. Lebanon's porous borders, the existence of established arms procurement networks and ineffective policing have significantly contributed to the smuggling of arms into the country. The central government exercises little control over these processes.

General implementation of the Programme of Action

Lebanon's progress in implementing the PoA has been mixed. However, Lebanon has appointed a national point of contact, the Central Security Council, with responsibility for overseeing security issues and for policy guidance and monitoring efforts pertaining to SALW.

Legislation

Although there are extensive regulations, laws and administrative procedures on the production, export, transfer, transit and import of SALW, it is not certain whether these are stringent enough to comply with the requirements contained in the PoA. While the national legislation has not been reviewed in light of the PoA, the regulations and administrative procedures have been examined, although it is not yet clear what the result of this has been.

An important area in which current regulations and laws have not been reviewed is domestic measures relating to illicit SALW. While Lebanon's legal and judicial system has the capacity to prosecute those identified as being engaged in the illegal manufacture, stockpile, trade and possession of SALW, these laws were not subject to review after the 2001 UN Conference on Small Arms and there are concerns that they do not exercise adequate control. There is also concern that efficient prosecution is not as widespread as it should be. In addition, although there are national laws governing arms brokering, it is not clear whether these are adequate in terms of the commitments outlined in the PoA.

Transparency regarding the regulatory infrastructure is lacking in certain respects. While there is public access to the rules and regulations on exports, imports, marking and tracing of SALW, the laws and information on stockpile management and weapons collection and destruction are not publicly accessible.

DDR, destruction programmes and stockpile management

Lebanon has yet to develop relevant policies or procedures for the destruction of surplus, collected or seized weapons. Although Lebanon has a programme for DDR that includes provisions for the collection, storage and control of heavy arms, there is no such programme specifically targeting SALW.

There are detailed standards and procedures outlining management and security measures that should be taken into account for all SALW stocks held by police forces, the military and other authorised bodies. Procedures on stockpile management are regularly reviewed, as are the stocks themselves, and there are no official reports of problems regarding the management of stocks.

Learning points

Lebanon's experiences of attempting to address specific SALW problems indicate the following:

- Even though the state has existing legislation that broadly covers areas of concern with regard to SALW, efforts could be enhanced if a widespread review of this legislation were undertaken in the light of the PoA, to fully map the divergence between existing legislation, international commitments and implementation and enforcement.
- There is a clear need to increase transparency with regard to the regulatory infrastructure and mechanics of exercising SALW control, particularly as regards information relating to stockpile management, weapons collection and destruction. This would enable the public to gain a clearer picture of the situation and would enable civil society to more effectively target their work.
- Civil society actors exist in the country and are keen to engage with their government. The lack of civil society focus on small arms issues is not proof of a lack of national will or expertise to address the problems, but rather may be due to the absence of state support. Links between the government and civil society actors working on SALW issues should be developed and strengthened wherever possible.

MIDDLE EAST AND NORTH AFRICA (MENA) SMALL ARMS NETWORK

Civil society organisations in the MENA region have played a major role in raising the awareness of the importance of combating and eradicating the Illicit Trade in SALW in the region. Since 2001, they have organised five major national and regional workshops related to various issues of SALW.

In November 2002, civil society groups from Jordan, Yemen, Lebanon, Egypt and Sudan launched a network on small arms. The network working with interested governments has started a dialogue about the importance of establishing partnerships to tackle the illegal proliferation and misuse of SALW. The partnerships will also address the need for adequate laws, regulation and administrative procedures related to various aspects of SALW in the region. It is hoped that such partnerships will be further developed and institutionalised in the region.

For more information – contact <http://www.id.gov.jo> or <http://www.afsc.org>

3.2.5. ASIA

OVERVIEW OF PROGRESS IN ASIA

Efforts aimed at tackling the proliferation and misuse of small arms in Asia have differed widely, both in scope and impact, from country to country. Within the region, there are some examples of very positive action taken by states at a national level (for instance, in Cambodia and Sri Lanka), and many cases where it is very difficult to detect any tangible response to the challenges outlined in the PoA. At a regional and sub-regional level, though, there has been very little coordinated action. There is no regional organisation with Asia-wide responsibilities for small arms issues, sub-regional initiatives focused on combating SALW trafficking are rare – and, in cases where they do exist, they are rather ineffective.

Asia currently lacks the kind of political and legislative frameworks that have been developed in, for example, Africa and Europe, which act as a basis for collective responses to small arms problems and as frameworks through which to pursue implementation of the PoA. This is in part a reflection of the vast size of the continent and the level of historical, political, social and economic diversity within Asia. It also reflects a lack of political will on the part of governments to address SALW proliferation and misuse – although the attendance by representatives from 20 countries from the Asia Pacific region at a Regional Seminar on the Implementation of the Programme of Action in February 2003 was a very positive sign.

So, implementation at the regional/sub-regional level since 2001 has been very disappointing. There have, however, been positive steps taken nationally to implement specific PoA commitments, which include, for instance, the establishment of national points of contact in at least 13 countries – Bangladesh, Cambodia, China, India, Indonesia, Japan, the Republic of Korea, Malaysia, Mongolia, Pakistan, the Philippines, Singapore, Sri Lanka and Thailand.

Another encouraging development since the 2001 UN Conference on Small Arms has been the development of civil society networks such as PHILANSA (the Philippines branch of IANSA) and the South Asia Small Arms Network (SASA-Net), and their important role in pushing for further action on small arms is likely to be crucial. South Asia Partnership International, which is part of SASA-Net, has been particularly active and influential in highlighting the impact of SALW proliferation and misuse in South Asia.

IMPLEMENTATION IN SOUTH ASIA

In South Asia, where nuclear threats and the build-up of nuclear weapons were the major source of concern in the 1990s, there is now growing awareness of the menace of SALW proliferation and its impact on peace, development and human security. The growing small arms problem in the region is linked to high levels of insecurity, driven by internal and cross-border conflicts and underpinned by deep-rooted poverty and structural underdevelopment. There is a real need for concerted and sustained action by governments and civil society to tackle the proliferation and misuse of SALW, and the PoA has the potential to act as a useful framework through which to pursue this.

Since the 2001 UN Conference on Small Arms, there has, however, been no coordinated regional action taken by governments aimed at implementing the PoA in South Asia. Despite some efforts targeted at encouraging action and information-sharing on terrorism-related issues, the South Asian Association for Regional Cooperation (SAARC), the regional body covering Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka has not been involved in any discussions or activities relating specifically to SALW. SAARC is seen by many to have very limited capacity to address small arms and, in recent times, the organisation in general appears to have performed a fairly peripheral role on security issues in the region. In fact, partly as a result of continuing regional tensions in the region, the last meeting of SAARC, initially planned for January 2003, was postponed.

There have been efforts to engage in regional dialogue – most notably through a Bangladeshi initiative supported by the Canadian and UK governments for a regional conference on implementation that was proposed on several occasions throughout 2002, and the participation of India, Pakistan and Sri Lanka in the regional seminar on SALW for the wider Asia Pacific region that took place in February 2003. However the case for regional cooperation to prevent illicit small arms proliferation is strong. For instance, Pakistan is experiencing a renewed influx of small arms following the conflict in Afghanistan; smuggling networks operate in the region to supply weapons to insurgent groups in Nepal and north-western India, and the LTTE movement attempting to establish a Tamil homeland in Sri Lanka has over several years developed a sophisticated procurement network that used Thailand, amongst other states, as an important source of small arms and conventional weapons.

Table 8: National Implementation in Asia

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Afghanistan																
Bangladesh		Y	Y	•	•	•							Y	•	•	
Cambodia	Y	Y	Y	•	•	•	•						Y	•	•	•
China		Y	Y	•	•	•	•	Y		•			Y	•	•	•
India	Y	Y	Y	•	•	•	•	Y	•	•			Y	•	•	•
Indonesia		Y	Y	•	•	•							Y	•	•	•
Japan	Y	Y	Y	•	•	•						Y	Y	•	•	
Kazakhstan			Y		•			Y		•						
Kyrgyz Republic													Y		•	
Laos			Y	•	•	•							Y	•	•	•
Malaysia		Y	Y	•	•	•	•					Y	Y	•	•	•
Mongolia		Y														
Myanmar			Y	•	•	•	•									
Nepal			Y	•	•	•	•						Y	•	•	
Pakistan	Y	Y	Y	•	•	•	•					Y	Y	•	•	•
Philippines	Y	Y	Y	•	•	•	•						Y	•	•	•
Republic of Korea		Y	Y	•	•	•		Y		•			Y	•		
Singapore		Y	Y	•	•	•							Y	•	•	
Sri Lanka	Y	Y	Y	•	•	•	•						Y	•	•	
Thailand	Y	Y	Y	•	•	•	•						Y	•	•	•
Vietnam			Y	•	•	•							Y	•	•	

KEY:

Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfers

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected

DDR = Disarmament, demobilisation, reintegration
 VWCP = Voluntary weapons collection program
 F = Financial
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance				
	T	Pr	Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other	Provision		Receipt			
							S	C			F	T	F	T		
										weapons for development	Y			•		
•																
•	Y	•		Y		•			Y	•	VWCP, confiscation	Y			•	•
•	Y		•								confiscation					
•	Y	•	•						Y	•						
•																
•	Y		•									Y	•	•		
•																
•	Y		•													
•											other					
•																
•																
•	Y		•	Y	•				Y		de-weaponization program, amnesty					
•	Y		•	Y		•			Y		other	Y			•	
•	Y		•	(1)					Y		annual amnesties					
•																
•	(2)			Y					Y		amnesty	Y				•
•				(3)												
•																

(1) Procedures in place for destruction of surplus, confiscated, and surrendered weapons
 (2) Under consideration
 (3) Destroyed mines

National implementation

Although regionally there has been little coordinated activity, there are examples of attempts to implement the PoA at the national level. Positive efforts include:

- The de-weaponisation campaign in Pakistan (see the following case study);
- The involvement of India on the UN Panel of Experts on Marking and Tracing;
- The establishment of NFPs in Bangladesh, India, Pakistan and Sri Lanka;
- The establishment of a national commission in Sri Lanka and India;
- The provision by India and Bangladesh of reports to the UNDDA on progress towards implementation of the PoA in advance of the 2003 Biennial Meeting of States.

However, despite these important steps, it appears that progress nationally has not been systematic across or within the countries that comprise South Asia.

Legislation

In most countries in the region, there is legislation that is relevant to illicit small arms proliferation. However, in some cases, this dates back many decades, and in all cases this has not been reviewed fully since 2001. Bangladesh, India, Pakistan and Sri Lanka have a common legislative history as regards the manufacture, sale, ownership, import and export of arms. The *Arms Act* of 1878, applicable to the whole of what was then British India has been amended in each of the relevant states – however, elements of it are still applicable over 120 years later. Some states, and India is a good example, have a strong legislative framework covering SALW as a component of controls on the broader category of conventional weapons. The Indian *Arms Act* of 1959, for instance, and the associated *Arms Rules* of 1962 provide the legislative basis for the manufacture, sale, transfer, transport, export and import of arms and ammunition and provide a penal code for violation of these acts.

There are also more recent examples of legislative change in several states in the region targeted at tackling specific aspects of small arms proliferation. For example, in India on 11 September 2001, the government declared its intention to legalise the activities of defence agents. It stated that this change, which allows Indian nationals to work as agents for foreign defence companies, provided that they are approved through a system of licensing, was part of a process of increasing transparency in the defence industry. In Pakistan, as part of the de-weaponisation campaign, the government announced plans to make carrying weapons in public an offence – a strategy similar to that proposed but not enacted in the Philippines in South East Asia in 2003.

In 2003, South Asia Partnership International produced a *Comparative Study of Small Arms Legislation in Bangladesh, India, Nepal, Pakistan and Sri Lanka*, which investigated appropriate legislative developments in the states of South Asia. It suggests that the *Arms Act* of 1878 and subsequent amendments, combined with new legislation developed at the national level, provide a fairly proscriptive legislative framework on aspects of addressing small arms problems. However, in the case of, for instance, India and Pakistan, whilst it is clear in the legislation that exports may only take place when licenses have been granted, there is no available information on the criteria that are used to judge the merit of a particular licence application. At the very least, this indicates a need to increase transparency in the export licensing process – through the publication of an annual report on arms exports that is provided for in law. Similarly, there are several areas that are not covered in legislation – which have fairly recently become pertinent to states in South Asia and include, for instance, licensing the activities of arms brokers (Pakistan and Bangladesh), procedures for destruction of confiscated as well as surplus weapons (all states) and the import of weapons by foreign private security companies (Sri Lanka). There is a need to re-examine the content and scope of legislation, but there is also an urgent need to enhance the capacity of implementing agencies to enforce the commitments and guidelines that already

exist – both at national and international levels. International assistance is required, financially and technically to address all aspects of tackling illicit SALW proliferation – from more effective border controls to the development of DDR and weapons collection programmes where appropriate. However, in some countries in the region there is also a need for government to address implementation of the PoA more rigorously. The lack of concerted action in South Asia is due in large part to the very complex and difficult security situation in the region. However, there are other regions of the world that have recently experienced situations of armed conflict and that suffer from high levels of illicit civilian possession and armed violence but which have experienced more systematic progress since 2001.

Opportunities for future action

Developments in the security situation in South Asia present several opportunities for action in the near future. The decision to resume diplomatic links between Pakistan and India in May 2003 was extremely important and could yet prove to be a crucial step in resolving the single biggest obstacle to cooperation in the region. The ongoing peace process in Sri Lanka and the moves towards peace in Nepal have the potential to act as catalysts for tackling small arms problems in the context of a wider programme of post-conflict reconstruction and development, and the increasing involvement of NGOs provides excellent opportunities for the engagement of a wider civil society in the process of tackling the proliferation and misuse of small arms in South Asia.

The role of civil society

There are signs that a more coordinated and effective approach to implementing the commitments in the PoA is possible in the future. One important element in the process of change is the engagement of civil society – and in South Asia it is clear that civil society in several countries in the region is starting to organise more effectively on small arms issues. In early 2003, NGOs and individuals from across the region met in Colombo, Sri Lanka, to develop a strategy for engaging those working on related issues and to identify priorities for future work on small arms. A key outcome of the meeting was the establishment of the South Asia Small Arms Network (SASA-Net) to coordinate civil society work across the region (see the SASA-Net case study below). Much of the initial work to engage civil society was coordinated by South Asia Partnership with support from IANSA. South Asia Partnership took a leading role in the organisation of the South Asia Peoples Summit that took place in Islamabad in early 2003. The summit, which was initially planned to take place in parallel with the SAARC Summit, featured the impact of small arms as one of its key agenda items.

THE SOUTH ASIA SMALL ARMS NETWORK

In February 2003, SASA-Net was formed at a meeting in Colombo, Sri Lanka, which was attended by over 30 civil society organisations from Bangladesh, Bhutan, India, the Maldives, Nepal and Pakistan. The network is focused on placing the problem of SALW firmly on the political and public agenda through publicising the human impact of small arms misuse in South Asia; advocating for states to implement their PoA commitments and, as a first step, to appoint NFPs; and calling for and participating in efforts to reform the security sector in countries across the region. Since February 2003, participants have been organising national consultations to broaden the scope of civil society organisations working on small arms issues and to develop strategies to achieve the changes identified.

For more information contact James Arputharaj, sapi@eureka.lk

DE-WEAPONISATION IN PAKISTAN

General overview

Pakistan has for many years suffered from extremely high levels of small arms proliferation. There is no reliable figure relating to the numbers of either illicit or legally held weapons in the country. However, rough estimates are in the millions with two million licensed firearms recorded by the 1998 census and estimates of at least 18 million more being held illegally.³⁹ Since the end of the US-led military campaign in neighbouring Afghanistan, there are reports that Pakistan is experiencing a renewed influx of weapons, which, added to the already uncertain security environment, has heightened the dangers associated with the proliferation of SALW in the country.

Since the 2001 UN Conference on Small Arms, the government of Pakistan has found it difficult to implement the commitments contained in the resulting PoA. This is in large part due to the change in the security situation following 11 September 2001. There have, however, been several positive steps taken towards effective implementation, including the extension of the government's de-weaponisation campaign.

De-weaponisation campaign

In February 2000, the military government led by General Musharraf announced its intention to launch a campaign to "de-weaponise" Pakistan. Interior Minister Lt-General Moinuddin Haider, responsible for the campaign, stated at its launch, "We know what image of Pakistan we want. We want to see Pakistan being a weapons free state, a civilised state".⁴⁰ The campaign was described in September 2000 as having three key elements:

- Firstly, an amnesty period during which unlicensed weapons would be collected on a voluntary basis;
- Secondly, an incentive scheme for those providing information leading to the recovery of unlicensed weapons; and
- Thirdly, a prohibition on issuing licenses for prohibited bore weapons.⁴¹

However, this campaign, launched with considerable energy by the government, was not the first such effort. During the 1990s, there were at least two other attempts – in 1991 and 1994 – that aimed to remove illicit small arms from civilian possession. Both, though, were widely interpreted as having been unsuccessful in their efforts to address the issues of civilian possession and open display of weapons, labelled by some in the media in Pakistan as the "Kalashnikov culture", and in terms of numbers of weapons that were collected whilst they were operational.

The campaign culminated in June 2001, just prior to the 2001 UN Conference on Small Arms, in a nationwide gun amnesty. The amnesty, which lasted for two weeks, collected 88,759 weapons and 200,461 pieces of ammunition, and was widely interpreted as a disappointment, both by the government and by civil society groups.⁴²

Following the conclusion of the 2001 UN Conference on Small Arms, efforts to establish a successful de-weaponisation campaign continued, although with a lower public profile. On 7 September 2001, Interior Minister Haider restated his belief in aims of the campaign, saying, "Many of the people told me that

³⁹ Fahren Bohkari, "Bhutto calls for the destruction of small arms in Afghanistan", New York: Eminent Persons Group, 2001 quoted in Small Arms Survey 2002, p. 100.

⁴⁰ Kathy Gannon, "Government seeks to disarm Pakistanis", *Washington Post*, 2 March 2000.

⁴¹ "Task force proposes arms census", *The News International*, 19 September 2000.

⁴² Informal interview with representative from NGO, March 2003.

turning the country into an illegal weapons-free state was an impossible task. But I say that although it may be difficult it is not impossible".⁴³ However, for all the public pronouncements issued by the government and others, many elements of the campaign have ceased to be operational. Now, two years after the amnesty period ended, analysing the success of the campaign provides an interesting insight into the approach taken by the government of Pakistan.

The campaign, which was provided for in law by the *Surrender of Illegal Arms Act* of 1991, aimed to achieve change through seven distinct but linked elements:

1. Banning the public display of weapons;
2. Not issuing new licenses for prohibited weapons;
3. Collecting data on licenses;
4. Buying back weapons from civilians;
5. Seizing illegally held weapons;
6. Bringing some illegal manufacturing within the law; and
7. Imposing a quota system on weapons production.

By the end of April 2003, detectable progress had been made in the first five of these areas. However, the final two elements, which had most significance in the North West Frontier and Balochistan Provinces – both of which are governed locally with little influence from the central government of Pakistan – were not implemented.

The first element of the strategy, making it illegal for weapons to be carried in public places, is the only part that is still being pursued actively by the authorities. This was core to the campaign, as it aimed to tackle directly the culture of publicly displaying weapons. The second element was initially successful; however, in March 2003, the prohibition on issuing new licenses was revoked when the government decided to lift the ban on issuing licenses for non-prohibited weapons specifications. It has been suggested by some observers in Pakistan that this change in policy occurred in congruence with political change in the country, in the sense that civilian governments sometimes view the issuing of licenses as a political tool, required to develop and maintain relationships with influential members of their constituencies.

The third element, the process of collecting data on licenses, was attempted as a key part of the amnesty process. As with the voluntary surrender, this was not particularly successful. For the most part, this was due to a lack of confidence amongst owners that the government promise of immunity from prosecution would be kept. It was also due to a combination of a more general lack of trust in the police not to harass those surrendering weapons and a lack of confidence in the ability of police to provide the security that owners perceived they drew from possession. The amnesty did not facilitate the levels of surrendered weapons that were desired, and the majority were .12 calibre guns and pistols. Disappointingly, very few semi-automatic and automatic weapons were collected. In a major step backwards, in March 2002, it was reported that the authorities had recommended that many of the weapons that had previously been surrendered be returned to their owners. The justification for this move was that these weapons had been handed in during the amnesty by people who were licensed to own them due to "a fear of police raids", rather than because they were illegally owned.

Between July 2001, when the amnesty period ended, and 14 March 2003, the government, through the police, operated a policy of seizing illegally held weapons. However, the implementation of this policy has been criticised for being disorganised and badly managed. By the middle of March 2003, a total of 146,421 weapons had been seized, along with 1,401,205 pieces of ammunition. It appears that this did not represent a major success, as the total number is roughly the same as Ministry of Interior figures for annual seizures

⁴³ Babar Dogar, "Pakistan minister on need to recover illegal arms, end sectarian conflicts", *The Nation*, 8 September 2001.

prior to the post-2001 campaign – officials estimate that about 54,000 weapons had been seized annually. With the benefit of hindsight, it is possible to identify the weaknesses in the development and implementation of the de-weaponisation campaign. In general terms, whilst the government efforts to reduce ownership of illicit weapons raised the profile of the problem in Pakistan at the international level, it has not made significant inroads either into the actual levels of illicit ownership in the country or into the gun culture that appears to be so deeply embedded. However, the external circumstances in which the government has attempted to implement and enforce its proposed changes have been and continue to be extremely difficult. In this light, efforts by the government should be welcomed and credit is due to those who attempted to provide positive leadership and to those who were involved in implementation.

Learning points

Lessons that can be drawn from the experience of de-weaponisation in Pakistan include the following:

- The importance of developing comprehensive strategies prior to launch, which include in-built monitoring systems to measure progress at fixed points during the campaign. For example, in Pakistan, despite the possibility that police would collude with illegal manufacturers to obtain obsolete weapons that could then be presented as seizure in order to earn credit from management, no mechanism was built into the process to assess patterns of seizure – which would have indicated if there were problems.
- There was no attempt prior to the campaign to map the extent of the problem of illegal production and ownership and thus it was very difficult to design appropriate responses. Detailed mapping of the problems associated with SALW proliferation is crucial in selecting the appropriate counter-measures. This should be one of the first steps that states take when developing de-weaponisation programmes.
- The campaign was driven for several years by the former Interior Minister, Moinuddin Haider, and was seen very much as his personal project. When he left his post, the campaign was seen to suffer from a lack of leadership and ownership. It is crucial that similar campaigns are owned by those responsible for implementing and enforcing them.
- Despite the campaign allowing for a period of amnesty, there was a general lack of trust in the objectivity of the authorities and in the ability and desire of the police to provide the protection that owners perceived they got from possession. There is a need in all de-weaponisation programmes to ensure that collection of weapons is linked to trust-building measures between communities and government – often requiring significant security sector reform.

IMPLEMENTATION IN SOUTH EAST ASIA

The proliferation of SALW has received relatively little attention in many parts of South East Asia. This appears to be the case despite the widespread use of such weapons by insurgency groups, in for instance Indonesia and the Philippines, and the widely perceived link between small arms and drug trafficking. Many of the weapons in South East Asia originate from the wars of the 1960s and 1970s, but it is also thought that weapons are currently being transferred into the region from China and Russia via states including Vietnam. Weapons are transferred by sea as well as land and a major problem in South East Asia, which contributes to the proliferation of SALW, is the lack of controls at ports and the lack of coordination between customs and security officials.

Small-arms-related activities within ASEAN

The primary framework through which coordinated action on small arms to address the PoA commitments could occur in the region is the Association of South East Asian States (ASEAN). However,

so far, SALW as an issue has not featured prominently on the ASEAN agenda and, where it has been addressed, it has been largely subsumed within a wider programme to combat transnational crime. The work programme for the 1999 *ASEAN Plan of Action to Combat Transnational Crime*, which was agreed in Kuala Lumpur in May 2002, includes a number of “Action Lines” under the heading “Arms Smuggling”⁴⁴ These relate to the first steps towards goals in the following areas:

- Information exchange among ASEAN member countries and officials on national laws and on international and regional arms smuggling activities, including the creation of a repository of laws and the creation of NFPs, and conducting “typology studies to determine trends and modus operandi of arms smuggling in the ASEAN region”;⁴⁵
- Legal matters, in particular, working towards the harmonisation of marking systems in line with the UN Firearms Protocol;
- Law enforcement matters, including enhanced intelligence exchange and cooperation between ASEAN members and also with Europol and Interpol;
- Development of regional training programmes, beginning with a compilation of national training programmes; and
- Institutional capacity-building, including establishing a database on illicit trafficking of arms and explosives and establishing procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles, to facilitate tracing.

While not explicitly drawing on the PoA, these commitments share a lot of common ground with it. Indeed, the final action line listed in the work programme was to “[e]ncourage individual countries to implement, where practicable, the programme of action of the 2001 UN Conference”.⁴⁶ However, no information is available on the current state of implementation of these measures at the regional level.

Recently, the issue of SALW smuggling has been referred to in the *2002 Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues*,⁴⁷ and the *ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism* of January 2003.⁴⁸

Regional Seminar on Implementation

Outside the framework of ASEAN, and reflecting a greater recognition of the importance of small arms issues in their own right, the Philippine government hosted a *Regional Seminar on Implementing the Programme of Action on Small Arms and Light Weapons* in Manila in July 2002. This seminar, which was attended by delegates from the ASEAN member states and others, including China, Japan and the USA, was a very positive development, as it indicated recognition of the need for coordinated action across South East Asia and beyond. The summary report of the seminar notes that “developing regional arrangements to deal with the problems of the illicit trade in small arms and light weapons is crucial” and recommends that consideration be given to the development of an “ASEAN instrument against the illicit manufacturing of, and trafficking in firearms, explosives and other related materials”.⁴⁹ The report also outlines recommendations and proposals to be taken into account by ASEAN members. In line with the PoA, amongst these proposals is a recommendation that each country establish a point of contact and a national coordination agency on small arms issues.

⁴⁴ Work Programme on Terrorism to Implement the ASEAN Plan of Action to Combat Transnational Crime, Kuala Lumpur, 17 May 2002.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, 6th ASEAN-China Summit, Phnomh Penh, Cambodia, 4 November 2002.

⁴⁸ Joint Declaration on Cooperation to Combat Terrorism of the 14th ASEAN-EU Ministerial Meeting, Brussels, 27–28 January 2003.

⁴⁹ Co-Chairperson’s Summary Report, Regional Seminar on Implementing the UN Programme of Action on Small Arms and Light Weapons, Manila, Philippines, 9–10 July 2002.

A follow-up seminar was planned to take place in Phnom Penh, Cambodia, in May 2003, entitled *Taking Stock: Implementing the UN Programme of Action on Small Arms in Southeast Asia*. Unfortunately, this was postponed, primarily due to the SARS outbreak, but it is hoped that it would be rescheduled shortly.

A lack of available information makes it difficult to measure the extent of implementation of the PoA at the national level, but it appears that progress has so far been limited. However, the establishment of national points of contact on small arms issues in the following countries is an encouraging sign: Cambodia, Indonesia, Malaysia, Philippines, Singapore and Thailand.

The role of civil society

The level of civil society engagement in small arms issues in South East Asia has risen in recent years, and there are a number of positive actions and initiatives to note:

- Nonviolence International, based in Thailand, has developed a Small Arms and Light Weapons Action Programme in Southeast Asia. This programme aims to develop South East Asian regional movements to reduce the proliferation and misuse of small arms through the women's, youth, labour, religious, legal, health and development sectors, and to collect information on the current state of legal controls on the possession, trade and production of SALW in South East Asia.
- In the Philippines, a Philippine Action Network on Small Arms (PHILANSA) has been established (see the case study on page 127).
- The Working Group for Weapons Reduction (WGWR) in Cambodia has undertaken many small arms related activities, including the production of a thousand posters and leaflets to support community-based training workshops seeking to promote non-violent forms of conflict resolution (see the case study on page 124).

REVIEWING STOCKPILE MANAGEMENT IN CAMBODIA

In recent years, there has been a series of major steps taken by the government, armed forces and civil society to reduce numbers and availability of illicit weapons in Cambodia. These have taken place in the context of attempts to manage existing stocks of SALW held by security forces, including the army, gendarmerie and national police. Since the PoA was agreed in 2001, these efforts, which have enjoyed varying levels of success, have included moves towards more effective legislation, collection programmes, stockpile management, weapons destruction and demobilisation of soldiers from the Royal Cambodian Armed Forces.

A combination of the activities of the Cambodian government, the involvement of the EU – through the establishment of EU-ASAC (European Union Assistance on Curbing Small Arms and Light Weapons in Cambodia) – and civil society, has over recent years led to Cambodia becoming a high profile case study for many analysing the different manifestations of the small arms problem in post-conflict societies.

Since 2001, there have been many positive steps towards implementation of the PoA:

- Cambodia has an NFP and has established a national commission, the *National Commission for Weapons Management and Reforms*, which is responsible for all work related to SALW collection, destruction and management.
- New, stricter legislation was approved by the Council of Ministers on 17 May 2002 and submitted by the Prime Minister to the National Assembly on 10 October 2002. When operational, this legislation will cover the production, use, export, import and stockpiling of SALW. It is intended that this would replace the existing body of legislation including Sub-Decree 38 on *Administering and Inspecting the Import, Production, Selling, Distribution and Handling all Types of Weapons*,

which was adopted in April 1999. However, the draft legislation has yet to pass into law and is widely expected to remain within the legislature until after the National Assembly elections planned for 27 July 2003.

- Cambodia has continued to develop its weapons collection and destruction programmes since they began in 1998 with a city-wide collection programme in Phnom Penh, based on a buy-back strategy. This initial approach was subsequently changed to focus on roadside confiscation and voluntary surrender. There is no clear policy in Cambodia on destruction of all collected weapons. However, from 1999 until January 2003, over 104,970 weapons were destroyed – often funded and supported by EU-ASAC.

Weapons collection and safe storage

As well as the collection and destruction of illicit weapons, it was clear for some time that there was a need in Cambodia to enhance safe storage facilities and procedures for legal weapons held by police and armed forces. Years of war and a subsequent lack of funding had left the Cambodian armed forces with huge numbers of weapons and explosives held in insecure conditions. Such conditions encourage theft, illicit sales and illegal ownership and use. Government, civil society and donors were clear about the importance of preventing weapons from being transferred from legal to illicit ownership through pilferage from existing stocks and of the need to establish systems to make misuse by security forces more difficult and easier to trace.

So, with assistance, the government developed programmes to establish safe storage and registration of weapons, which were divided into two broad categories: Weapons Registration and Safe Storage in the Ministry of National Defence; and Weapons Registration and Safe Storage for the National Police.

Weapons Registration and Safe Storage in the Ministry of National Defence

Essentially, Cambodia is divided into six military regions. In 2001, in conjunction with the EU, four new weapons storage depots were built in the 2nd Military Region of Kampong Cham, a unique computer registration system was installed and 16 personnel were trained in its use. By the end of 2001, 13,500 weapons had been successfully registered and were in storage. All weapons in this military region, both stored in the depots and in use by the armed forces, were registered on a computerised database. In 2002, a similar programme was established and implemented in the 5th Military Region of Battambang, with a storage capacity for 24,000 weapons. As part of this process, two storage depots were built in Battambang and one each in Pailin and Banteay Meanchey. All weapons registered in these areas were recorded in the same centralised database. In addition, eight storage depots containing SALW in Phnom Penh were renovated at the end of 2002 and the weapons registered.

The Japanese Assistance Team for Small Arms Management in Cambodia (JSAC), in cooperation with the Cambodian government, has agreed plans to implement a similar project in the north-western part of Cambodia. JSAC is now working with EU-ASAC to help the Royal Government of Cambodia with this programme. The programme is scheduled to start in August 2003 after the completion of another EU-ASAC programme in July and will take approximately six months to complete. The registration system will use the same hardware and software that was used in the 2nd and 5th Military Regions, Kampong Cham and Battambang.

Longer-term planning is under way to complete this safe storage and registration programme by implementing projects in the 1st and 3rd Military Regions and completing the work in and around Phnom Penh. However, no donors have yet been found for these projects extending beyond the end of 2003, endangering the viability of the programme.

The Cambodian Ministry of National Defence has now adopted the policy that all military SALW that are not registered during the implementation of the Safe Storage project in each military region will be destroyed following completion of the project.

Weapons Registration and Safe Storage for the National Police

In cooperation with the EU, lockable racks for police service weapons were placed in 110 police posts in Phnom Penh at the end of 2002. This was an experimental project. Similar racks are presently being placed in all police posts in two other provinces and this will be completed by August 2003. Storage depots for the weapons held by the national and the provincial police headquarters of the two provinces and Phnom Penh are presently under construction. All weapons, both those issued to police on duty in the police posts and those stored in the depots, will be registered in a centralised computer database. On 20 March 2003, an agreement was signed by the Commissioner General of the National Police and the Programme Manager of EU-ASAC to mark the start of the project. Registration of the weapons is scheduled to begin in July and the whole pilot project is planned to end by September 2003. Depending on the results of this phase and the availability of future funding, it is possible that the project will be extended to other provinces in future.

Learning points

- Whilst there has been significant progress since 2001 in relation to issues of registration and safe storage, there is still much to do to achieve project goals and to meet the expectations of the government, civil society and donors. For instance, there are still many areas in which both the military and police warehouses have poor registration procedures, and the levels of control and management of existing arms is poor. The experience of Cambodia reinforces the importance of the development and maintenance of effective stockpile and surplus management procedures.

THE WORKING GROUP FOR WEAPONS REDUCTION IN CAMBODIA

The Working Group of Weapons Reduction partnered with local NGOs in Cambodia to establish a Weapons Law Working Group (on the invitation of the Ministry of the Interior) to act as a focal point and joint force to work specifically on the *Weapons Draft Law* set up late in 2000. The working group submitted their proposed recommendation on the draft to the Ministry of the Interior on 27 December 2000.

The invaluable contribution of NGOs to the *Weapons Draft Law* resulted in a new *Law on Weapons and Explosives*, which was approved by the Council of Ministers on 17 May 2002 and submitted to the National Assembly on 10 October 2002.

For more information contact Neb Sinthay, Working Group of Weapons Reduction, wgwr@bidpond.co.kh

IMPLEMENTATION AND LICENSING PROCEDURES IN THE PHILIPPINES

General overview

Since the 2001 UN Conference on Small Arms, the government of the Philippines has taken some positive steps to implement its PoA commitments. These have included joining a number of UN member states in observance of the Small Arms Destruction Day, making some progress on the development of a marking and tracing scheme, and in July 2002, co-hosting with Canada and Japan a regional conference on the implementation of the UN PoA, which was held in Manila.

However, progress in other areas has been limited. This is partly due to a lack of political will, but more directly due to the significant increase in the level of insurgency affecting different areas of the country. Government forces, often with international support, are engaged in fighting in several areas of the country, notably in Mindanao, Basilan and Sulu. The Philippines is seen by many observers to be a “second front” in the US led War Against Terrorism.⁵⁰ Certainly, since 2001, the country has seen a huge increase in the level of US military aid, which has recently included the transfer of 30,000 M-16 assault rifles.⁵¹ The different conflicts have had a significant impact on the stability of communities across whole regions of the country. For instance, since 2000, in central Mindanao alone, the conflict between the government and groups including the Moro Islamic Liberation Front has led to the displacement of at least 200,000 civilians.⁵²

While government forces are increasing their offensive capabilities (mainly with the support of the US), there is evidence to suggest that the armed groups too are acquiring more weapons. The communities where these armed conflicts are being fought are likewise acquiring weapons for security and defence purposes. In addition to this, the gun culture in the Philippines, where power and prestige is equated with weapons and where injustices and disputes are often settled through arms, has contributed to a situation where tackling the proliferation of SALW is both critical and extremely complex.

In the Philippines, there are some apparently very precise statistics relating to SALW ownership. For instance, during the last assessment, a total of 754,014 licensed and registered firearms was recorded nation-wide. Of these, about 519,014 were owned by individuals, while around 235,000 were registered for the use of private security agencies, company guards, and government and private corporations. There are also around 328,000 “loose” firearms in the country, according to Joey Lina, Secretary of the Department of Interior and Local Government.⁵³ More than half of this number are guns previously licensed that the owners have failed to renew on expiry.

It is important that these statistics are understood in context. The definition of “loose” firearms in the Philippines is confusing and should not be read as covering all illicit weapons. In effect, the description includes weapons that have been bought from a licensed dealer, but which have not been subsequently registered with the police. It does not, however, include weapons that are either manufactured, sold or entered the country illegally. Estimates of the numbers of illicit SALW in the Philippines vary, although the Small Arms Survey stated in 2002 that the number “is probably closer to 4.2 million”.⁵⁴

Over the past two years since the 2001 UN Conference on Small Arms, much of the positive action by the government of the Philippines has taken place at the policy level. This, as with all activity relating to policy

⁵⁰ Marco Garrido, “Philippines: Crazy about guns”, *Asia Times*, 23 January 2003.

⁵¹ Amnesty International, *Terror Trade Times*, 2002.⁵² Records from the Department of Social Welfare and Development, Philippine Government.

⁵³ “Loose” firearms are those weapons that (1) were reported lost; (2) were not registered or licensed after people were allowed to re-register their firearms under the 1990 Presidential Memorandum No. 6; (3) were estimated to be in possession of the armed rebel groups; and (4) the owners failed to renew the licenses of after they expired.

⁵⁴ Figure 2.3 “Approximate small arms distribution in the Philippines”, Small Arms Survey, 2002, p. 98.

guidance, research and monitoring of efforts to prevent, combat and eradicate illicit SALW has been undertaken by the Philippine Center for Transnational Crimes (PCTC) under the Office of the President. The PCTC has been designated by the government as the National Coordinating Agency for implementation of the Programme of Action at the national level. However, on matters relating to international cooperation, the United Nations and other International Organisations Division (UNIO) of the Department of Foreign Affairs acts as liaison with other states on matters pertaining to the PoA.⁵⁵ The Philippine National Police (PNP), through its Firearms and Explosives Division (FED) continues to be the primary implementing agency.⁵⁶

Ban on civilians carrying firearms

In a positive attempt to address gun crime and to tackle the culture of publicly carrying and displaying weapons, in January 2003, President Gloria Macapagal Arroyo issued a directive for a total ban on civilians carrying firearms outside their homes.⁵⁷ Philippine society suffers from a high level of incidental violent gun crime, often arising from, for instance, minor traffic altercations. In this light, the directive was widely praised by media and the public alike. This move initially revoked the standard procedure of issuing a Permit to Carry Firearms outside of Residence (PTCFOR) to civilians.⁵⁸

Licensing procedures

Efforts towards tackling public display and portability of weapons have been linked to attempts to tighten regulations regarding weapons licensing procedures. However, there are loopholes in the current national system of issuing both gun licenses and the subsequent PTCFOR. Senior Supt. Geary Barias, Police Director for the FED of the PNP, stated in March 2003 that loopholes in the present system included, for instance, allowing for “non-existent” applicants and “spuriously produced” documents such as drug test results. These tests are theoretically required before an application can be processed. However, weak operating procedures allow for licenses and permits to be issued without the applicant undergoing the required tests or appearing personally at the FED.

The suspension of the process of issuing PTCFOR's appears to be costing the FED millions of pesos. Prior to the decision, the FED was the primary revenue generator of the PNP, and in 2002, it collected P300 million (US\$6 million) from firearms licensing alone.⁵⁹ However, currently the FED is reviewing its existing system. Proposals include changing the system so that applicants should personally appear before the FED when making an application for a permit and not through proxies. It has also called on the Department of Health to closely monitor drug-testing and neuro-testing centres with a history of issuing fake certifications and circumventing the process of conducting real tests.

In an attempt to remove from society the “loose” firearms in the Philippines, an Executive Order was issued by the President's Office, which offers an amnesty programme to owners of unlicensed guns. However, at the time of writing, the order is still awaiting the development of its operative provisions, which must be complete prior to implementation.

Learning points

The experience of implementing the PoA in the Philippines has been a difficult one. However, there have been some initial welcome steps taken by government, and the role of civil society continues to grow and to influence the process positively. As always, though, the difficulties and challenges as well as the

⁵⁵ Interview with Jhoanna Jarasa, UNIO Division, Department of Foreign Affairs, Manila.

⁵⁶ Interview with police Senior Inspector Jacqueline O. Puapo, Desk Officer, Firearms and Drug Trafficking, PCTC, Office of the President, 20 March 2003, Camp Crame; see also PCTC brochure.

⁵⁷ Vincent Cabreza et al., “Lina: Cops can accost anyone with ‘bulge’”, *Philippine Daily Inquirer*, 7 February 2003, p. A4.

⁵⁸ Owners of licensed weapons need to apply for a PTCFOR to enable them to carry their weapons outside their residences.

⁵⁹ T.J. Burgonio, “Tighter gun control to cost gov't P12.5M in license fees”, *Philippine Daily Inquirer*, 23 January 2003, p. A4.

successes that have characterised the first two years of implementation of the PoA are useful learning experiences for the Philippines, and for other states for the future.

- There have been several successful attempts to implement various PoA commitments. However these have often appeared disjointed, with contradictory statements and activities undertaken by different elements of government, jeopardising the chances of success. This demonstrates the fundamental importance of a cohesive and comprehensive national strategy focusing on all aspects of tackling the proliferation of SALW. This national strategy should be built on a thorough mapping of the problems associated with SALW proliferation, their causes and their consequences.
- To successfully address problems of SALW proliferation and misuse, it is first important to fully understand the nature of the problem. The current system in the Philippines for categorising “loose” weapons needs to be extended to try to estimate the numbers and distribution of illicit SALW, before effective responses can be developed.
- While efforts are under way to reform the ranks of the PNP to improve capacity and reduce corruption, resources and revenue for this process are very limited. The Philippines has recently received many millions of dollars of support in military training and equipment to prosecute conflicts with separatist groups in the country. It also needs donor support to ensure that the police and law enforcement agencies have the capacity to implement and enforce efforts to reduce SALW proliferation and misuse.
- In addition to implementing the commitments contained within the PoA, legal reforms are also required to ensure that those responsible for failing to implement new legislation, or who violate new legislation, do not enjoy *de facto* impunity from prosecution.

CIVIL SOCIETY ACTION IN THE PHILIPPINES

In 2002, The Philippines Action Network on Small Arms (PHILANSA) launched a public education and awareness campaign in three districts in the Philippines – Mindanao (Davao, Cagayan de Oro, Marawi, North Cotabato and Zamboanga), Visayas (Bacolod and Bohol) and Luzon (Cordillera and Metro-Manila). The project aims to generate community responses on the issue of SALW.

The network is currently producing documentary films, advocacy materials and a photo exhibition to raise awareness on the human cost of arms in society to help communities confront and respond to the issue.

For more information contact Alfredo Ferrariz Lubang, alubang@codewan.com.ph

IMPLEMENTATION IN CENTRAL ASIA

Although the Central Asian republics are not large producers of SALW, the region is a major transit point and destination for illicit SALW and there is widespread ownership of weapons. The majority of SALW in Central Asia come from the stockpiles of the former Soviet military, with the conflict in Afghanistan providing a further significant source. The circulation of SALW has recently increased as a result of the conflict in Tajikistan, during which SALW were widely utilised. Increased weapons availability, porous borders and crime and corruption amongst law enforcement and border officials have facilitated the trafficking of illicit weapons to black markets in Russia, the Caucasus and Europe. Although Kazakhstan, Uzbekistan (with the exception of the Fergana Valley) and the Kyrgyz Republic (apart from some incursions by Islamist groups in the south in 1999) have so far avoided extensive internal armed conflict

such as that which recently affected Tajikistan, they are all plagued by internal problems such as economic underdevelopment, struggles for political influence, and inter-ethnic and ideological tensions, all of which are compounded by the high incidence of SALW in the region.

Since 11 September 2001 and the subsequent US-led engagement in neighbouring Afghanistan, the small arms issue has received increased attention in Central Asia. The vulnerability of Central Asia's borders had been made apparent by the various Afghan conflicts since the collapse of the Soviet Union in 1991. The newly independent states of Central Asia, with much less capacity than the Soviet-era republics, became increasingly subject to the inter-linked problems of drug and weapons trafficking. The incursions of extremist groupings, including Taliban and Islamic Movement of Uzbekistan (IMU) elements, into Kyrgyzstan, Uzbekistan and Tajikistan have highlighted this problem. Although the removal of the Taliban from power in Afghanistan may on the surface appear to contribute to alleviating the regional small arms problem, both government and civil society representatives consistently cite the persistence of the problem when questioned on this issue. Poverty and corruption continue to provide local allies for the gun-smugglers. While the threat from the Taliban and IMU may have diminished, a resurgence in the drugs trade may well exacerbate the small arms problem in Central Asia.

The OSCE and Central Asia

The potential for armed conflict in Central Asia and the proliferation and accumulation of SALW are closely linked. While the Central Asian republics have expressed concern over the growth in illicit trafficking of SALW in the region, efforts to address the problem and to sign up to international initiatives on controlling and combating SALW have been weak. Despite their Asian location, it is often useful to analyse the Central Asian republics in the context of the rest of the Commonwealth of Independent States (CIS). In addition, Central Asian cooperation with the OSCE has been quite positive and the OSCE has been the principal international actor dealing with SALW issues in the region. The preparation by the OSCE of a Best Practice Guide on Small Arms and Light Weapons, which deals with issues such as marking systems, stockpile management, DDR and brokering controls, will also greatly assist the Central Asian republics in responding to the PoA (for more information on the OSCE, see page 81 within the Europe section of this report).

- None of the Central Asian republics have signalled concrete support for the UN Firearms Protocol, the EU Code of Conduct, the EU Joint Action on SALW or the Wassenaar Arrangement.
- Tajikistan and Turkmenistan have signed the Ottawa Convention and all the republics have joined EPAC.
- The NATO Partnership for Peace (PfP) is one area in which the Central Asian republics have been more active. All the republics signed the PfP in 1994, with the exception of Tajikistan, which signed the agreement in 2002.
- All republics signed the OSCE Document on SALW in 2000 and the OSCE Criteria on Conventional Arms Transfers in 1993.
- Cooperation between the OSCE and the republics has resulted in several regional conferences and workshops focused on SALW issues in the region, particularly that of trafficking.
- In November 2001, the OSCE, with the cooperation of all five republics, organised a series of workshops on arms control, focusing in particular on control over manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The workshops were also designed to help the Central Asian republics with implementation of the OSCE Document on SALW.

The role of civil society

The role of civil society in all of the Central Asian republics with regards to SALW is very weak. The preservation of the Soviet attitude that defence information is secret and the responsibility of the state

means that even in societies where there is some civil society engagement, NGOs choose not to look at SALW issues. Further, there is a view that compared to many issues that are perceived as more pressing, such as poverty and drug smuggling, SALW issues are a low priority.

REGULATIONS, BORDER CONTROL, MARKING AND STOCKPILE MANAGEMENT IN KAZAKHSTAN

General overview

Kazakhstan is the largest state in former Soviet Central Asia and the only one with a SALW manufacturing capacity. The republic itself is probably the most politically stable in the region and, despite some ethnic tensions, it is also one of the most tolerant republics in terms of inter-ethnic relations. Corruption, especially at the lower levels of officialdom, continues to be a problem, as does a lack of transparency, and it is often difficult to establish solid facts about SALW issues within the republic. Strategically it borders Turkmenistan, Uzbekistan and the Kyrgyz Republic to the south, China to the east and Russia to the north. It therefore finds itself in a fairly unique – and in some cases, problematic – geostrategic position, especially as there are problems with militant Islamic fundamentalism in Turkmenistan, Uzbekistan and (to a much more limited extent) the Kyrgyz Republic, and there has also been a long-standing low-intensity conflict between separatist Islamic Uyghurs and the Han Chinese population in China's Xinjiang Province to the east. In the past, some Russian nationalist extremists have called for the merger of the majority ethnically Russian northern half of the country with the Russian Federation. It therefore has a foreign policy that attempts to stay very close to Russia, whilst also developing relations with its other neighbours and the USA. It is especially concerned to try and ensure that there is no overflow from neighbouring conflicts into its own territory. In May 2002, the OSCE Secretariat hosted a Regional Follow-Up Meeting on Combating Illicit Trafficking in Central Asia in Almaty, Kazakhstan. This conference dealt with a range of issues, including import and export controls, stockpile management and security, and the enhancing of border control and law enforcement.

Regulation of SALW manufacturing and arms exports

There are a number of concerns regarding SALW issues in Kazakhstan. While it was one of the first members of the CIS to introduce the regulation of arms exports, there have been questions raised over the effectiveness of this legislation. The laws governing the export of weapons were originally framed in 1996 and therefore predate the PoA. There does not appear to be a defined contact point regarding implementation of the PoA; however, the Ministry of Foreign Affairs shares responsibility for small arms exports with the Ministry of Trade and Industry's Defence Industry Committee and the Ministry of Defence. The export licensing procedure involves end-user certification and there is a list of countries to which arms exports are prohibited. The list accords with the UN sanctions list and contains most of those countries that are on the EU and US sanctions lists. Some observers, however, feel that while the Ministry of Foreign Affairs can comment on export licenses, the fact that the ultimate responsibility lies with the Defence Industry Committee, which answers to the Ministry of Trade and Industry, creates a potential clash of interest. However, other observers argue that allowing an officer who has a complete knowledge of all the issues and ultimate responsibility to make decisions has the potential to enhance regulation rather than detract from it.

The government of Kazakhstan has recently amalgamated most state-owned weapons producers into a single group, Kazakhstan Industries. This company includes Metallist, which is the only SALW producer in the country. It makes a variety of SALW, including rifles, hand guns, sub-machine guns and the HCB 12.7mm machine gun. What is unclear, though, is the market that it expects to enter. It has expressed an interest in exporting weapons and recently attended an international arms fair in Abu Dhabi. The government of Kazakhstan is keen to be seen as beyond reproach in its conduct with regard to

international law, including weapons exports. However, these good intentions can be damaged by more-junior officials who either undermine existing legislation or purposefully explore loopholes for their own private gain. It is important therefore that the government of Kazakhstan be encouraged to follow through its good intentions by closing existing loopholes and vigorously pursuing current legislation, in line with commitments outlined in the PoA and other initiatives such as the OSCE Document on Small Arms.

Border control and anti-terrorism

The principal concern of the government of Kazakhstan has been to combat terrorism and prevent the overspill of the problems related to Islamic fundamentalism in the Fergana valley into Kazakhstan. There have been a number of incursions by unidentified armed groups into southern Kazakhstan that are widely perceived to have been the actions of Islamic extremists based in Uzbekistan. This analysis has also accorded with the policies of a number of major international donors. The European Commission, US and Austria are all supporting border control and management initiatives. This relates to the fear that drugs and guns may feed fundamentalist movements across the region and locates regional SALW control in the context of the global war against terrorism.

Adequate marking and stockpile management

At the moment, it is not known what weapons Kazakhstan possesses in its stockpiles. An inventory was started in 2001, but it was never completed. Further, at the time of the inventory, there was a major fire in a large stockpile in Saryshagun, South Kazakhstan, which some observers have suggested was started deliberately in order to cover up the theft of weapons by corrupt officers and officials. While it seems likely that there has been leakage from Kazakhstan's stockpiles, it is not clear what the extent of the thefts has been, nor is the ultimate end point of any stolen weapons known.

Learning points

- The OSCE has been relatively successful in attempting to raise governmental awareness of SALW control mechanisms, demonstrating the important role that regional security organisations can play in national SALW control efforts.
- The lack of verifiable data regarding SALW stock holdings in Kazakhstan, combined with in some cases weak stockpile security, highlights the importance of the government conducting a thorough inventory of its current weapons stockpiles, which includes reconsidering stockpile security and exploring the possibility of a surplus weapons destruction programme.
- The current system of export licensing places executive decision-making power with the Ministry of Trade and Industry. In order to ensure that international political decisions are taken into account during the licensing procedure, it is important that other key government players, such as the Ministry of Foreign Affairs, are afforded a greater role in the process.

EXPORT CONTROLS, STOCKPILE MANAGEMENT AND THE ROLE OF THE OSCE IN TACKLING THE ILLICIT TRADE IN SALW IN THE KYRGYZ REPUBLIC

General overview

The principal concerns in the Kyrgyz Republic regarding small arms relate to international terrorism and the relative proximity of Afghanistan. The situation in the Kyrgyz Republic is difficult to assess, due in large part to a lack of transparency on SALW policy and practice. The PoA appears to have had little direct impact on domestic SALW policy in the region and international activity supporting SALW controls has been dominated by the OSCE and its related agreements.

Export control mechanisms

The country does not have a specifically designated body that deals with matters relating to the PoA, although a number of ministries and governmental bodies, including the National Security Council (within the Presidency), the Department of International Law in the Ministry of Foreign Affairs and the Department of International Law have responsibilities in this area. The existing Kyrgyz *Law on Weapons* was adopted in June 1999 and has not been reviewed since the 2001 UN Conference on Small Arms. However, the *Rules on Management, Handling and Circulation of Civilian and Security of Weapons* were adopted following the 2001 UN Conference on Small Arms on 21 November 2001. These outline the conditions for licence requirement and, whilst this legislation does not provide provisions for government transparency or accountability, it does ensure tight governmental control over the movement of weapons. The existing law does not assess the risk of the diversion of weapons into the illegal sector nor does it contain a dimension relating to end-user certification. Similarly, the Kyrgyz Republic has no specific legislation governing arms brokering and related activities.

Stockpile management

The *Rules on Management, Handling and Circulation of Civilian and Security of Weapons* of November 2001 govern the management of SALW stockpiles held by the police, security services, private organisations and individuals. However, the military is specifically excluded from these regulations. While relevant ministries have their own internal regulations relating to stockpile management, in accordance with the national legislation, these regulations are not publicly accessible. In April 2002, a set of instructions on the work of the different organs of the Internal Affairs Ministry was outlined, with the objective of controlling stockpile management and the handling of SALW. While there is no evidence of theft or unauthorised transfer of SALW in the Kyrgyz Republic, the media has on a number of occasions made allegations that officers have stolen military stocks. These allegations have never been officially confirmed or denied. Information regarding the destruction of surplus weaponry held by the military is not publicly available. There has not been any form of weapons collection programme, although, as there has not been an internal armed conflict within the Kyrgyz Republic in recent years, it is perhaps unlikely that there are high numbers of illicit weapons in private hands.

The Role of the OSCE in tackling the illicit trade in SALW

The Kyrgyz Republic has received help from the OSCE regarding SALW control. In November 2001, the OSCE held a series of seminars with government officials on the illicit trafficking of SALW. In particular, they addressed control over the manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The seminar also addressed demand-side issues, such as regional instability and drugs trafficking. Experts from Croatia, Germany, Hungary, Norway, Poland and the Russian Federation conducted the seminar, which focused on the implementation of the OSCE Document on Small Arms. Subsequent to this, the OSCE organised the Bishkek International Conference on Enhancing Security and Stability in Central Asia in December 2001, which included representation from most OSCE member states. While the ministers referred to the issue of illicit trafficking of small arms directly in their Plan of Action, this was clearly not the focus of the conference. At the time, “terrorism” and the situation in Afghanistan were top priorities. Since then, the OSCE has organised at least one regional meeting in Central Asia. Following the November 2001 OSCE seminar and December 2001 Bishkek International Conference, the Kyrgyz Republic requested financial as well as further technical assistance. However, the exact details of funding are not publicly available.

Learning points

- To develop a comprehensive understanding of the situation regarding SALW in the Kyrgyz Republic, it is important for more information on the issue to be made publicly available. In many examples contained in this report, the importance of civil society engagement in implementing the PoA is documented. In the Kyrgyz Republic – and elsewhere in Central Asia – there is very limited civil society engagement. Improved access to information is one factor that could facilitate the involvement of civil society in the process of change.
- Currently, the absence of any defined end-user certification process is a major gap in national export legislation and sets it at odds with PoA commitments on the issue. Experience demonstrates that an effective end-use certification process is crucial for exercising a responsible arms export policy.

IMPLEMENTATION IN NORTH EAST ASIA

A diverse range of problems related to illicit SALW exists within North East Asia, ranging from armed crime, including transnational crime, to separatism. No sub-regional initiatives to tackle any aspects of the illicit trade in SALW exist, and the information available on national implementation of the PoA in North East Asia is very limited. Four states in the region have created national points of contact – China, Japan, Mongolia and the Republic of Korea. However, of these states, only Japan and the Republic of Korea have submitted reports to the UNDDA, with Japan providing two reports for 2001 and one for 2002; and the Republic of Korea submitting a report for 2002. China has also made available some of its legislation related to SALW and this is discussed in greater depth in the case study below.

Japan has stringent laws and regulations on the production, export and import of arms, and restricts brokering activity. It has strong stockpile management procedures with thorough record-keeping and reviews of stocks carried out on a daily basis. Japan has also provided considerable assistance to other states in the areas of training, disarmament (DDR in Afghanistan and Sierra Leone), and capacity-building. It hosted a follow-up conference in Tokyo in January 2002 and a regional seminar, with the UNDDA, in Bali in February 2003.⁶⁰ At the time of writing, no information is available on other states in the region.

The Republic of Korea has controls over the production, export and import of SALW, with separate procedures for military and non-military SALW. Exports to destinations under UN arms embargoes are prohibited, and maximum restraints on transfers to regions of tension are applied. The Republic of Korea has strong stockpile management, security and record keeping systems managed through a computer programme, the Firearms Management System, through which monthly reviews of military stocks take place, in addition to annual on-site inspections. The Republic of Korea has a range of procedures in place for the destruction of surplus, confiscated and surrendered weapons, including annual destructions of the latter. Amnesty periods for the surrender of firearms are implemented on an annual basis.⁶¹

The role of civil society

The capacity of civil society to engage in North East Asia is limited. In Japan, however, civil society has been involved in awareness-raising and campaigning for a reduction in gun crimes (see the case study on NGOs in Japan, below). The need for cooperation and enhanced capacity for civil society engagement with SALW issues was discussed at the follow-up meeting hosted by Japan in January 2002.

⁶⁰ *National Report on the Implementation of the Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects for 2002*. Japan also submitted two reports to the UNDDA for 2001.

⁶¹ *Implementation of the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Report submitted by the Republic of Korea*.

CIVIL SOCIETY ACTION IN JAPAN

In 2002, the Hiroshima Firearm Measures Promotion Headquarters and Stop Gun Caravan jointly hosted a symposium with the Japanese National Police Agency on the Eradication of Firearms-Related Crimes at the International Convention Centre, Hiroshima, which was attended by over 1,300 people, including high school students.

A Symposium Declaration by the Hiroshima Municipal Kokutaji High School broadcasting team, students living in Hiroshima district and personnel from Guardian Angels called for the eradication of crimes involving firearms, through debates on the rights and wrongs of using guns. A play by the drama group Hiroshima Prefecture and Guardian Angels and a talk-show by actor Shin Takuma also highlighted the problem of firearm-related crimes.

For more information contact the National Police Agency or <http://www.guardianangels.or.jp/eng/> or <http://www.stopgun.org/>

DOMESTIC AND EXPORT CONTROLS IN CHINA

General overview

China frames the problem of illicit SALW within its own territory as one related to armed crime, transnational crime and “separatist” opposition groups. The Chinese government has consistently expressed support for the PoA and at the SALW regional Seminar in Bali, Indonesia, on 10–11 February 2003, the Chinese representative claimed that “China attaches importance to the POA and has taken concrete steps in implementing the relevant measures formulated in it.”⁶² Additionally, China has also recently signed the UN Firearms Protocol.⁶³ In relation to the PoA, China has designated a national point of contact, and has participated in the UN Experts Group on Tracing. In relation to marking and tracing, every small arm in China is given a unique marking containing information on the manufacturer, the year of production and a serial number. According to Wang Xiaolin, “[I]n order to implement the marking requirements in the PoA and in the Firearms Protocol, the authorities concerned in China are considering to improve its marking system appropriately”.⁶⁴

Although, as of 1 June 2003, China has not submitted a report on national implementation of the PoA to the UNDDA, it has made some of its legislation available. This includes domestic controls on illicit manufacture, possession and trade, and the laws and regulations that place controls over the production, export and transit of SALW.

Domestic controls

The 1996 *Law of the People’s Republic of China on the Control of Firearms* and the 1981 *Measures of the People’s Republic of China on the Control of Firearms* cover a wide range of controls on firearms, establishing controls over illicit possession, manufacture and trade of firearms within China. The controls on the possession and carrying of firearms are tight, and apply to all types of firearms, including hunting

⁶² Wang Xiaolin, *Export/Import Licensing System and Marking*, presented at SALW Regional Seminar, Plenary IV, Bali, Indonesia, 10–11 February 2003.

⁶³ ‘Beijing Signs Small Arms Protocol’, Agence France Press, 11 December 2002.

⁶⁴ Op-cit, Wang Xiaolin.

weapons and air-guns. The manufacture of all types of firearms must be licensed by the state and licenses for manufacture and permits for sales are valid for a period of three years before renewal is required. These laws also place controls on the storage of firearms at “enterprises that manufacture or sell firearms” with regular inspections by public security organs and thorough record-keeping required. Additionally, these laws make provision for the disposal of unserviceable arms. The units and individuals authorised to hold firearms are obliged to return unserviceable weapons to the public security organs that issued them, and these organs are permitted to seize any weapons surrendered to them. Following surrender, the weapons are supposed to be destroyed by the public security organs at the provincial level.

However, it is important to note that the provisions in these laws, including those related to the management, security and disposition of weapons, do not cover the arms held by the People’s Liberation Army, the Chinese People’s Armed Police Forces or the people’s militia. The weapons held by these forces are covered by separate regulations that have not been made publicly available.

Chinese export controls

The export of SALW is covered by the *Regulations of the People’s Republic of China on the Administration of Arms Export: Decree of the State Council and the Central Military Commission of the People’s Republic of China, No. 234* (Regulations), which entered into force in 1998 and which apply to exports of all conventional arms, including SALW and police equipment.

The main provisions of the Regulations have not been updated or significantly reviewed since the 2001 UN Conference on Small Arms. However, they were amended in October 2002 by adding an export control list as an annex “in order to strengthen the control over the export of conventional arms, including SALW”.⁶⁵ These include broad requirements of criteria and principles governing export authorisations and the outlines of procedures to be followed.

The Regulations require that all arms exports from China must be approved by the state and exporters must be licensed. While detailed information on the export criteria applied by China is not available, the Regulations emphasise three core principles that should be observed in exporting arms:

- 1) Conduciveness to the capability for just self-defence of the recipient country;
- 2) No injury to the peace, security and stability of the region concerned and the world as a whole; and
- 3) No interference in the internal affairs of the recipient country.

Following the statement of these principles, and in a measure significant for the PoA’s emphasis of “existing responsibilities under international law”, the Regulations also state that in cases, “[w]here an international treaty concluded or acceded to by the People’s Republic of China contains provisions different from these Regulations, the provisions of the international treaty shall prevail, except for the provisions on which reservations are made by the People’s Republic of China” (Article 6).

The PoA encourages the use of “Authenticated End-User Certificates”. In relation to such documentation, Article 15 of the Regulations requires that applications for approval of arms exports must include “the valid certification documents of the recipient country”. Additionally, Article 22 prohibits the counterfeiting, altering, obtaining through fraud, or illegal transfer of export documents, including export licenses and the certification document of the recipient country. However, there is no information available on what, if any, procedures are taken to authenticate end-user certificates.

⁶⁵ Ibid.

China does not appear to have specific legal provisions or regulatory structures relating to the activities of arms brokers. Some provisions of the Regulations could be interpreted as applying to some aspects of brokering activity, such as the requirement that all businesses engaged in exporting arms from China must be authorised to do so by the state, and that the state forbids individuals to engage in arms export activities. Additionally, arms trading companies are permitted to use the services of “an authorized procurement enterprise for export transactions of arms to act as an agent for export transportation of arms and related business matters”. When seen in the light of current understandings of the nature of arms brokering, however, these provisions only vaguely relate to some aspects of arms brokering and clearly do not tackle the primary activities of arms brokers. Significantly, there are no provisions in the Regulations that explicitly deal with the brokering of arms deals as a third party in which the arms originate from another country.

Learning points

- While China is to be commended for providing the UNDDA with copies of some relevant legislation, there is a real lack of transparency, particularly in relation to export criteria and stockpile management, and a lack of reporting on arms exports. This situation should be improved in order to facilitate a comprehensive assessment of China’s progress in implementing the PoA.
- In particular, given that China is a major SALW producer and a significant exporter of these arms, some further elaboration of the export criteria applied to the assessment of export applications is important to assess their ability to prevent transfers of weapons to destinations where they might be used to contravene international human rights or humanitarian law or where they might be diverted into the illicit SALW trade.

3.2.6. OCEANIA AND THE PACIFIC

OVERVIEW OF PROGRESS IN OCEANIA AND THE PACIFIC⁶⁶

The primary regional initiative related to SALW in the Oceania-Pacific region is the Nadi Framework, which aims to produce model legislation on SALW. This framework, produced by the South Pacific Chiefs of Police Conference (SPCPC) and the Oceania Customs Organization (OCO) in the document *Towards a Common Approach to Weapons Control* of March 2000, traces its origins to a 1996 meeting of the Forum Regional Security Committee (FRSC) of the Pacific Island Forum (PIF), which led to the production in 1998 of the Honiara Initiative: Agreement in Principle on Illicit Manufacturing and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials (Honiara Initiative). The October 2000 PIF meeting approved the development of model legislation to facilitate the implementation of the principles enshrined in the Honiara Initiative and the Nadi Framework. In May 2001, the first draft of this legislation was produced. It was to be reviewed and revised in July 2001, but this was delayed in order to take account of any issues arising from the 2001 UN Conference on Small Arms. As of early 2003, the draft remained under review.

Broadly, the main features of the Nadi Framework are that:

- It establishes as a primary objective the need for applicants to have a “genuine reason” for possessing or using a weapon; and
- It seeks to establish strict requirements for the importation, possession and use of firearms.

In relation to the latter, it covers many of the issues raised in the PoA – though with a significantly broader scope in terms of weapons covered. Among these issues are control over export, import and trans-shipment

⁶⁶ Information contained in this section has been drawn from a variety of sources, in particular a recent assessment of small arms in the Pacific authored by Philip Alpers and Conor Twyford, “Small Arms in the Pacific”, Small Arms Survey Occasional Paper No. 8. Geneva: Small Arms Survey, March 2003; available at <http://www.smallarmssurvey.org/Opapers/Opaper8Pacifcs.pdf>.

of weapons; the strengthening of domestic legal measures related to illicit manufacture, possession, stockpiling and trade; marking and identification; and storage requirements. However, a number of other aspects, such as the destruction of seized, surplus and collected weapons and the implementation of DDR, are not included in the Nadi Framework.

Following the 2001 UN Conference on Small Arms, a regional meeting to examine issues relating to SALW was held in the region. In January 2003, the government of Japan, in cooperation with the government of Australia, hosted a seminar on Small Arms in the Pacific Island Countries. The seminar aimed to raise awareness of SALW-related problems in the region and reached an understanding that “the unique situation of the Pacific Island region calls for unique measures, in order to cope with problems such as the inadequate management of weapons storage which leads to the illegal circulation of weapons, and the difficulty of enforcing customs regulations at the border, all of which lead to the prevalent illicit trade in weapons”.⁶⁷

Establishment of national co-ordination agencies and points of contact, and reporting to UNDDA

Only New Zealand has designated a national coordination agency, in the Ministry of Foreign Affairs and Trade. However, five states in the region have established national points of contact: Australia, the Cook Islands, Fiji, New Zealand and Tuvalu. Australia has also formulated a specific Small Arms Policy in 1999, and since the PoA has submitted a report on national implementation to the UNDDA. Additionally, Australia has submitted national reports on the implementation of the PoA to the UNDDA for both 2001 and 2002. New Zealand submitted a report on national implementation for 2002.

For the purposes of this report, the region of Oceania/Pacific is not divided into sub-regions. However, there are key differences in implementation of various aspects of the PoA between Australia and New Zealand, and the Pacific Island States. Thus, the following outline of implementation of the PoA is divided along these lines.

IMPLEMENTATION IN AUSTRALIA AND NEW ZEALAND

Controls over export and import of SALW

The strongest controls over the export and import of SALW in the region are, not surprisingly, found in the two states with the greatest capacity to import and export SALW: Australia and New Zealand. Both have laws and procedures on all aspects of the international transfer of SALW, including production, export, import, transit and retransfer, with provision made for the use of authenticated end-user certificates and the notification of original exporting states in cases of retransfer. Both also maintain registers of strategic goods to ensure that all exports are consistent with a range of interests and obligations, including security and human rights considerations, and their military lists include both military and non-military firearms.

Although no states in the region have explicit controls over brokering activities, Australia’s 1978 *Crimes Act* has provisions related to some forms of brokering activities and it is currently considering brokering issues within the context of its obligations as a signatory of the UN Firearms Protocol.⁶⁸

⁶⁷ Ministry of Foreign Affairs of Japan, *Pacific Island Countries Regional Seminar on Small Arms*, Report, 22 January 2003; at <http://www.mofa.go.jp/announce/event/2003/1/0122.html>.

⁶⁸ Australian Government, *Implementation of the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: National Small Arms Report: Australia, 2002*; available at <http://disarmament.un.org/cab/docs/nationalreports/2002/australia.pdf>.

Domestic legislation and controls

In Australia, while the import of arms is covered by federal law, each state and territory has its own separate legislation on civilian ownership and use. In July 2002, the Australian Police ministers reached a new agreement to reduce illicit trade, which included a range of measures on possession. After the multiple shootings at Monash University, the Australian authorities announced in December 2002 that from 1 July 2003 there will be a state-by-state ban on up to 500 models of handguns, together with associated gun amnesties and government-funded buy-back schemes. This agreement also included measures on manufacturing, dealing and marking; in particular, it contained proposals for a uniform national firearms policy, including the reclassification of illegal gun manufacture as a serious crime.

New Zealand is the only state in the region that does not practise universal firearms registration for licensed civilian gun owners. Since 1983, virtually all firearms have been deregistered: thus a person with a license to possess firearms may own a number of arms of almost any type without having to register each weapon.⁶⁹ According to police sources, this has facilitated the sale of stolen firearms on the black market. In 1997, the Thorp *Review of Firearms Control in New Zealand* recommended that universal registration be reintroduced. However, the subsequent *Arms Amendment Bill (No. 2)* introduced in 1999 was recently abandoned, due to overwhelming opposition in the submissions received on it.⁷⁰

Stockpile management and security

Australia and New Zealand both have strong stockpile management and security procedures incorporating regular reviews of stocks. Additionally, in Australia, the firearms storage and allocation practices of the private security industry will soon be examined in a report for police ministers.⁷¹ Significantly, both Australia and New Zealand have provided assistance to the Pacific Island States in their stockpile management and security: Following the 2001 UN Conference on Small Arms, at the August 2001 Pacific Island Forum (PIF) leaders' meeting in Nauru, Australia and New Zealand made a formal offer to assist other Pacific Island states in this area – in particular, to provide training and advice on accounting procedures, security measures and ammunition destruction (see below).

Weapons collection and destruction

In both Australia and New Zealand, gun amnesties and buy-backs are common. In fact, amnesty provisions are in place year round in both countries for most surrendered firearms, though they are only periodically promoted. For example, in Australia, in response to the aforementioned national agreement, Queensland will implement an amnesty for handguns from 1 July 2003 to 1 January 2004, with compensation available for dealers and sports shooters.⁷² In terms of the disposal of surplus and collected weapons, Australia has destroyed surplus arms and New Zealand has destroyed both surplus and collected weapons.

The role of civil society

National gun control NGOs and peace NGOs that are IANSA members exist in Australia and New Zealand, such as the National Coalition for Gun Control in Australia, and in New Zealand, the Coalition for Gun Control, the Peace Foundation Aotearoa/New Zealand and the Peace Movement Aotearoa.

⁶⁹ Of all civilian-held guns in New Zealand, approximately 96 per cent are not required to be registered by law.

⁷⁰ National Report by New Zealand submitted to UNDDA; available at <http://disarmament.un.org/cab/docs/nationalreports/2002/newzealand.pdf>.

⁷¹ Op-cit., Australian Government, 2002.

⁷² "Laws crack down on handguns", *The Sunday Mail* (Queensland), 13 May 2003.

Table 9 National Implementation
 in Oceania/Pacific

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
American Samoa			Y			•							Y	•	•	
Australia		Y	Y	•	•	•	•	Y			•	•	Y	•	•	•
Cook Islands		Y	Y		•	•							Y		•	
Fiji		Y	Y		•	•							Y	•	•	
French Polynesia			Y			•							Y		•	
Kiribati			Y		•	•							Y	•	•	
Marshall Islands			Y			•							Y	•	•	
Micronesia (Federated States of)			Y			•							Y	•	•	
Nauru													Y		•	
New Caledonia			Y			•							Y	•	•	
New Zealand	Y	Y	Y	•	•	•	•	Y	•	•	•		Y	•	•	•
Niue			Y		•	•							Y		•	
Palau			Y		•	•							Y	•	•	
Papua New Guinea			Y			•							Y	•	•	
Samoa			Y		•	•							Y		•	
Solomon Islands			Y		•	•							Y	•	•	•
Tonga			Y		•	•							Y	•	•	•
Tuvalu		Y	Y		•	•							Y	•	•	
Vanuatu			Y			•							Y	•	•	•
Wallis and Futuna			Y			•							Y		•	

KEY:
 Pr = Production
 I = Import
 E = Export
 Tr = Transit
 D = Diversion risk
 R = Retransfers

EUC = End-user certificates
 M = Manufacture
 St = Stockpiling
 P = Possession
 T = Trade
 S = Surplus
 C = Collected

DDR = Disarmament,
 demobilisation,
 reintegration
 VWCP = Voluntary weapons
 collection program
 F = Financial
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance			
	T	Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other	Provision		Receipt			
						S	C			F	T	F	T		
•															
•	Y		•	Y	•			Y	amnesties	Y	•	•			
•															
•								Y	amnesties	Y			•		
•										Y			•		
•															
•										Y			•		
•															
•	Y		•	Y	•	•		Y	amnesties	Y	•	•			
•															
•	Y		•	Y		•		Y	(1) VWCP	Y			•		
•								Y	• amnesties				•		
										Y			•		
										Y			•		

(1) "Weapons disposal"

According to the national reports of Australia and New Zealand, such civil society groups are actively consulted by governments on matters related to SALW.

IMPLEMENTATION IN THE PACIFIC ISLAND STATES

Controls over export and import of SALW

In contrast to Australia and New Zealand, most of the Pacific Island states have only rudimentary controls over exports and imports. These include a wide variety of legislative, regulatory and common practices. Almost all states in the region, except Nauru, require licenses for the import of SALW. Indeed, the importing of SALW is currently prohibited in the Cook Islands (since 1992 – except for the police, defence personnel or replacement weapons), Fiji (since 1992), Kiribati (since 1985), the Marshall Islands and Palau.

In contrast to imports, however, the existence and nature of export controls vary considerably:

- Licenses are required for exports in Fiji, Kiribati, the Solomon Islands, Tonga and Tuvalu.
- In the Cook Islands, Niue and Samoa the export controls merely specify that the export of arms may be prohibited by the Head of State.⁷³ Thus, the potential for control is enshrined in law, but there does not appear to be a system of licensing exports in place.
- In Palau, the export regulations merely allow for the possibility of export.⁷⁴
- In at least six states (American Samoa, the Federated States of Micronesia, the Marshall Islands, Nauru, Papua New Guinea and Vanuatu) there are no legal or regulatory provisions or common practices relating to arms exports.
- Additionally, no information on export regulations was available for the French territories (French Polynesia, New Caledonia, and Wallis and Futuna).

In relation to transit, while all states in the region impose restrictions on “temporary importation”, often by common practice rather than legislation, this does not appear to relate to trans-shipment, but rather to arms in possession of visitors.

Domestic legislation

According to Alpers and Twyford, most of the Pacific Island states, except Papua New Guinea, Vanuatu, and those still under French rule, “have not significantly altered their firearm legislation since independence”.

Possession

All states in the region have some form of regulation on civilian possession of firearms. The coverage and stringency of these regulations, however, vary considerably. In many cases, specific aspects of civilian firearm possession, such as the possession of handguns, are regulated by common practices rather than codified legislation and associated administrative procedures.⁷⁵

⁷³ In these states the “Head of State” or the “Governor-General ... by Order in Council” may “prohibit the export of arms, and of materials that may be used in the manufacture of arms”. Op- cit., Alpers and Twyford, 2003, pp. 68–9.

⁷⁴ In Palau “[s]urrendered firearms may be sold overseas to any person outside the Republic who may lawfully purchase such firearms and ammunition”, *ibid.*

⁷⁵ For example, handguns are banned in Fiji, Kiribati, the Solomon Islands, Tuvalu and Vanuatu, but in practice are also unavailable in the Cook Islands, Nauru, Niue, Palau, the Federated States of Micronesia, Samoa, Tonga, American Samoa and the Republic of the Marshall Islands (*ibid.*, p. 62).

Civilian possession of firearms is prohibited in Fiji, Nauru and Palau. In the Solomon Islands, all civilian licenses have been suspended since April 1999. New licenses are prohibited in the Cook Islands and Papua New Guinea (where there has been a moratorium on new licenses since 1998), and are effectively prohibited in Kiribati by a ban on imports since 1985.

Illicit manufacture, trade and stockpiling

Domestic legislation on other aspects of SALW is even more varied than for the possession of SALW, particularly in relation to laws on illicit manufacture. A license is required for manufacture in the Federated States of Micronesia, Samoa and Vanuatu, and domestic manufacture is explicitly prohibited in Palau, Papua New Guinea, the Marshall Islands and Tonga.

According to Alpers and Twyford, however, “[i]n many of the smaller states, controls on manufacturing are more of a formality, to allow for the unlikely prospect of legal mass production of arms commencing within their borders. In Fiji, Kiribati, Solomon Islands, and Tuvalu, for instance, the minister or Commissioner of Police must approve the establishment of an arms arsenal, effectively prohibiting the manufacture of small arms”.

Stockpile management and security

According to Alpers and Twyford, “[p]olice personnel in many of the smaller Pacific nations lack adequate training in armoury management”. Stockpile management and security has been one of the major areas of donor assistance received by the Pacific Island states and has commonly been provided by Australia and New Zealand. Since the offer at the PIF leaders meeting, experts have been sent to Papua New Guinea, Solomon Islands, Fiji, Vanuatu, Nauru, Tonga and Kiribati and have provided training in disposal and accounting procedures and assistance with armoury audits, and the disposal of unserviceable weapons and unstable World War II ammunition. Such assistance programmes had existed prior to the 2001 UN Conference on Small Arms, but they have expanded significantly since.

In relation to civilian weapons, safe storage of arms is a common requirement in most Pacific states, but the requirements are rarely well defined and compliance checks are infrequent. Only five out of 20 Pacific states surveyed by Alpers and Twyford had computerised records of civilian small arms.

Disarmament and weapons collection

Various types of weapons collection programmes have been conducted in the Oceania/Pacific region. Several Pacific Island states also have provisions for amnesties, with or without compensation. These include Fiji, Papua New Guinea and the Solomon Islands, and these have been implemented recently, in Fiji in 1998 and 2000, and in the Solomon Islands in April and May 2002.

Additionally, many Pacific Island states have legal provisions for the call-in of firearms. This means that the states have provisions within their arms laws “for the responsible ministers to declare a prohibited area and to order the surrender of any or all arms and ammunition within its boundaries”. However, such compulsory surrender orders have not been enforced in the last 20 years, with the most recent being in 1982 in Palau, and 1983 in the Marshall Islands. Weapons surrendered in this way are to be returned to the licensed owners once the prohibition is no longer in force.

The most concerted efforts at disarmament in the region have occurred in the conflict zones of the Solomon Islands and Papua New Guinea (in Bougainville). The case of Papua New Guinea is examined in depth in the case study below. Disarmament in the Solomon Islands took place through amnesties in

2000 and 2003, with a total of approximately 2,000 weapons handed in. However, approximately 500 high-powered firearms that were stolen from police armouries remain in circulation.⁷⁶

Weapons destruction

In most of the Pacific Island states, weapons are not disposed of by destruction. As Alpers and Twyford note, “[m]unitions disposal too, can be made more complicated when poorer Pacific states, lacking the resources to replace existing stocks, are loathe to destroy redundant weapons”. For the most part, only unserviceable weapons and unstable World War II-era ammunition have been disposed of as part of Australian and New Zealand assistance to the Pacific Island states mentioned above. Nevertheless, this is not conducted routinely as new stocks are brought in. One significant exception to this is the destruction of some of the arms collected in the Papua New Guinea disarmament (see below).

The role of civil society

Civil society engagement with issues related to SALW in the Pacific Island states has been limited, but is increasing. Nevertheless, a number of civil society organisations in the Pacific Island states have also been involved in various aspects of SALW concerns and are members of IANSA. For example, the Pacific Concerns Resource Centre in the Fiji Islands and the Leitana Nehan Women’s Development Agency in Papua New Guinea are active members of IANSA. Also in Papua New Guinea, civil society organisations have been involved, in partnership with the UNDP, HABITAT and the local government in Port Moresby, in a “Safer City” project to address urban violence and SALW proliferation.⁷⁷ Additionally, representatives of civil society organisations attended the Pacific Island Countries Regional Seminar on SALW in January 2003. Overall, civil society engagement in SALW issues is growing in the region, with over 20 organisations expressing support for the IANSA Pacific regional network that began in February 2002.⁷⁸ A key focus of this network is the role of women’s organisations in tackling gun violence.⁷⁹

DISARMAMENT IN PAPUA NEW GUINEA: WEAPONS DISPOSAL IN BOUGAINVILLE

General overview

The misuse of SALW in Papua New Guinea has fuelled a decade of conflict, high levels of armed crime (with major towns and cities in Papua New Guinea having violent crime rates twice as high as in Johannesburg or Rio de Janeiro), armed tribal fighting and election-related violence. While the number of small arms involved in the recent conflict were low in comparison to other protracted intra-state conflicts, this has served to demonstrate the considerable destruction that can be wrought with even small numbers of SALW.

As with many other Pacific states, the implementation of aspects of the UN PoA in Papua New Guinea has been limited. Legislative measures and procedures on SALW in Papua New Guinea are mixed. For example, while there are laws on the import of weapons, there are none relating to exports or transit. In relation to domestic legislation, there has been a moratorium on new firearms licenses since 1998, and domestic manufacture is explicitly prohibited. Nevertheless, craft manufacture and a number of regional arms-trafficking routes have fed into the stocks of weapons in illicit circulation in Papua New Guinea. In

⁷⁶ Ibid., pp. 90–100. Additionally, since the winding down of the International Peace Monitoring Team in June 2002, donors have sought to address the problem of the over-sized Special Constables force (swollen as a result of the peace agreement) through police reforms. This has been supported by New Zealand, which has provided mentoring and training to police officers.

⁷⁷ *Pacific Islands Countries Regional Seminar on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, 20–22 January 2003, Report by Yoshiyuki Oshima, Programme Specialist, Southeast Asia and Pacific Division, Regional Bureau for Asia and the Pacific.

⁷⁸ Conor Twyford, “IANSA Pasifik hemi stap gro quiktaem: IANSA Pacific, it’s growing fast”, *IANSA News*, July 2002.

⁷⁹ Conor Twyford, “IANSA Pacific Network update: Putting the brakes on Pacific gunrunning”, *IANSA News*, December 2002.

the case of illicit trafficking, it is significant to note that Australian assistance in tracing illicit firearms has taken place for many years.

Stockpile management and security in Papua New Guinea have been weak, and although stocks are regularly reviewed, losses from police and defence force armouries are common, proving to be a significant source of arms for the illicit trade and for the combatant factions in the Bougainville conflict. In 2001, an Eminent Persons Group report found stockpile management procedures to be inadequate. In this regard, Australia has assisted in the rebuilding of three Papua New Guinea Defence Force (PNGDF) armouries in Port Moresby, with the construction of another three in outer areas planned for 2003.

Primarily however, implementation of the PoA has focused on aspects of dealing with the weapons in circulation as a result of the conflict. Since the signing of a peace agreement, and after some delays, Papua New Guinea has implemented a disarmament initiative that has been seen as largely successful.

Disarmament in Bougainville

Papua New Guinea introduced amnesty and compensation legislation in 1996. However, the primary disarmament initiative occurred in Bougainville and took place under the auspices of a peace agreement rather than resulting from this legislation.

After almost a decade of conflict (1988–98), and following the signature of the Bougainville Peace Agreement on 30 August 2001, and the subsequent passing of two bills in the Papua New Guinea parliament that clear the way for elections for an autonomous Bougainville and a future referendum on independence, disarmament or “Weapons Disposal”, as it is referred to, has been taking place in Bougainville.

Weapons disposal was one of the more sensitive issues during the peace talks, but a programme was finally launched on 6 December 2001. Led by the UN Observer Mission in Bougainville (UNOMB), the “Weapons Disposal” is composed of three stages that are intended to be implemented gradually across the island and that are closely linked with progress on other political and constitutional issues. These three stages are as follows:

- 1) SALW are handed over to local faction commanders for safe storage in containers provided by the Peace Process Consultative Committee (PPCC). Members of UNOMB then seal the containers.
- 2) The containers are then sent to senior commanders from each faction. Once amendments to the Papua New Guinea Constitution are approved, the arms will be moved to secure containment with two locks: one key held by the faction commander and the other by UNOMB. Once sufficient arms have been collected and secured, preparations for autonomous elections will begin.
- 3) Finally, weapons disposal will take place. The final fate of the weapons is to be discussed within four and a half months of the autonomy legislation coming into effect.

To date, over 1,750 weapons have been handed in and all districts have begun to proceed to Stage Two containment. However, only one area has progressed to the third stage: the Siwai area in south-west Bougainville had destroyed 117 of its 199 contained weapons by the end of March 2002. Recently, set-backs occurred, with break-ins and thefts of contained weapons resulting in 360 weapons being recorded missing by December 2002.

Donor assistance

The “Weapons Disposal” has attracted significant assistance from a range of donors. A UNDDA-led mission, with the participation of officers from the UN Department of Political Affairs (UNDP/A) and

UNDESA, was dispatched to Papua New Guinea on 28 April 2002 to determine in consultation how the UN could facilitate substantive support to the continued verification and implementation of the “Weapons Disposal”, as detailed in the Peace Agreement. The UNDP has assisted with programme design and implementation, and communicated with government and donor partners to co-ordinate funding efforts. UNDP has directly funded the Weapons Disposal sub-Committees formed at the district level. In parallel to the “Weapons Disposal”, the UNDP has also been involved in implementing the Bougainville Development and Reintegration Programme since 1998. Additionally, the technical management of the containment process and the conduct of joint awareness programmes have been carried out by the Peace Monitoring Group (PMG), a group of unarmed personnel from Australia, New Zealand, Fiji and Vanuatu. Indeed, significant assistance has been received from regional states. For example, in 2001/2002, New Zealand spent 21.5 per cent of its Bougainville assistance budget of US\$1.58million on support for the PPCC and its “Weapons Disposal” sub-committee.

While the “Weapons Disposal” has been seen by many as a success, some stakeholders, such as donor partners and civil society groups, have expressed some reservations. These reservations centre around the following:

- Too much focus was placed on ex-combatants, which was felt to risk generating resentment among others and a feeling that the strong position developed by ex-combatants within the process was becoming an impediment to disarmament.
- Women were excluded from the process. Women had played a significant role in building the momentum for peace and continue to exercise influence at the local level, yet they were excluded from the negotiation and the Weapons Disposal Committee (WDC). This therefore marginalised a key source of support for the disarmament process.
- Donor concerns related to the need for an exit strategy for the PMG and UNOMB. Some commentators have identified the need for the disarmament process and associated assistance to be clearly understood as not being open-ended. This is largely to avoid a repetition of the situation in mid-2002, when political negotiations became bogged down, during which time “the process appeared to have become so comfortable that it had almost become an impediment to disarmament”.⁸⁰

Learning points

The experience of the “Weapons Disposal” in Bougainville, and in particular the issues raised by stakeholders, provide some useful learning points for Papua New Guinea and future disarmament design for other states.

- Compensation aspects of weapons collection initiatives must be carefully constructed, with reasonable but not indefinite periods for action.
- The presence of amnesty and compensation legislation, promulgated in 1996, may offer one option for tackling the concerns of too great a focus on ex-combatants. However, the primary aspect of this concern relates to the influence held by some ex-combatants within the peace process – this type of dilemma should be addressed in future designs of weapons collection/disarmament in similar situations.
- The concern raised by some observers of the exclusion of women from the process is significant. Experiences from other regions demonstrate the importance of including all social sectors, and particularly civil society groups, that can contribute to the momentum for disarmament. In this regard, it is significant to note the recent creation of a Gender Mainstreaming Action Plan by the UNDDA.⁸¹

⁸⁰ Op- cit., Alpers and Twyford, 2003, p 89.

⁸¹ See <http://www.disarmament.un.org/gender/gmap.pdf>.

3.3. PROGRESS IN KEY THEMATIC AREAS AND INTERNATIONAL COOPERATION AND ASSISTANCE

3.3.1. INTRODUCTION

This section outlines the progress in implementing key aspects of the UN Programme of Action on Small Arms. These key issues are those that lie at the heart of the illicit trafficking and misuse of SALW in all its aspects and for which international cooperation and assistance and the development of best practices and lessons learnt can contribute to the strengthening of implementation of the PoA. The key issues examined here are:

- Marking and tracing;
- Export controls, including criteria for assessing applications for SALW export authorisations and key aspects of export control procedures mentioned in the PoA;
- The development of controls over arms brokering;
- Aspects of implementation that deal with existing stocks of SALW, including stockpile management and security; disarmament and weapons collection; the disposal of surplus and collected or confiscated SALW – particularly through destruction; and
- International cooperation and assistance.

Most of these key aspects of the PoA have been core themes in the preceding parts of this report that examine regional and national implementation. The purpose of this section, therefore, is to outline how the practice of implementation has varied among issues, as well as among states, sub-regions and regions, and to contribute to the concluding analysis of this report in order to facilitate future implementation.

The discussion of progress in each thematic area begins with a brief introduction to the issue and the related PoA commitments. Each thematic section is then divided into sub-sections examining particular issues and/or progress at the international, regional and national levels.

3.3.2. MARKING AND TRACING

The UN PoA includes a number of commitments related to marking and tracing of SALW. Prime among these is the commitment to undertake a study to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW. The Group of Government Experts on Tracing Illicit Small Arms and Light Weapons (GGE on Tracing) has been established and will submit the study to the General Assembly at its 58th session. Twenty-three member states are represented on the GGE on Tracing, which held its first session in July 2002, its second in Geneva in March 2003, and its third in New York on 2–6 June 2003.⁸² Prior to the 2001 UN Conference on Small Arms, there were already some common standards on marking, record-keeping and cooperation in tracing included in various regional and international agreements (e.g. the UN Firearms Protocol, the SADC Firearms Protocol and the OSCE Document). The core decision for the GGE on Tracing will be whether their report recommends proceeding with the negotiation of an international instrument on tracing, and the extent to which possible elements of an international instrument are elaborated.

Prior to the 2001 UN Conference on Small Arms, civil society groups and experts were closely involved in promoting the issues of tracing illicit weapons. Since the Conference, this has continued and has

⁸² The 23 member states are Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, Russian Federation, South Africa, Switzerland, the United Kingdom, the United States and Thailand. The GGE on Tracing is chaired by Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament.

included production of a number of studies on the issue provided to the GGE on Tracing. These include a United Nations Institute for Disarmament Research (UNIDIR)/Small Arms Survey study entitled *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons* and a study on the *Technical and Institutional Aspects of an International SALW Tracing Instrument* produced by GRIP (*Groupe de Recherche et d'Information sur la Paix et la sécurité*). In March 2003 GRIP also produced a "Draft Convention on the Marking, Registration and Tracing of Small Arms and Light Weapons" including detailed provisions on marking, registration and tracing and an international control agency.⁸³

Additionally, the more informal Franco-Swiss initiative, backed by the EU and launched in 2000, has brought together a number of governments that are considering how to enhance their cooperation in tracing SALW, building on the ideas of this initiative. A contact group of ten states was convened shortly after the 2001 UN Conference on Small Arms to consider the possible ways in which an informal initiative on cooperation in tracing illicit SALW could be developed by a group of willing states. However, this process has temporarily stalled, as states await the report of the GGE on Tracing.

Broadly speaking, there are three core areas for the tracing of illicit weapons: marking, record-keeping and international cooperation in tracing. Progress has been made to varying degrees in all three areas at the global, regional and national levels. However, the key to effective tracing is cooperation between states and regions in each area. Therefore, much will depend on the outcome of the report of the GGE on Tracing and its follow-up activities.

MARKING

Firm commitments on marking weapons were in place prior to the agreement of the PoA, particularly through regional agreements such as the OAS Convention, the SADC Protocol and the OSCE Document. The PoA further elaborated and strengthened these norms. Since the 2001 UN Conference on Small Arms, a number of studies on marking methods have taken place including the UNIDIR-Small Arms Survey study and the GRIP submissions to the GGE on Tracing. The former claimed that "[t]he UN Programme of Action and the UN Firearms Protocol, taken together, establish a set of global minimum standards for the marking of SALW. However, these fall short of what is increasingly recognised as good practice".⁸⁴

Additionally, several international agreements apply not only to illicit weapons, but also to ammunition, explosives and related material. These include the Convention on Marking Plastic Explosives (in force since 1998) and the international regulations for the transport of dangerous materials, developed on the basis of the 1996 UN Model Regulations. However, a lack of international norms obstructs the tracing of these items.

At the regional level, the OAS Convention, the SADC Protocol, the Nadi Framework and the OSCE Document all contain provisions on the marking of weapons. The latter also includes provisions for the destruction or marking of any unmarked SALW discovered through routine management of stockpiles.⁸⁵ Additionally, the Commission of International Proof (CIP) regulations require all firearms and military small arms manufactured in the 12 member countries to be submitted for safety testing and stamped with verification marks, which include a national stamp and year code prior to use, sale or export.⁸⁶

⁸³ Berkol, Ihan, 'Draft Convention on the Marking, Registration and Tracing of Small Arms and Light Weapons,' March 2003, available at <http://www.grip.org/bdg/g2055.html>

⁸⁴ Owen Greene, "Overview paper", in UNIDIR and Small Arms Survey, *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*. Geneva: UNIDIR and Small Arms Survey, 2003, p. 13. The Firearms Protocol includes Articles 7 and 8, which set out minimum standards for record-keeping and marking, while Article 12 commits states to cooperate in tracing firearms (defined broadly and including most SALW).

⁸⁵ Ibid.

⁸⁶ These 12 countries are Belgium, the Czech Republic, Chile, Finland, France, Germany, Hungary, Italy, Spain, Russia, Slovakia and the UK; see *ibid.*, p 10; and Michael Hallowes in UNIDIR and Small Arms Survey, 2003, p. 96.

At the national level, most producers mark weapons at point of production, but there is considerable variation in the nature, detail and utility (for tracing) of such markings. The PoA also requires that states adopt and enforce measures to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW (see Table 10, below). While the available information on such measures is limited, it seems that they are lagging behind the primary commitment to ensure that arms are marked at the point of manufacture.

Additionally, a number of states have introduced or are introducing legislation that makes it illegal to tamper with or remove markings on weapons. These include Germany, Malaysia and the Philippines. For example, in Germany, the new weapons law that entered into force in April 2003 makes tampering with official markings illegal – a change triggered by the PoA. Similarly, though not yet operational, the new Paraguayan law introduced in 2002 (1910/2002 Act, Section 13) envisages the creation of a Testing Bank that will include a marking system. However, the resources for this are currently lacking and the Dirección de Material Bélico (War Material Board - DIMABEL) has reportedly requested the technical assistance of the UN for defining the most suitable marking system and for financing it.

In developing and implementing better standards of marking, it is necessary to build cooperation with manufacturing companies. Thus, the Paris Process launched by the Eminent Persons Group had a meeting in Geneva in November 2002 to promote dialogue between industry, NGOs and governments.⁸⁷ Likewise, the Manufacturers Advisory Group (MAG) of the World Forum of Sport Shooting Activities (WFSA) has held several workshops that made recommendations for standards of marking and commitments for future action, including a work plan, by trade associations and individual companies from the US and Europe.⁸⁸

Additionally, import marking may also contribute to the traceability of illicit weapons. While not specified in the PoA, the negotiations on the UN Firearms Protocol have led EU member states to consider using national import marks. Similarly, a conference on PoA implementation in Central America recommended the establishment of ballistic testing of weapons as a requirement for importation and the standardisation of the requirement at the regional level.⁸⁹

In sum, only limited progress has been made on enhancing standards of marking since the 2001 UN Conference on Small Arms. While many states already had good standards, many others do not. Since the Conference, existing norms on marking have become broadly accepted, but many states were frustrated that the standards suggested in the PoA do not represent best practice. In this regard, the lack of progress in marking weapons held in existing stockpiles remains a particular problem.

RECORD-KEEPING

While the standards and processes of record-keeping vary considerably, “[i]nitiatives to develop coordinated and linked databases at the regional level ... are becoming recognized as good practice and need further assistance and encouragement”.⁹⁰

At the regional level, SADC states have committed themselves to strengthening registration, record-keeping and information-exchange systems. However, to date, only Namibia and South Africa currently have electronic systems, but South Africa’s new central Firearms Register is designed so that other

⁸⁷ Edward Laurance and Rachel Stohl, “Making global public policy: The case of small arms and light weapons”, Small Arms Survey Occasional Paper No. 7. Geneva: Small Arms Survey, December 2002, p. 19.

⁸⁸ The most recent workshop in Naples in 2002, followed on from two other workshops prior to the agreement of the PoA, in Brescia (1999) and Sardinia (2000), *ibid.*

⁸⁹ *Small Arms and Light Weapons in Central America: Implementing the UN Programme of Action’s Aspects for Control and Regulation of Arms Transfers: Recommended Actions for National and Regional Implementation*, approved by consensus, 5 December 2001, San José, Costa Rica.

⁹⁰ Op-cit., Owen Greene, 2003 p. 18.

Table 10: National Measures Related to the Marking of Weapons

Country	Marking of new production	Prevention of manufacture of unmarked	Prevention of transfer of unmarked	Prevention of stockpiling of unmarked	Prevention of possession of unmarked
Albania	Yes (previously)			Yes	
Argentina	Yes				
Armenia	Yes	Yes	Yes	Yes	Yes
Australia	Yes	Yes	Yes	Yes	Yes
Belarus	Former USSR system				
Bolivia	Yes	Yes			
Brazil	Yes				
Bulgaria	Yes				
Canada	Yes				
Chile	Yes				
China	Yes	Yes			
Costa Rica		Yes		Yes	Yes
Czech Republic	Yes	Yes	Yes	Yes	Yes
Ecuador	Yes				
El Salvador			Yes		Yes
Honduras	Yes				
Hungary	Yes		Yes		
India	Yes		Yes		Yes
Indonesia					Yes
Iran	Yes				
Japan	Yes				
Republic of Korea	Yes				
Kenya	Yes				
Latvia	Yes	Yes	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes	Yes
Mali	Yes				
Mexico	Yes				
New Zealand	No	Yes		Yes	Yes
Pakistan	Yes	Yes	Yes	Yes	Yes
Panama	Yes				
Peru	Yes				
Poland	Yes	Yes	Yes	Yes	Yes
Romania	Yes	Yes	Yes	Yes	Yes
Russian Federation	Yes	Yes	Yes	Yes	Yes
Serbia and Montenegro	Yes				
Singapore					Yes
Slovenia			Yes	Yes	Yes
South Africa	Yes	Yes	Yes		
Sri Lanka	Yes	Yes			
Sudan	Yes		Yes		Yes
Sweden	Yes under review				
Thailand					Yes
Turkey	Yes				
United Kingdom	Yes				
United States of America	Yes	Yes	Yes		Yes
Venezuela	Yes	Yes			
Zimbabwe	Basic				

Southern African states can also use it.⁹¹ Similarly, within the OAS, in line with the CICAD requirements to harmonise national legislation and regulations, the Royal Canadian Mounted Police (RCMP) has provided software for an internet-based system of registration and record-keeping called SALSA (Small Arms and Light Weapons Administration) and UNLiREC has a Regional Clearing-house Project that includes the identification and recording of details of seized illicit weapons and the use of such information for tracing sources of illicit supply. The EU has the Weapons Information Exchange System (WIES), but this is entirely paper driven and relatively ineffective.

At the national level, states that have reviewed and implemented changes in their record-keeping procedures include Russia, South Africa,⁹² Tanzania and Uganda.⁹³ Others may have also initiated changes, but no information is publicly available.

In sum, while there has been some significant and welcome activity, currently implemented standards on record-keeping remain far below what is necessary for easy access to thorough and comprehensive records for the purposes of tracing illicit SALW.

MECHANISMS FOR COOPERATION IN TRACING

The PoA and other international and regional measures include numerous provisions on tracing, and particularly on databases and information exchange. As with other aspects of marking and tracing, regional agreements such as the OAS Convention, the OSCE Document and the SADC Protocol contain more specific provisions on tracing than international measures such as the Firearms Protocol and the UN PoA.⁹⁴

In the PoA, states were encouraged to use and support Interpol's International Weapons and Explosives Tracking System (IWETS) database. IWETS is an analytic database designed to collate information on illicit firearms trafficking world-wide and help track stolen and recovered weapons. This system is currently being upgraded in several ways in order to allow national central bureaus to electronically request and exchange text and images.⁹⁵ This process is expected to be completed within the next 12 months. This upgrading has been supported by, among others, the USA through the Bureau of International Narcotics and Law Enforcement Affairs, which has contributed US\$125, 000 and technical assistance from the ATF. Additionally, the Canadian FRT (Firearms Reference Table) is currently being incorporated into IWETS, allowing access by all 179 national central bureaus of Interpol members.

Regional initiatives that have included some commitments to cooperation in tracing include the following:

- The OSCE Document on Small Arms and Light Weapons includes arrangements for information exchange and transparency (though not directly related to tracing).
- The SADC Protocol includes commitments to mechanisms for cooperation among law enforcement agencies.
- In the Americas, the SALSA system, mentioned above, will be linked with a system designed to provide confidential access to information for the purposes of tracking the movement of specific

⁹¹ Ibid., p. 17.

⁹² South Africa is creating a database for small arms belonging to the military and the police. While the database would not necessarily specify the numbers of weapons held, it will facilitate the tracing of weapons. It is also auditing the small arms holdings of all state bodies, such as the Forestry Department.

⁹³ At the opening of a three-day workshop on Small Arms and Light Weapons in Uganda in April 2002, the first Deputy Prime Minister and Minister of Internal Affairs, Eriya Kategaya, announced that Uganda's armed forces are in the process of registering and computerizing records of firearms (Joan Mugenzi, *New Vision* (Uganda), 16 April 2002, <http://www.allafrica.com>).

⁹⁴ Op-Cit., Owen Greene, 2003, pp. 28–9.

⁹⁵ Currently, Interpol's Arms Section of the Public Safety and Terrorism Sub-Directorate issues trace requests to member countries on behalf of other members. A national police authority can circulate information by fax and e-mail to check whether they have recovered any weapons produced or trafficked using the *modus operandi* identified with a suspect. Ibid., p. 21.

weapons. This system is called FISTRACS.⁹⁶ The FRT is also being made available to OAS countries through the Regional Clearing-House Project. A MERCOSUR firearms group,⁹⁷ which includes coordination at the level of intelligence agencies, established in 2001, is also testing an on-line database linking the six member states that will allow each country to access the others' data on small arms.

On a bilateral basis, assistance in tracing is already being provided by some states. For example, Mexico requests assistance from the ATF when tracing illicit SALW. However, much greater cooperation is required and will be facilitated by the enhancements to IWETS and future progress in regional mechanisms and standards for marking, record-keeping and information exchange.

In sum, therefore, implementation of the provisions of the PoA related to marking and tracing of illicit SALW has progressed unevenly at each level. Much of the future progress on this issue will depend upon the report of the GGE on Tracing.

Cooperation in tracing illicit SALW is, in principle, a fairly straightforward matter. However, the mechanisms and understandings of what constitutes effective cooperation need to be established. For example, such cooperation in tracing should extend beyond tracing weapons used in crime situations and should also be useful for tracing illicit shipments of SALW to conflict zones.

3.3.3. EXPORT CONTROLS: POA COMMITMENTS AND BEYOND

The PoA contains reference to export controls both in terms of the criteria applied being “consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade”, and export control procedures, with particular reference made to the use of authenticated end-user certificates; the inclusion of an assessment of the risk of diversion into illicit trade; and the notification of original exporting states in cases of the retransfer of previously imported weapons. Progress in these two areas has been mixed.

GUIDELINES AND CRITERIA TO BE TAKEN INTO ACCOUNT WHEN ASSESSING APPLICATIONS FOR SALW EXPORT AUTHORISATIONS

The nature and discussion of guidelines and criteria to be taken into account when assessing applications for SALW export authorisations was a controversial issue in the run-up to the 2001 UN Conference on Small Arms and during the Conference itself. Thus, the commitments in the PoA involved considerable compromise and vagueness. Since the Conference, the issue remains sensitive, but understanding of what is and is not involved in the discussion of the issue has improved. As a result, the scope for broad discussion has significantly improved and productive discussions have taken place at a range of formal and informal fora.

Implementing the UN PoA: Strengthening Exports Controls – Lancaster House, London, January 2003

On 14 January 2003, the UK hosted a conference at Lancaster House on Implementing the UN Programme of Action: Strengthening Export Controls. The participants and observers from 49 countries agreed to work together on measures to strengthen and enforce controls on arms transfers.⁹⁸

⁹⁶ Ibid., p. 29.

⁹⁷ MERCOSUR member states are Argentina, Brazil, Paraguay and Uruguay and associated states, Bolivia and Chile.

⁹⁸ “Chairman’s Summary”, *Small Arms and Light Weapons: Implementing the UN Programme of Action: Strengthening Export Controls*, Lancaster House conference, 2003.

Discussion took place on criteria for assessing applications for SALW export authorisations, export control procedures and brokering controls. In addition to consensus reaffirming the PoA guidelines, there was wide agreement, though not consensus, on the 13 factors to be taken into account in national authorisation procedures.⁹⁹ These factors were:

- i) The requirements of the recipient country to enable it to exercise its right to self-defence in accordance with Article 51 of the UN Charter;
- ii) The right of the recipient country to meet its legitimate national security needs;
- iii) The need to avoid destabilising accumulations of arms;
- iv) The risk that the proposed SALW transfer might support or encourage terrorism;
- v) The risk that the proposed SALW transfer might facilitate organised crime;
- vi) The record of compliance with international obligations and commitments, in particular on the non-use of force and in the field of non-proliferation, or in other areas of arms control and disarmament; and the record of respect for international law governing the conduct of armed conflict;
- vii) Respect for human rights in the recipient country;
- viii) The risk that the proposed transfer would be used for internal repression;
- ix) The impact of the proposed transfer on internal tensions or conflicts;
- x) The impact of the proposed transfer on regional peace and security;
- xi) The nature and costs of the arms in relation to the objective of the least diversion of human and economic resources to armaments;
- xii) Whether the transfer would be an appropriate and proportionate response by the recipient country to the military and security threats confronting it; and
- xiii) The consent of the importing state regarding transfers to territories under its control or jurisdiction.

Dialogue and the exchange of relevant information among participants who attended this meeting will continue.

Civil Society Groups

A range of civil society groups and initiatives have also continued to engage on the issue of guidelines and criteria to be taken into account when assessing applications for SALW export authorisations.

Informal Consultative Group

An informal Small Arms Expert Consultative Group held its first meeting in London in January 2003, organised and hosted by the Biting the Bullet project (University of Bradford, Saferworld and International Alert). Participants discussed criteria for assessing applications for arms export authorisations and the issue of transfers of SALW to non-state actors. Detailed and productive discussions were held and particularly emphasised the need to clarify “existing obligations under international law”, and to continue discussions. The second meeting of the group took place in Prague at the end of June 2003.

Proposing guidelines and criteria: The Campaign for an International Arms Trade Treaty and the ICRC

Civil society groups have been instrumental in proposing guidelines and interpretations of some commitments under international law. The Campaign for an International Arms Trade Treaty has produced a framework agreement - promoted by a group of NGOs - drawing together these norms and

⁹⁹ Ibid.

export criteria from existing obligations under international law.¹⁰⁰ This framework treaty can be built upon in the development of specific controls in line with PoA commitments.

Likewise, at an OSCE workshop in Vienna, the International Committee of the Red Cross (ICRC) suggested that states incorporate the ICRC's list of indicators into their own national codes of conduct in order to establish a common list of indicators of those potential recipients that have failed to comply with international humanitarian law.¹⁰¹

REGIONAL AND OTHER MULTILATERAL FORA

A number of regional and other multilateral fora have discussed the range of issues surrounding criteria for licensing transfers of SALW. These include the OSCE, the OAS, the EU, the Wassenaar Arrangement, NATO and the G8. Additionally, at the national level, at least 19 states have reviewed and/or amended their export criteria, laws or procedures.

OSCE

The workshop on implementation of the OSCE Document in Vienna in February 2002 noted that arms exports should take into consideration national foreign policy interests and criteria for responsible arms transfers. Additionally, “[t]ransit was pointed out as a weak link in terms of monitoring end-use of arms transfers”.¹⁰² Brokering controls were also discussed (see Section 3.3.4, page 156). Likewise, at the UN-OSCE meeting in March 2003, participants reaffirmed commitments under the PoA and OSCE Document related to the effective control over the export and transit of SALW, particularly highlighting the importance of authenticated end-user certificates and effective enforcement measures.¹⁰³

Currently, the OSCE is developing a set of best-practice guidelines on a range of issues raised in the PoA, including criteria for assessing applications for SALW export authorisations, export control procedures and controls over arms brokering. Finland has drafted the guidelines on criteria to a high level of detail on what constitutes best practice. These are being discussed amongst member states (see the section entitled Europe on page 78)

OAS

The OAS Work Programme for 2002–03, agreed at the Third Regular Meeting of the Consultative Committee of the Inter-American Convention in May 2002, includes a commitment to “begin to analyse codes of conduct adopted at other organizations, such as the European Union, with a view to considering similar developments in the context of the Committee’s endeavours”. Additionally, the CICAD model regulations, which have implications for SALW export procedures, have been adopted by five states, with 13 others having partially adopted or being in the process of adopting them.¹⁰⁴

Additionally, a follow-up Conference on SALW in Central America, in San José, Costa Rica, in December 2001 adopted recommendations for a Regional Action Plan that included recommendations related to the establishment of strict national regulations and procedures for arms exports consistent with existing responsibilities under international law. These included recommendations that states “[c]ollaborate by proposing regulations and procedures”, and at the regional level “[h]omogenise rules and procedures”.¹⁰⁵

¹⁰⁰ See <http://www.armslaw.org>

¹⁰¹ OSCE, *Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons*, Vienna, 4–5 February 2002, Report, p. 19.

¹⁰² *Ibid.*, p. 9.

¹⁰³ “Co-Chairperson’s Summary” from the *UN-OSCE Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe*, Ljubljana, 11–12 March 2003.

¹⁰⁴ William Godnick and Helena Vázquez, *Small Arms Control in Latin America*, International Alert, March 2003, p. 11.

¹⁰⁵ *Op-cit.*, San José conference, 2001, pp. 2 & 10.

EU

Within the framework of the EU Code of Conduct, on the “promotion of the principles of the Code of Conduct in non-member countries” in 2001, prior to the 2001 UN Conference on Small Arms, seminars were held in Phnom Penh in the ASEAN ARF framework. In 2002, consultations were continuing with the US on the joint declaration of December 2000. Work is continuing on assisting the ten EU accession countries to ensure that their export control policies operate effectively and in conformity with the Code of Conduct.

Also, a European parliament resolution on 15 November 2001 welcomed the PoA and urged states to start negotiation on legally binding instruments setting out norms and procedures for the international transfer of armaments, based on existing responsibilities under international law.¹⁰⁶

The Wassenaar Arrangement

The Wassenaar Arrangement adopted Best Practice Guidelines for Exports of Small Arms and Light Weapons at its December 2002 plenary. These were adopted with reference to the UN PoA and the 2000 OSCE Document and included a range of criteria to be taken into account when licensing exports. These include a range of issues raised in the PoA, including the risk of diversion into the illicit trade and stockpile management and security.¹⁰⁷ Participating states agreed to avoid issuing licenses for exports of SALW where there is a clear risk of diversion or use in armed conflict, terrorism, repression or human rights abuses. States also agreed, as far as possible, to notify the original exporting state in cases of the retransfer of weapons (POA, II, 13). The guidelines also reaffirmed PoA commitments to marking, production and record-keeping and also agreed to the marking or destruction of unmarked weapons discovered in the course of routine stockpile management.

Additionally, in relation to non-state actors, it states that, “[p]articipating states will take especial care when considering exports of SALW other than to governments or their authorised agents”.¹⁰⁸ More specifically, the plenary also adopted a statement of understanding on brokering (see below).

In 2003, the Wassenaar Arrangement is reviewing implementation and further steps. High on the list of further steps is the question of including SALW in the regulation information exchange processes.

Discussions on this issue have also taken place in other organisations, for example, NATO has established an *ad hoc* working group on SALW “to provide a forum for exchanging information on how best to control the transfer of such weapons, for example, through national export controls and enforcement mechanisms”.¹⁰⁹ Also, at the G8 meeting in Paris of 1–3 June 2003, three papers on various aspects of SALW exports were tabled by France, Italy and the United Kingdom.

EXPORT CONTROL PROCEDURES

Three key areas were raised in the PoA: the use of authenticated end-user certificates (EUCs), the inclusion of an assessment of the risk of diversion into illicit circulation and the notification of original exporting states in cases of retransfer. As with the criteria applied to assessments of applications for

¹⁰⁶ European Parliament resolution on small arms, B5-0723, 0729 and 0730/2001, adopted 15 November 2001.

¹⁰⁷ Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW), adopted by the Plenary of 11–12 December 2002 of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, http://www.wassenaar.org/docs/best_practice_salw.htm. Many of these criteria echo those agreed as Elements for Export Controls of Man-Portable Air Defense Systems (MANPADS) at the December 2000 Wassenaar Plenary.

¹⁰⁸ Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW), *Ibid.*

¹⁰⁹ NATO, *Partnership in Action*, p. 7.

SALW export authorisations, many states had good practices in these aspects of the export control procedures prior to the 2001 UN Conference on Small Arms. However, progress since the Conference on these three areas has been limited.

Of these three areas, only the first – the case of authenticated EUCs – has received significant attention in regional fora. The 4th consolidated report on the EU Code of Conduct includes discussion of progress to determine standard contents for EUCs. However, the authentication of these EUCs is only mentioned in the suggestions for additional information and clauses relate only to national laws and procedures. It suggests that in cases where the EUC comes from the government of destination, requirements should specify that the certificate be authenticated by the authorities of the exporting country “in order to check the authenticity of the signature and the capacity of the signatory to make commitments on behalf of their government”.¹¹⁰

The following additional information may be included on an EUC:

- Clauses relating to the procedures, if any, for retransfer; and
- Information on intermediaries involved in the transaction.

The latter is particularly important in facilitating tracing of illicit weapons, as it provides greater information about the possible points of diversion.

Two of the “priority guidelines for the near future” agreed by the EU Conventional Arms Exports Working Group were to “continue work on standardising the information to appear in the certificates of final destination” and to “continue work on issues related to manufacture under license in non-member countries” (see below).¹¹¹

National implementation

At least 19 states have reviewed and/or amended their export control criteria or procedures since July 2001. These include Azerbaijan, Belarus, Bulgaria, Bosnia and Herzegovina, China, Costa Rica, Hungary, Ireland, Latvia, Lithuania, Mali, the Netherlands, Paraguay, Slovenia, South Africa, Ukraine, the United Kingdom, the USA and Venezuela. While not necessarily occurring in response to the UN PoA, many of these changes have included measures referred to within it. For example, Slovenia incorporated an assessment of the risk of diversion into illicit trade in the legislation that came into force in March 2003.¹¹²

As noted earlier, of those states with export licensing controls and procedures, at least 30 incorporate in some form an assessment of the risk of diversion into illicit trade, at least 41, and probably more, require the use of authenticated end-user certificates, and at least 17 have laws or procedures relating to the notification of the original exporting states in cases of retransfer. Significantly, some states and regional organisations have gone beyond these measures suggested in the PoA.

BEYOND THE POA: NON-STATE ACTORS AND LICENSED PRODUCTION

In addition to progress in implementing changes and reviews in line with the PoA, a number of states and civil society initiatives have continued to engage with issues excluded from the PoA, such as transfers to non-state actors and licensed production.

¹¹⁰ Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export, 13779/02.

¹¹¹ Ibid.

¹¹² Op-cit., Ljubljana conference, 2003.

Transfers to non-state actors

A controversial issue eventually excluded from the PoA, the issue of transfers of SALW to non-state actors, is included in a range of regional documents, such as the Bamako Declaration. The issue has remained on the agenda of many states and regional organisations concerned with the spread of illicit SALW. Thus, the Tokyo follow-up meeting included some discussions under the theme “Exports to non-State actors”. While the divisions on this issue present at the 2001 UN Conference on Small Arms remained, the discussions were seen as being “constructive” with a number of possible avenues for bridging the divides suggested. Significantly, it was agreed that the dialogue should be continued at future similar meetings.¹¹³

Likewise during the 2001 UN Conference on Small Arms and at Lancaster House and the informal small arms consultative group convened by Biting the Bullet, many participants felt that the adoption and implementation of strict export controls in accordance with “existing responsibilities under international law” would contribute significantly to tackling the problems of SALW transfer to non-state actors. Others, however, do not feel that such measures would go far enough. During the first working session of the OSCE Workshop the Eminent Persons Group on Curbing Illicit Trafficking in SALW made a plea for OSCE participating states not to make SALW transfers to non-state actors.

Licensed production

While not specifically covered in the PoA, licensed production, and in particular its potential to be a loophole in export control standards, has been addressed in some fora. Thus, the Wassenaar Best Practice Guidelines outline that states “affirm that they apply strict national controls on the export of SALW, as well as on transfers of technology related to their design, production, testing and upgrading” (emphasis added). Similarly, within the EU, COARM also looked at the issue and agreed that when assessing an application for production technologies and equipment “account will be taken of the potential use of the finished product in the country of production and of the risk that the finished product might be diverted or exported to an undesirable end user”.¹¹⁴

3.3.4. DEVELOPING CONTROLS ON ARMS BROKERING ACTIVITIES

OVERVIEW

The development of controls on arms brokering activities has long been a priority emphasised by governments and civil society organisations concerned with the illicit trade in SALW. The PoA included a recommendation that states “develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering” (II, 14) and at the global level to “develop common understandings of the basic issues and the scope of the problems related to illicit brokering” in SALW (II, 39).

Additionally, participating states recommended that the General Assembly “consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons” (IV, 1, d).

In terms of national implementation, at least 38 states for which information has been gathered claim to have some form of brokering controls. Several of these have been introduced, amended or reviewed, or

¹¹³ Tokyo Follow-up Meeting of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Chairperson’s Summary, A/56/810 – S/2002/145, 6 February 2002.

¹¹⁴ Op-cit, Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export.

have come into force since the agreement of the PoA. While some of these have been restrictive, conversely, as discussed previously, India legalised arms brokering in September 2001.

Most significantly, while many states claim that some aspects of arms brokering are covered by their national controls, it appears that only 18 have explicit controls over arms brokers. The extent to which the controls carried out implicitly, for example through provisions contained in export controls legislation, effectively regulate arms brokering is unclear.

Even among states with explicit national controls, the nature and scope of these vary considerably. One key issue is the coverage of brokers operating outside national territory. Thus, in relation to extra-territoriality, full extra-territorial controls over brokers exist in Belgium, Finland, Poland, Switzerland and the USA (i.e. controls apply to all passport holders of those countries irrespective of where the brokers reside or carry out their brokering activities). Extra-territorial controls over brokering activities of residents exist in Austria, the Czech Republic, Hungary, Norway and Sweden (i.e. brokering activities of people who are resident in these countries, even if those activities take place on foreign soil); in France, it is expected that similar controls will be introduced. Germany only applies controls to brokering activities taking place on German territory.

INTERNATIONAL PROGRESS ON ARMS BROKERING ACTIVITIES

As with criteria for assessing applications for arms export authorisations, the space for discussing controls over arms brokering activities has continued to increase since the 2001 UN Conference on Small Arms. Current debates centre around the question of whether the most appropriate next steps are to develop elements of common understanding of best practices, elements of national brokering controls and good information exchange, or whether the time is right to move towards developing an international instrument to control brokering. While the latter position is taken by some, for instance the Fund for Peace, which prepared a *Model Convention on the Registration of Arms Brokers and the Suppression of Unlicensed Arms Brokering* for the 2001 UN Small Arms Conference, most states appear to be of the former position.

The discussions of arms brokering controls at the Lancaster House meeting indicate an increasing space for dialogue on the issue. While involving only a limited, though significant, number of states, there was wide agreement at this meeting on the core elements of model regulation. Participants “agreed that, at a minimum, national controls should require that all brokering *transactions* be licensed by the relevant national authorities”, and that each transaction should be assessed against the same national guidelines used in assessing applications for SALW exports. Registration of brokers was emphasised as a measure that states should consider, and it was noted that a number of possible options exist in this regard. The need to develop shared understandings of the nature of trafficking and brokering was emphasised, and it was agreed that the possibility of developing an international instrument should be reviewed.¹¹⁵ A number of states at this meeting want to follow through with the Dutch-Norwegian Initiative on arms brokering.

“The Dutch-Norwegian Initiative on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons” held its third meeting in Oslo on 22–24 April 2003 (Oslo III; following on from two previous meetings in Oslo in 1998 and 1999). Participants at this meeting discussed possible elements of model regulations building on, *inter alia*, national experience, the *Report of the UN Group of Experts* (2001), the OSCE Best Practice Draft Guidelines (see below), and other regional initiatives and expert studies. Participants discussed the

¹¹⁵ Op-cit., Lancaster House conference, 2003.

scope of regulations on brokering of SALW, concluding that they should be embedded in broader national controls on transfers of controlled goods, and laws related to activities such as money laundering, trafficking and corruption that are associated with unscrupulous brokering, and that national regulations could be devised to ensure effective control of brokering activities in all categories of arms and other controlled goods.

The licensing of SALW brokering activities was also discussed. It was recommended that national licensing systems be made similar to those for licensing exports, applying the same criteria in the assessment of applications for licenses, preferably on a case-by-case basis.

Key to enforcing such regulations are the development and maintenance of systematic national records of brokers operating within a state's jurisdiction; the collection of documentation relating to registration, license applications, end-use and end-user information, and shipment and post-delivery notification; and the establishment of adequate end-use and end-user controls. Likewise, retransfer restrictions and conditions should be part of brokering licensing in a manner consistent with best practices in arms export licensing procedures.

The meeting noted that brokering controls should apply to all brokering activities conducted by anyone within the national territory, but that the adoption of extra-territorial coverage will remain a matter of choice for the foreseeable future.

Key elements of enforcement regimes were also dealt with, with significant regulations suggested to reduce the risk of diversion into the illicit trade. These included requirements for the provision of prior documentation on transportation and routes, adequate requirements for documentation accompanying shipments, and the establishment of systems to check delivery to authorised end-users.

The importance of international cooperation, including through international and regional information exchange and the use of existing mechanisms for cooperation, was emphasised.

REGIONAL PROGRESS

Action on implementing controls over arms brokering activities has also taken place at the regional level.

OSCE

The November 2000 OSCE Document on Small Arms and Light Weapons includes non-binding provisions for the control of arms brokering (III, D).¹¹⁶ Unfortunately, brokering controls was one of the areas that received least coverage in the participating states' information exchanges prior to the workshop on implementation of the OSCE Document, held in Vienna in February 2002.¹¹⁷

Nevertheless, the workshop itself produced strong recommendations on brokering controls, when participating states noted the need for "some measure of harmonization of control on brokering activities". Discussions at the workshop showed the range of viable options for controlling SALW exports and brokering, and noted that "there was a need to cover the common loopholes that still existed". The workshop therefore recommended that "[a]ll brokers should be licensed and authorizations should be required for each transaction, without exception".¹¹⁸

¹¹⁶ OSCE, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000, p. 7; and Elizabeth Clegg and Michael Crowley, "Controlling arms brokering and transport agents", *Biting the Bullet Brief* 8, p. 18.

¹¹⁷ Op-cit., OSCE Vienna Workshop, 2002, p. 6.

¹¹⁸ Ibid, p. 9.

Significantly, best practice guidelines on arms brokering controls are currently under development within the OSCE.

Africa

In Africa, many of the sub-regional agreements include some reference to controls over brokering. For example, in the SADC Protocol of August 2001, states undertake to incorporate in their national laws “[p]rovisions that regulate firearm brokering in the territories of State Parties” (Article 5, 3, m). However, South Africa is currently the only member state with brokering controls.

Likewise, with the Bamako Declaration and the *Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, both adopted prior to the 2001 UN Conference on Small Arms, states undertook to incorporate brokering controls in their national regulations.¹¹⁹ Additionally, the Bamako Declaration encouraged the harmonisation of legislation, including that related to arms brokering. Progress on implementation of these commitments, however, has been limited at both the regional and national levels.

At the *African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships*, held in Pretoria on 18–21 March 2002, it was suggested that, in the implementation of recommendations to review and harmonize national legislation, “[s]pecial attention should be given to new regulations governing brokering, money laundering and organized crime”.¹²⁰ Thus, while the issue of brokering remains on African policy agendas, very little action has been taken.

The Americas

The issue also remains on the political agenda in Latin American, but implementation appears even more limited. The Conference on Small Arms and Light Weapons in Central America, held in Costa Rica in December 2001, agreed on some recommendations on arms brokering in implementation of the UN PoA. These included, at the regional level, to “strictly homogenise rules, requirements and procedures” and to “[h]omogenise the characteristics of the registry of arms transactions”.¹²¹

Although the OAS Convention does not explicitly deal with brokering, its scope includes a range of activities conducted by brokers and transport agents. Additionally, an OAS/CICAD study on arms brokering is currently under way, but no information on this study is publicly available.

EU Conventional Arms Exports Working Group (COARM)

In 2001, EU member states reached agreement on a set of guidelines for controlling brokers “that could be the basis for national legislation”.¹²² These included agreement that brokering activities should be licensed “on a case-by-case basis against the criteria of the EU Code of Conduct on Arms Export”. However, it only suggested that member states should “seriously consider” establishing systems of registering or authorising brokers. It also suggested that member states could exchange information on brokers and continue discussions in the COARM Working Party to “further define, inter alia, possible criteria for the assessment of applications to register as a broker or obtain authorisation to act as a broker”.¹²³

¹¹⁹ *Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, November 2000, SAEM/GLR.HOA/1.

¹²⁰ *Conference Report of the African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships*, Pretoria, 18–21 March 2002, available at <http://www.saferfrica.org>.

¹²¹ Op-cit., San José conference, 2001, p. 2.

¹²² *Third Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export*, 2001/C 351/01.

¹²³ Ibid.

Within the framework of COARM, member states have continued to discuss arms brokering. It should be noted that several member states have controls, while others are in the process of introducing them. Arms brokering appeared high on the agenda for the near future, and member states agreed to continue discussions “with a view to adopting a Common Position on the subject” and to “[p]romote regulation of arms brokering in other relevant fora”. To this end, the Spanish Presidency has submitted a draft EU common position on the control of arms brokering, which was finally agreed in May 2003.¹²⁴

Additionally, the European parliament passed a resolution on 15 November 2001 that called for the appointment of “a Contact Group of States to pave the way for negotiations on a legally binding international instrument regulating the activities of arms brokering”.¹²⁵

The Wassenaar Arrangement

The December 2002 plenary of the Wassenaar Arrangement adopted *Best Practice Guidelines for Exports of Small Arms and Light Weapons*, the final provision of which was to “[p]ut in place and implement adequate laws or administrative procedures to control strictly the activities of those that engage in the brokering of SALW and ensure appropriate penalties for those who deal illegally in SALW” (II, 3, c).

Recognising the importance of brokering controls, the plenary issued a separate and specific “statement of understanding on arms brokerage”. This statement went beyond the detail of the PoA by not only agreeing to consider requiring the registration of arms brokers, and the licensing or authorisation of brokering, but also that participating states would consider “[l]imiting the number of licensed brokers”.¹²⁶

Participating states also agreed to consider “[r]equiring disclosure of import and export licenses or authorizations, or of accompanying documents and of the names and locations of brokers involved in transactions”, which would contribute to tracing mechanisms as discussed above. Member states agreed to continue elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures, for the purpose of developing a Wassenaar policy on arms brokering.¹²⁷

In sum, there has been considerable progress in discussions on best practices to regulate arms brokering. Nevertheless, a great deal of the associated recommendations and best practice remains at the level of suggestions rather than that of implemented and operational change. Regional progress in relation to the implementation of controls required in regional and sub-regional agreements has been limited, and there has been very little progress in the development of explicit national controls over arms brokering activities.

3.3.5. DEALING WITH EXISTING STOCKS: MANAGEMENT, DISARMAMENT AND DESTRUCTION

Three key areas raised in the PoA relate to existing stocks of SALW. These are:

- 1) Stockpile management and security;
- 2) Disarmament and weapons collection; and
- 3) The destruction of surplus and collected weapons and ammunition.

¹²⁴ Op-cit, *Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export*.

¹²⁵ European parliament resolution on small arms, B5-0723, 0729 and 0730/2001, adopted 15 November 2001.

¹²⁶ Statement of Understanding on Arms Brokerage, Adopted by 11-12 December 2002 Plenary Meeting of the Wassenaar Arrangement.

¹²⁷ Ibid.

STOCKPILE MANAGEMENT AND SECURITY

One of the key achievements of the PoA was to establish official state stocks as a legitimate issue for discussion and international concern. Since the 2001 UN Conference on Small Arms, there has been significant assistance made available and rising awareness of the issues of stockpile management and security. However, in practice, such assistance has not been sufficient, with the exceptions of situations where frameworks for assistance and improvement were already in place. Thus, in the North, these aspects of SALW have received attention in the OSCE and NATO. Similarly, stockpile management issues have been raised in Latin America. However, in sub-Saharan Africa, Asia, North Africa and the Middle East, there is very little information on activities in this area – save for a handful of examples of assistance programmes such as EU-ASAC assistance to Cambodia.

OSCE

Within the OSCE, stockpile management issues have been given considerable attention. The OSCE Workshop in Vienna in February 2002 reviewed stockpile management and destruction methods and the report recommended that “[e]ffective stockpile management and security should include careful monitoring including the use of video surveillance, motion-detecting sensors and other measures to ensure the safety and security of small arms storage and destruction”.¹²⁸ However, many of these kinds of measures are likely to be well beyond the capacity of many states outside the OSCE area, and probably several within it. Likewise, stockpile security and management were discussed at the UN-OSCE Conference in Ljubljana in March 2003, and several training workshops held in Central Asia.

Additionally, in March 2003, the French and Dutch governments produced a “Food for Thought” paper on the security risks arising from stockpiles of ammunition and explosives in the OSCE area. This paper outlined the nature of risks and possible options for enhancing security through assistance and transparency; and proposed future work for the Forum for Security Cooperation (FSC).

NATO

Paragraph 8 of section III of the UN PoA encourages the development of “[r]egional and international programmes for specialist training on small arms stockpile management and security”. In line with this commitment, NATO has added a new chapter to the Partnership for Peace work programme “to promote training in stockpile management and secure storage, disposal and destruction of surplus stocks, as well as weapons collection and destruction during peacekeeping operations”.¹²⁹ Additionally, tailored assistance is being provided in these areas on request.

Demonstrating a linking of these core issues, within this framework Switzerland is planning to expand its training provision on stockpile management and security to include the subject of weapons collection and destruction programmes.¹³⁰ This linkage was further emphasised at the UN-OSCE Conference when the NATO Maintenance and Supply Agency (NAMSA) noted that “effective stockpile management begins and ends with stockpile reduction”.¹³¹

¹²⁸ Op-cit., OSCE, Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons, Vienna, 4–5 February 2002, Report, p 9.

¹²⁹ NATO, Partnership in Action, pp. 7–8.

¹³⁰ Jongnys/Vevey, Switzerland, 7–8 February 2002. Entry in database on implementation of the PoA hosted by the Small Arms Survey. <http://www.smallarmssurvey.org/Database.html>

¹³¹ Op-cit., Ljubljana conference, 2003, p. 3.

Latin America

In Latin America, UNLiREC is engaged in stockpile management issues. The 2003 Lima Challenge for Arms Destruction and Stockpile Management provides assistance to weapons destruction and, when requested, works to develop plans to improve stockpile storage systems under government control.¹³² UNLiREC's planned activities for 2003 include examining stockpile management issues in Latin America and the Caribbean, specifically, identifying the problems and proposing practical solutions.¹³³

Africa and Asia

In both Africa and Asia, although stockpile management has been raised as an important issue,¹³⁴ very little progress has been made at the regional level on issues of stockpile management and security.

National implementation

As noted earlier, it is likely that most states have some form of stockpile management and security procedures. However, very little data is available on which to base detailed analysis. Of the 61 states for which data has been gathered on this issue, 42 regularly review stocks of arms and 20 have reviewed stockpile management and security procedures. For example, the Philippines has recently reviewed its stockpile management and security procedures.

A number of states are planning to review or strengthen stockpile management and security procedures, including Angola and Peru (with UNLiREC assistance). Additionally, significant assistance has been provided in this area (see below).

Nevertheless, the issues of stockpile management and security have received considerably less attention and assistance than more highly visible aspects of dealing with existing stocks such as disarmament programmes and, particularly, the destruction of surplus and collected weapons.

DISARMAMENT AND WEAPONS COLLECTION

It is now recognised that arms management is a core aspect of DDR programmes in post-conflict societies. However, this is only one of many situations in which disarmament of small arms can take place. Thus, numerous other forms of SALW disarmament exist, including, *inter alia*, voluntary weapons collection programmes and firearms amnesties.

Disarmament and weapons collection programmes feature prominently in the PoA. In July 2001, the UN released a report of the Secretary-General on assistance to states for curbing the illicit traffic in small arms and collecting them;¹³⁵ and the Small Arms Survey released a study on weapons collection. Many of the follow-up meetings and regional fora have continued to contribute to discussions on this issue. Additionally, as seen below, disarmament and weapons collection programmes have been a particular theme of donor activity in implementing the UN PoA commitments.

¹³² Op-cit., William Godnick and Helena Vázquez, 2003, p. 11.

¹³³ UNLiREC website, <http://www.unlirec.org/project.html>.

¹³⁴ See reports of the Pretoria conference, 2002, op. cit. and papers presented by the Philippines and Sri Lanka at the United Nations Regional Seminar on Implementation of the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: The Asia-Pacific Perspective, Bali, Indonesia, 10–11 February 2003, at <http://disarmament.un.org/RCPD/10feb03cnf.htm>. At the Pretoria conference, South Africa claimed that "[i]n July 2001, some R3.2 million was approved for the South African Police Service alone to upgrade and/or install new firearms safes".

¹³⁵ UN, *Report of the Secretary-General: Assistance to States for Curbing the Illicit Traffic in Small Arms and Collecting Them*. New York: UN, July 2001.

At the international level, one significant development was a UNDDA panel discussion on *Making Disarmament More Effective: Men and Women Working Together* in New York on 15 April 2003. This meeting included the development of an action plan for mainstreaming gender issues in disarmament programmes.¹³⁶

At the regional level, numerous discussions have taken place in relation to the conduct and importance of disarmament and weapons collection activities. Practical measures to implement disarmament and weapons collection have also been put in place at the regional level. For example, in Southern Africa, SARPCCO and several joint operations have recovered thousands of weapons in the region, many of which have been destroyed. Additionally, the UN Regional Centres for Disarmament in Africa and Latin America have supported disarmament initiatives.

It is reported that Sweden is creating an international database with information about the expertise and experts in DDR and peaceful development programmes in approximately 20 countries, including Zimbabwe, Ghana, Nepal, Kenya, Argentina, Ecuador, Canada and Sweden.¹³⁷

Types of disarmament and national implementation

Most significantly, in the two years since the 2001 UN Conference on Small Arms, a range of disarmament and weapons collection programmes have been implemented. These have included disarmament components of demobilisation and reintegration programmes in post-conflict states; a variety of voluntary weapons collection programmes, gun buy-backs, and weapons-for-development programmes; some confiscation and forcible disarmament efforts; and a large number of weapons amnesties.

According to the data collected for the present report, at least 50 states have implemented, or developed plans to implement, some form of disarmament or weapons collection since July 2001. More specifically:

- DDR programmes with disarmament components have been carried out in at least 12 states.
- Voluntary weapons collections of various types have been carried out in at least 24 states.
- Forcible or coercive disarmament programmes and confiscation efforts have been carried out in at least ten states.
- At least 21 states have had firearms amnesties in place. Many of these were amnesty provisions within voluntary weapons collection programmes or preceded forcible or coercive disarmament.

The success of these initiatives has varied enormously and in many cases, such as Pakistan's de-weaponisation campaign and Sierra Leone's post-conflict disarmament initiatives, a combination of these methods has been used either concurrently or consecutively (see Table 11)

It is significant to note that while most of these types of activities are specifically designed programmes implemented occasionally, in some states procedures exist whereby any weapons voluntarily handed in are accepted on the basis of immunity from prosecution for illicit possession. Thus, in Armenia, Australia and New Zealand, for example, there are effectively permanent gun amnesties.

Many other states, such as several of the Pacific Island states, have legal provisions in place to implement amnesties or to call in weapons. These, however, have not been utilised since the 2001 UN

¹³⁶ See UN Department for Disarmament Affairs Gender Mainstreaming Action Plan, at <http://www.reachingcriticalwill.org/genderdisarm/actionpln.pdf>.

¹³⁷ Database on implementation of the UN PoA hosted by the Small Arms Survey.

Table 11: Disarmament and Weapons Collection since July 2001

DDR	Amnesty	Voluntary weapons collection including buy-backs and weapons-for-development programmes	Confiscation/forcible disarmament	Other
Afghanistan	Albania	Afghanistan	Cambodia	Jordan
Angola	Armenia	Albania	China	Mali
Republic of Congo	Australia	Angola	India	Philippines
Democratic Republic of Congo	Bosnia and Herzegovina	Argentina	Japan	USA
India (surrender and rehabilitation scheme)	Cambodia	Belarus	Kenya	
Kosovo	Croatia	Bosnia and Herzegovina	Nigeria	
Papua New Guinea	Kenya	Cambodia	Pakistan	
Russia	Republic of Korea	Central African Republic	Philippines	
Serbia and Montenegro	Kosovo	Colombia	Sierra Leone	
Sierra Leone	Moldova	Croatia	Uganda	
Solomon Islands	New Zealand	Czech Republic		
UK	Pakistan	Georgia		
	Papua New Guinea	Ghana		
	Serbia and Montenegro	Malaysia		
	Slovenia	Mexico		
	Solomon Islands	Niger		
	Sri Lanka	Panama		
	UK	Philippines		
	Uruguay	Russia (buy-back)		
	Zambia	Sierra Leone		
	Zimbabwe	Tanzania		
		Uganda		
		USA (buy-back)		
		Zambia (buy-back)		
12	21	24	10	4

Conference on Small Arms. In the case of Fiji, such provisions were implemented in the years immediately proceeding 2001. Similarly, in some states, new legislation lays the foundations for further weapons collection initiatives. For example, South Africa's new *Firearm Control Act* has provisions for gun amnesties, and in Venezuela, a *Disarmament Act* was passed on 20 August 2002 that includes provisions for weapons collection. Thus, in many states the legislative foundations for civilian disarmament initiatives are in place.

Additionally, while not yet firmly operational, a number of disarmament activities are being planned for the near future. For example, there are plans for amnesties and voluntary weapons collections in Macedonia and Chad.¹³⁸

It is important to note that civil society organisations have often played a critical role in weapons collection programmes. For example, in Mexico the collection and destruction of over 6,000 weapons was credited to the initiative of citizens organisations acting in coordination with the federal, state and municipal authorities. Another significant NGO initiative is the Help Desk for Practical Disarmament run by the Bonn International Centre for Conversion (BICC), which provides training and advice on small arms disarmament.¹³⁹ Likewise, in many other cases, such as in Serbia (see the case study on page 101), civil society organisations have been of critical importance in raising awareness of the problems of SALW in preparation for voluntary weapons collection programmes.

The PoA encourages the disposal of surplus stocks and weapons collected in the variety of disarmament and weapons collection programmes. While it encourages the disposal of these weapons through destruction, other forms of disposal are also outlined. For this reason, it is useful to examine the different methods for SALW disposal.

WEAPONS DESTRUCTION

Broadly, there has been increasing openness to discussing and implementing the disposal of SALW through destruction. The destruction of SALW had already received considerable international and regional attention prior to the 2001 UN Conference on Small Arms, a UN study on destruction methods having been released in 2000. Since the Conference, weapons destruction has remained a highly visible area of implementation that has attracted significant donor assistance. For example, at the 2002 OSCE Workshop it was found that weapons destruction was one of the most thoroughly reported topics.

Regional activities in support of the destruction of surplus and collected weapons have been numerous and have taken place in most regions.

In Southern Europe, for example, Stability Pact affiliated programmes between 2000 and 2002 included: in Albania, the collection of 170,000 and destruction of 150,000 SALW in a joint US/German/Norwegian and UNDP project; in Bulgaria, a US programme for the destruction of 78,000 SALW; and in the former Yugoslavia, a US programme for destroying 52,000 SALW.

Also in Southern Europe, NATO has played a significant role in supporting the destruction of landmines, small arms and munitions. NAMSA has destroyed large quantities of anti-personnel landmines in Albania, and mines and chemicals in Moldova. Other NAMSA projects include a feasibility study on clearing unexploded ordnance and anti-aircraft missiles in Georgia (a PFP project led by Luxembourg). NATO assistance is set to continue, as fund-raising by Canada took place in 2003 for the destruction of

¹³⁸ http://www.undp.org/erd/smallarms/macedonia_apr_03.htm and UNIRIN, Bamako, 30 April 2002.

¹³⁹ <http://www.disarmament.de>.

11,000 tons of SALW ammunition in Albania and a project proposal for the destruction of 23,000 small arms in Yugoslavia.¹⁴⁰

Also under the auspices of NATO, in what is claimed to be “the largest weapons destruction project ever anticipated,”¹⁴¹ in November 2002, a project began to be developed in Ukraine that is designed to lead to the destruction of 133,000 tons of munitions and 1.5 million SALW.¹⁴²

Similarly, in Latin America in 2002, UNLiREC facilitated destruction events in Rio de Janeiro (Brazil), Mendoza (Argentina), Lima (Peru) and in 2003 in Asuncion (Paraguay), destroying a total of 31,141 firearms and 94,154 munitions under the 2003 Lima Challenge for Arms Destruction and Stockpile Management.¹⁴³ Further weapons destructions are planned in Panama, Brazil and others. Significantly, during the December 2001 *Conference on Small Arms and Light Weapons in Central America*, participating states recommended a number of measures related to weapons destruction, including the establishment of a fixed period within which collected weapons must be destroyed, and at the regional level to “[s]hare the structure, the means of destruction (portable machines, equipment, tools, and facilities) and existing information on weapons destruction”.¹⁴⁴

In Southern Africa, South Africa has destroyed large quantities of surplus and collected weapons and has provided bilateral assistance in the form of Operations Rachel and Sardien for the destruction of surplus and collected arms in Mozambique and Lesotho respectively (with assistance from the US and Norway).

Significantly, South Africa has a policy of destroying all surplus and collected weapons and, since 1992, the South African Police Service has destroyed more than 22,000 illicit weapons and 45,000 state-owned weapons as part of this policy. For example, on 18 July 2002, South Africa publicly destroyed a total of 22,787 firearms, including pistols, revolvers, rifles, shotguns, sub-machine guns and automatic rifles.¹⁴⁵

Which weapons to destroy: All surplus and collected weapons?

In the OSCE Document, participating states agreed that “the preferred method for the disposal of small arms is destruction” and that “[d]estruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities”.¹⁴⁶ This was reaffirmed at the UN-OSCE Conference, when participants called for the destruction of surplus weapons as a matter of routine.¹⁴⁷ Similarly, the *Conference on Small Arms and Light Weapons in Central America* in December 2001 recommended the destruction of decommissioned weapons, in line with the OAS commitments to ensure that decommissioned weapons do not enter the market.¹⁴⁸

With the exceptions of South Africa, Latvia (which destroys all confiscated, forbidden or damaged weapons), Lithuania (which destroys all collected weapons) and Nigeria (which has a new policy in direct response to the PoA), few states have developed policies – either through legislation or through common practice – to destroy all surplus and collected or confiscated SALW. Some states, such as Poland and Serbia and Montenegro, have similar policies in principle, but in Poland the designation of weapons as “surplus” has been limited, with many weapons being designated as “reserve”, which can then be exported.

¹⁴⁰ The Netherlands has agreed to be Lead Nation on the latter project, which is a South East Europe Initiative (SEEI) project rather than a P4P project.

¹⁴¹ Fund for Peace, at <http://www.fundforpeace.org/programs/outreach/ukraine.php>.

¹⁴² NATO, “P4P Trust fund to destroy 133,000 tons of munitions and 1.5 million small arms and light weapons in Ukraine”, Press Release (2002)129 28, November 2002.

¹⁴³ Op-cit., William Godnick and Helen Vázquez, 2003, p. 11.

¹⁴⁴ Op-cit., San José conference, 2001.

¹⁴⁵ South African Police Service, Press Release, 18 July 2002 (IANSA).

¹⁴⁶ Op-cit., OSCE, OSCE Document, p. 10.

¹⁴⁷ Op-cit., Ljubljana conference, 2003.

¹⁴⁸ Op-cit., San José conference, 2001, available at the UNDDA website.

Many states, such as China, have policies of destroying unserviceable surplus arms, or unmarked collected weapons, as in the case of Spain. Most states, however, also provide for the possibility of other forms of disposition of serviceable weapons, such as export or use. For example, the Philippines destroys unusable collected weapons but allows the use of others after appropriate recording and registration. Likewise, the USA also retains some confiscated arms for official use (they are marked at the time of confiscation if not already marked).

Other states destroy all confiscated weapons, but not all surplus. For example, Russian policy states only that unserviceable surplus weapons be destroyed, but also that all weapons seized by the police, regardless of serviceability, be destroyed once criminal cases have been tried. Likewise, while the UK reserves the possibility for exporting surplus arms, it routinely destroys surplus police weapons, collected and confiscated arms, and automatic weapons.

Some states have a complex set of policies on the disposal of weapons. For example, Indian policy is to destroy unserviceable police weapons and any “country-made” weapons seized by the police. Other weapons are reallocated to units of the security forces, if such weapons are of a prohibited bore and of a type already in use with those forces. Other serviceable weapons of a non-prohibited bore that are confiscated or seized are disposed of by allotment to eligible persons holding valid firearms licenses.¹⁴⁹

Clearly, there is considerable variation in the policies of states relating to which weapons should be destroyed. While, in combination with strengthening stockpile security and export controls, much is being done to reduce the potential for such weapons to enter illicit circulation, more remains necessary in order to reduce the number of weapons with the potential to enter illicit circulation.

Public destruction and the International Day of Weapons Destruction

In line with Section II, paragraph 20 of the PoA, many weapons destructions have included public ceremonies, such as “flames of peace”, and have involved civil society. Such public destructions can have strong symbolic meaning and contribute to awareness-raising. For example, the founding of SEESAC in Belgrade in May 2002 was marked with the public destruction of weapons, and the government of Serbia and Montenegro had by the end of 2002 publicly destroyed approximately 50,000 pieces of SALW. Likewise, the end of the conflict in Sierra Leone in January 2002 was marked with a public destruction of weapons.

Since the 2001 UN Conference on Small Arms, many public destructions have taken place, particularly on the International Arms Destruction Day, 9 July, to commemorate the start of the Conference. This has been adopted in a number of countries, particularly in initiatives involving civil society. Thus, for example, Bangladesh has officially decided to observe 9 July every year as Small Arms Destruction Day. In July 2002, various NGOs organised or were involved with weapons destruction events in Argentina, Brazil, Cambodia, Ghana, Guatemala, Kenya, Mozambique, South Africa and Thailand.

3.3.6. ASSISTANCE AND COOPERATION

At the core of the Programme of Action is the commitment of states to cooperation and the provision of financial and technical assistance for many aspects of implementation. There has been a significant expansion in the assistance made available for tackling the challenges of illicit SALW, which started before the 2001 UN Conference on Small Arms and has continued since. Assistance has been provided by a range of multilateral and regional organisations for various aspects of implementation of the PoA.

¹⁴⁹ Government of India, *Report on National Implementation*, available at the UNDDA website.

Prime among these have been the UNDP, the UN Regional Centres, the World Bank, the EU, NATO and others. This section briefly outlines the types of assistance provided by these organisations. Additionally significant assistance has been provided bilaterally by states.

MULTILATERAL AND REGIONAL ORGANISATIONS

Numerous multilateral and regional organisations have provided financial and technical assistance to a variety of aspects of implementation of the PoA. These include several UN departments and agencies, the World Bank, the OECD, the WHO, the EU, the OSCE, NATO, the Stability Pact and the OAU/AU.

United Nations

UNCASA

Relevant UN departments and agencies are in the process of strengthening their ability to respond to the small arms challenge, both individually and as a group within the framework of the Coordinating Action on Small Arms (CASA) mechanism. A Small Arms Advisory Service (SAAS) has been established to provide advice to enhance the effectiveness of the CASA mechanism, particularly with regard to the conduct of assessment missions and monitoring activities.¹⁵⁰

UNDDA

The UNDDA, in partnership with several other departments of the UN, has responded to requests from governments in Papua New Guinea, Kenya, Argentina, Cambodia and Sri Lanka to provide substantive and technical support to member states in the implementation of the PoA on SALW.

The UNDDA is partnering with the Hague Appeal for Peace in education for disarmament action pilot projects that offer young people alternatives to the use of weapons and promote non-violent behaviour. Starting in Albania, Cambodia, Niger and Peru, the projects aim to sustain community efforts for weapons collection for development programmes.

Additionally, the UNDDA and UNDP have jointly developed assistance tools for states reporting to the UN PoA. Following requests from governments, two packages of assistance tools were developed in order to build states' capacity to report on their implementation of the PoA.¹⁵¹ Such reports are submitted to the UNDDA and are available on their website.

UNDP

The UNDP has developed a wide range of assistance programmes on a variety of aspects of implementation of the UN PoA. Through its Small Arms Trust Fund, it has country projects in Albania, El Salvador, Haiti, Kosovo, Macedonia, Niger, Republic of Congo (with the International Organisation of Migration (IOM)), Somalia, Sierra Leone and the Solomon Islands; and regional projects in Central America, the Great Lakes Region of Africa and South East Europe (e.g. SEESAC), which are supported by the Small Arms Demobilisation Unit, based in Geneva. These programmes include support for disarmament and weapons destruction programmes, strengthening controls over weapons and security sector reform.

Additionally, and in combination with the UNDDA and the Department for International Development, the UNDP has developed an online resource, the Small Arms Reduction Expert Roster, in order to "streamline the human resource issues inherent to Small Arms Reduction and Demobilization programmes".¹⁵²

¹⁵⁰ <http://www.un.org/Docs/sc/reports/2002/sgrep02.htm>, S/2002/1053.

¹⁵¹ <http://www.undp.org/erd/smallarms/PoA.htm>.

¹⁵² See <http://www.smallarmscontrol.org/index.cfm>.

UN Regional Centres

Each of the UN Regional Centres for Peace and Disarmament has undertaken a wide range of projects related to SALW and implementation of aspects of the PoA. Broadly, the areas of implementation assisted by the regional centres have included the creation of clearing-house programmes, support for conferences and workshops, assistance to weapons destructions, capacity-building and training of officials, and assistance to NGOs.

For example, under the rubric of the “2003 Lima Challenge”, UNLiREC, based in Lima, Peru, has been dynamically involved in assisting states to review their stockpiles, destroy surplus weapons and upgrade stockpile facilities. The response to this challenge by Latin American states has been very positive. Over 17,575 firearms and 7,200 pieces of ammunition were destroyed in 2002 in Argentina, Brazil and Peru. UNLiREC has also developed a training course on investigative techniques for security officers in the control of SALW. A trial of this course will be conducted this year.

UNIDIR

The United Nations Institute for Disarmament Research is conducting extensive research in Albania, Cambodia and Mali to analyse selected weapons collection programmes, identify the criteria for and characteristics of successful programmes and incentive schemes, and identify best practice.

UNICEF

The United Nations Children’s Fund (UNICEF) continuously advocates for children’s right in relation to SALW. It has small arms pilot projects in Kosovo, Liberia, Somalia and Tajikistan that raise children’s awareness with regard to SALW through, inter alia, the development of school materials and curricula for teaching non-violent conflict resolution and for the strengthening of a culture of peace.

Other institutions and regional organisations*World Bank*

The World Bank is particularly active in the DDR aspects of the PoA. For example, it announced in April 2002 that approximately US\$330 million has been pledged by donors for a five-year programme to finance the disarmament, demobilisation and reintegration of about 350,000 ex-combatants in the Greater Great Lakes region.

OECD

The OECD has supported security sector reform programmes in a range of countries.

WHO

The WHO has contributed to violence prevention programmes in Brazil and Mozambique and has collaborated with a number of NGOs (Small Arms Survey, Viva Rio, etc.) in conducting research in these countries.

EU and EC

The EU is one of the largest donors for small arms related work. For example, EU-ASAC assistance to Cambodia has encompassed a range of activities, including weapons collection, weapons destruction, weapons storage and registration, awareness-raising and the drafting of weapons laws.

From February 2002, the EU, together with governments of the Netherlands and Sweden, agreed to finance training activities on the sub-regional level for police and customs officers involving UNLiREC, CICAD and potentially Interpol and the World Customs Organisation, thereby facilitating implementation of the PoA commitments relating to cooperation and information and resource-sharing between such offices and officials.

Additionally, many EU member states have provided financial and technical assistance to SALW-related projects conducted by the UN, NGOs and in affected states.

The European Commission has provided considerable assistance to a range of small arms related projects, indicating that development institutions are now funding small arms work. For example, through the EU Joint Action, funded under the CFSP budget, the European Commission has provided assistance to Cambodia (EU-ASAC), UNLiREC and UNDP projects in Albania.¹⁵³ Additionally, the EC has provided funds to DDR in the Republic of Congo, and has recently reached an agreement to fund the Tanzanian National Plan for a period of three years.

OSCE

The OSCE has conducted a number of training workshops in Central Asia within the framework of the Programme for the Voluntary Delivery of Light Arms and carried out a range of programmes to encourage weapons collections in Georgia. It has also conducted multi-ethnic police training in Serbia and Montenegro.

NATO

Through the Partnership for Peace, NATO assistance focuses on three areas of action: general training, stockpile management and weapons destruction. Tailor-made projects are established with specific trust funds. Thus, NATO has provided assistance for the destruction of weapons in Albania, and has also assisted in defence reform projects in Ukraine and, with the Stability Pact, in South Eastern Europe.

Stability Pact

The joint UNDP-Stability Pact project, SEESAC, has provided/channelled assistance to a range of projects in South East Europe – including assistance to national commissions, SALW legislation (both domestic and export controls), border-control workshops, weapons destruction, safe storage of weapons and explosives, weapons collection, awareness-raising and research.¹⁵⁴

OAU/AU

The OAU/AU provided assistance to the Comoros from December 2001 to February 2002 in establishing procedures to encourage the responsible stockpiling, management and use of weapons by civilians and government forces.¹⁵⁵

BILATERAL ASSISTANCE BY STATES

In addition to this support provided by multilateral bodies, much assistance has been provided by states. The information provided here is by no means comprehensive and is merely intended to illustrate the types of assistance being provided by states on a bilateral basis.

Some states, such as the USA, Canada and many EU member states, have provided a wide range of assistance in many regions. Others, such as Australia and New Zealand, have predominantly assisted other states within their own regions.

The USA currently offers a wide range of export control assistance to over 25 countries in Central/Eastern Europe, Eurasia, Asia and the sub-continent. The assistance includes support from training in basic law enforcement and border-control measures, to help in developing export control

¹⁵³ For details see *Second Annual Report on the Implementation of the EU Joint Action of 12 July 2002 on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons. (2002/C330/01)*.

¹⁵⁴ SEESAC, *Bi-Annual Progress Report: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons: 8th May to 31st December 2002*.

¹⁵⁵ "Comoros: Arms management at work in Anjouan", *Focus on Small Arms in Africa*, No. 1, March 2002, p. 4.

legislation and effective licensing practices, to the provision of enforcement equipment such as X-ray machines and inspection tools. Additionally, the USA is seeking to expand its Export Control and Related Border Security Assistance (EXBS) programme to another 17 countries. The USA has also assisted 11 destruction programmes in ten countries, at a total cost of US\$5.25 million.

Canada has provided financial and technical assistance in a wide range of areas, including organising and supporting a number of conferences and workshops, supporting regional organisations and moratoria, funding civil society action-oriented research and funding weapons collection and destruction programmes.

At the 2001 UN Small Arms Conference the **United Kingdom** pledged a minimum of £19.5million in assistance over a three-year period for UN agencies, regional organisations, governments and NGOs to implement the UN PoA. Assistance has been provided to the UNDP, IANSA, the Small Arms Survey, the Geneva Forum, Biting the Bullet, SaferAfrica, Saferworld, International Alert Central and Eastern Europe, and the development of national action plans in Bulgaria, Kenya, Mozambique, Tanzania and Uganda.

The UK is seeking to expand its strategy and expand its funds in the second and third years of the period covered by the pledge. The strategy includes:

- Weapons collection, management and destruction programmes;
- Assistance in establishing and implementing new regional and country-specific agreements, including funding expert participation at regional and international negotiations; and
- Support for civil society and NGOs, including IANSA, as well as policy-focused analysis and evaluation of small arms problems.

For example, the UK Department for International Development intends to provide assistance and cooperate with OSCE, ECOWAS and SADC in 2003 on SALW collection and destruction programmes. One of DFID's priorities is to assist countries in developing national programmes on small arms, and to continue working with and funding small NGOs and groups conducting policy-oriented research and analysis on small arms.

France has contributed over €10 million through its regular budget and other budget lines to UN activities and other SALW projects and activities in combating illicit trade in SALW. It has contributed €457,347 for PCASED and €381,122 over five years for the UN Regional Centre at Lomé.

In 2001, France financed through its regular budget €31,200 to UN activities in combating illicit trade in SALW. Apart from this, it has also financed various SALW projects and activities through other budget lines. France has also provided €1 million to the UNDP for DDR activities in the DRC.¹⁵⁶

Germany has provided both technical and financial support to South East Europe, Cambodia and countries in Africa for the destruction of SALW. The organisation responsible for technical cooperation, GTZ, is carrying out programmes on crisis prevention, small arms control and security sector reform, which promote capacity-building in the developing countries. Through GTZ, the German government supports the work of the Help Desk for Practical Disarmament at BICC. Germany also promotes capacity-building for small arms control in the framework of the OSCE.

Japan has provided assistance to DDR programmes in Afghanistan and Sierra Leone and, as noted previously, has supported follow-up conferences and regional seminars on the implementation of the PoA.

¹⁵⁶ "DRC: France gives UNDP 1 million euro for disarmament", UNIRIN, 10 January 2003.

Sweden has contributed over SEK 2.480 million for research projects at the Stockholm International Peace Research Institute (SIPRI) and Institute for Security Studies on preventing the spread and use of SALW. Sweden contributed SEK 38 million to various projects for reintegration of child soldiers in the DRC, Sierra Leone, Uganda, Liberia and Albania. Sweden also contributed SEK 10 million to a World Bank Project in Guinea Bissau, aiming at the demobilisation and reintegration of 23,000 soldiers.

Ireland donated € 57, 050 EURO to the United Nations Institute for Disarmament Research in 2001 in connection with a project relating to the ECOWAS Moratorium.

The Netherlands has established a special fund of € 2.27 million annually for SALW projects. In addition to this, it contributed over € 2 million for SALW projects in the Great Lakes Region, Albania, Kosovo, Jordan and Cambodia, and by the UN, Small Arms Survey and Biting the Bullet through the Peace Fund and Programme for the Support of Foreign Policy and other budget lines. The Netherlands also funds SALW projects indirectly through the EU and NATO/EAPC.

Norway is making overseas development assistance (ODA) contributions for small arms activities, under a programme on Peace, Security, Conflict Management, and Post-Conflict Follow-Up, managed jointly by its Foreign and Development ministries. It has a “transitional” budget, which allows funds to be used flexibly between development and humanitarian budgets to particularly assist countries emerging from conflict. US\$1.5 million is available from this source.

Belgium pledged US\$1.5 million for a three-year small arms programme in the Great Lakes region, including the DRC.

On the basis of existing information, only broadly indicative conclusions can be reached on the thematic and regional distribution of assistance. It is clear that weapons collections and destruction have received considerable assistance, though more is needed. Conversely, assistance for the strengthening of legislation and stockpile management and security procedures has, thus far, been less forthcoming.

In regional terms, there is also considerable variation in the distribution of assistance. However, while much of the assistance provided has been to recipients in sub-Saharan Africa and Southern and Eastern Europe, considerably more is required for adequate implementation of the UN PoA. Conversely, in much of Asia and Latin America, assistance has been very limited.

In terms of bilateral assistance by states, dedicated funds for SALW-related assistance have increasingly been established, though their location varies from government to government. In many cases, they are held in and distributed by development ministries; in others in foreign or defence ministries. In some cases, such as the UK and the Netherlands, special funding pools have been created, while for other donors separate “pots” of money exist, often with tight constraints on the types of projects that can be funded. The provision of assistance has been characterised by its patchiness, with considerable scope for improvement in the cooperation and coordination amongst donors, which is essential to full and effective implementation of the UN Programme of Action.

4. ANALYSIS AND ASSESSMENT

4.1. INTRODUCTION

This section provides a brief analysis of progress towards implementing the UN PoA. The information presented in Section 3, above, demonstrates that there have been substantial implementation efforts in many countries over the last two years, building on the progress achieved in some regions prior to the UN Conference on Small Arms in July 2001. However, it is clear that the international community is still far from having prevented or eradicated the illicit trade in SALW in all its aspects. Indeed, there is little evidence to suggest any overall success so far in reducing illicit trafficking or destabilising accumulations and flows of SALW, and the problems remain intense in many parts of the world, contributing to great suffering and insecurity. It will take determined and comprehensive international efforts over a number of years before we can realistically expect this complex problem to be substantially reduced. In fact, two years is insufficient even to properly implement the legal, administrative and programmatic commitments contained in the PoA.

Thus, at this stage, our criteria for assessing progress should focus on the extent to which governments, together with relevant international and regional organisations and civil society groups, have:

- Taken steps to implement their PoA commitments;
- Improved their understandings of the problems, issues and dynamics;
- Learned lessons from experience about how best to implement PoA commitments and measures;
- Developed the necessary partnerships for effective action; and
- Taken initiatives to further develop shared international understandings and cooperation on important issues relating to the trafficking, proliferation and misuse of SALW.

This section briefly examines progress in these areas, in order to help to identify key opportunities, challenges and priorities for promoting effective implementation of the PoA. Section 4.2 focuses on states' progress in establishing the basic policy and procedural frameworks and programmes required to implement the PoA. In Section 4.3, we examine progress in the main thematic areas covered by the UN PoA, highlighting improved understandings, lessons learned and emerging opportunities and problems as appropriate. Section 4.4 discusses progress towards developing the partnerships required for effective actions to prevent, combat and reduce trafficking and proliferation of SALW, in terms of: partnerships between governments, international and regional organisations and civil society groups; regional cooperation; and international assistance. The final sub-section, Section 4.5, discusses the significance of recent political initiatives to strengthen international cooperation to prevent and reduce SALW trafficking in all its aspects.

4.2. STARTING POINTS FOR IMPLEMENTING THE POA

There are a number of important measures that states can take relatively quickly to start implementing the PoA. These include establishing national SALW contact points and national coordination agencies or mechanisms; developing national plans for implementing the PoA; preparing national reports; and reviewing the adequacy of existing laws, regulations, procedures and institutions in the light of PoA commitments. Progress in these areas provides a minimum indication of governments' commitment to the implementation process.

There has been welcome initial progress in several of these areas. As of 1 June 2003, some 111 states have designated a national point of contact, the great majority of which have been notified to the UNDDA, as detailed in Section 3.1. At least 37 states have designated national SALW coordination

agencies or bodies. Moreover, some 50 governments from across the world have either submitted national reports to the UNDDA for either 2001 or 2002, or provided it with information on their legislation relating to SALW. At least 19 states have recently implemented reviews of or changes to legislation relating to SALW transfers and other relevant areas.¹⁵⁷

However, this also implies that a large majority of states have apparently not yet implemented even these modest steps towards active implementation of the UN PoA. Hopefully, the Biennial Meeting of States in July 2003 will stimulate many more states to establish national coordination agencies and provide information and reports.

Questions can be raised about the quality of these initial steps in several countries. For example, it is not clear that many of the nominated national points of contact are actually able to respond to the full range of issue areas covered by the UN PoA. In order to function effectively, experience shows that a national point of contact needs to be embedded within a functioning national SALW commission or coordination agency, and this practice is still the exception rather than the rule.

Some states have embarked on a thorough review of the adequacy of their existing laws, regulations, procedures and institutions in the light of their commitments in the UN PoA or related regional agreements. This is very important. Many laws and regulations are out of date, incomplete in their coverage, or otherwise inadequate. Thus, it is little comfort to report in Section 3.1 that large numbers of states have relevant laws in place. Reviews can highlight problems with procedures and institutional capacities. They are an integral part of the process of developing an effective national implementation plan. It is disappointing that only a minority of states appear to have seriously conducted such a review.

The problems arising from this are easily illustrated. Many governments appear to believe that their state has laws in place that enable adequate control of the manufacture, possession, sale, import and export of SALW. In practice, however, detailed reviews of national legislation normally demonstrate that this is not the case. Measures to implement the PoA therefore require further development of laws and regulations, as well as capacity-building efforts to improve implementation and enforcement. These need to be properly coordinated across government and incorporated into an overall national implementation plan.

The effective operation of national commissions or similar national coordination bodies appears to be very important for the prospects for implementation of the PoA and similar regional agreements. SALW-related issues are cross-cutting: a range of national ministries and agencies need to cooperate in addressing them, with appropriate involvement of industry, professional bodies and civil society groups. This is the case in well-developed states that already have many SALW controls in place and are not very severely affected by the problems of SALW trafficking and misuse. It is even more true in severely affected countries with relatively weak existing controls.

Thus, for example, there has been a welcome drive in Western, Eastern and Southern Africa and in South East Europe for the establishment of such national commissions. International and regional organisations have contributed substantially to this process, including the UNDP, the EU, ECOWAS, IGAD, SADC, the EAC and the OSCE, as well as bilateral donors such as Canada, Germany, Japan, Norway, Switzerland, Sweden, the UK and the USA. Linked with this, the establishment of regional co-ordination mechanisms is similarly important, for example the Nairobi Secretariat in East Africa and SEESAC in South East Europe. All of these efforts are on-going, but progress has been made. Some governments, however, seem to have approached this as if it is a bureaucratic exercise, perhaps implemented partly due to pressure from regional partners and donors.

¹⁵⁷ See Section 3.1, above.

The key issue is not whether such national SALW commissions are formally established, but how well they function. An effective national commission is a focal point for national efforts to tackle the complex challenges posed by SALW trafficking, availability and misuse. It needs to be a combination of custodian, implementer and developer of the national action plan to tackle these challenges. It should aim not only to involve all relevant national ministries and agencies, but also all key national stakeholders, including relevant civil society experts and groups, particularly community and women's groups concerned with peace and security issues. It needs to have the capacity to take, or directly influence, decisions on behalf of the government, while still engaging with interested groups and citizens outside government. It should facilitate appropriate local initiatives and regional cooperation, while acting to ensure the integrity and effectiveness of the national plan.

These are demanding aims, but they provide practical objectives. Progress towards achieving these goals has been made in a number of countries, including developing countries such as Tanzania and Kenya. The key is government commitment to a coordinated and inclusive process that can mobilise political authority, resources and enthusiasm.

The process by which a national action plan for SALW is developed can have a major impact on its contents and success in implementation. Governments that have so far developed a national plan have differed widely in the ways in which they have developed their plan. Some appear to have focused on consultations within government on the basis of existing knowledge and policy. However, information and understanding of SALW issues is poor in most countries, and responsible officials and "experts" will tend to have partial or distorted understandings. Research and wide consultation across society therefore has an important role to play. This has been an integral part of the strategies for developing national action programmes in a few countries, such as Uganda and Tanzania, where a comprehensive mapping of the problems has recently been carried out, with extensive involvement of a range of civil society groups as well as government groups.

Differing understandings and priorities relating to SALW amongst various ethnic, social, cultural and gender-specific groups in society can enrich understandings of the opportunities and challenges and are important to the design and implementation of national action plans, since all key sectors of society need to be engaged.

Awareness of gender is an important but still relatively neglected element in the research and consultation process, as it is in the development and implementation of most aspects of programmes to implement the PoA. Misuse and trafficking of SALW is normally highly gendered, as are impacts and priorities for action. Experience shows, in countries as diverse as Mali, Brazil and the USA, that women's groups can play a major role in mobilising public concern about SALW issues and also in contributing to the design and implementation of relevant projects and programmes.

Overall, a substantial number of countries across the world have at least taken initial measures to implement the PoA. However, most states do not yet appear to have taken substantial recent measures to initiate implementation of the PoA or to review or develop comprehensive plans to strengthen their efforts to prevent, combat and reduce SALW trafficking and proliferation.

4.3. PROGRESS IN THEMATIC AREAS OF THE POA

4.3.1. WEAPONS COLLECTION AND DISARMAMENT

There is now extensive and positive experience with SALW collection and destruction programmes from many countries across the world. Although this process began before 2001, it has widened and strengthened over the last two years. Weapons collection and management is now an integral part of "standard operating procedures" in DDR programmes in post-conflict states, implemented in at least 11

post-conflict countries in the last two years. A wide variety of voluntary weapons collection programmes have recently taken place in at least 24 states, including “gun buy-backs” and “weapons-for-development” community programmes. Over 20 states have held firearms amnesties, to enable hand-ins of illicit arms, and over ten countries have conducted substantial arms confiscation programmes.¹⁵⁸ This appears to represent a significant and on-going expansion of such activities.

There is substantial recent experience with DDR and weapons collection initiatives and programmes. Some have not been very successful. But others appear to have had a significant and relatively enduring impact, in terms of numbers of weapons collected and wider contributions to community-building, peace-building and development. A number of donors, including the EU, the UNDP and most bilateral donors with SALW programmes, have become comfortable and relatively experienced in supporting voluntary weapons collection programmes.

Moreover, in a number of countries, these programmes have now been established for several years, allowing them to mature and become better embedded within wider peace-building, security and development processes. In some cases, there has been considerable experimentation with different approaches towards weapons collection and reduction. For example, in Cambodia, the Royal Cambodian Government, in cooperation with civil society groups, the EU and (recently) Japan, has conducted a variety of different weapons collection programmes, with differing designs, incentives and costs. These appear, for example, to demonstrate the value of linking or embedding such collection projects within wider peace-building or development programmes, and of facilitating improved police performance or cooperation between the police and local people.

It is important to further develop and widen weapons collection programmes – there are still many countries and communities across the developed and developing world where they would be of real benefit. At the same time, however, it has become urgent to review and learn lessons from experience and to develop and disseminate good practices. Governments and donors are still designing and implementing weapons collection programmes on the basis of partial or distorted understandings of a few past experiences. Recent initiatives to research and evaluate weapons collection programmes more systematically are therefore welcome.

Experience shows that there is no reliable “formula” for successful weapons collection programmes: design and implementation should vary according to local contexts and needs, and according to the particular target groups for the programme.

Although gun buy-back schemes can work if appropriately embedded in wider programmes, they can have significant drawbacks. Experience appears to show that weapons hand-in incentives that benefit the wider community (such as through development incentives, or addressing different gender or social needs) rather than individual gun-holders are generally preferable, in that they are more likely to bring wider peace and community-building benefits and are less likely to have unintended bad effects (such as stimulating black market trading, or handing-in old weapons for payments that can be used to buy newer, illicit arms). However, there are also dangers in the “weapons-for-development” concept. It can be understood crudely, and may stimulate authorities and communities to hold out and bargain for greater aid rather than focus on the intrinsic benefits of reducing arms availability.

Experience has shown that there are many potentially successful approaches to encouraging communities to hand in weapons that are more based on integrating them into a wider process of community-building, engaging gender or culturally specific roles, development, crime reduction and peace-building, than on explicit “bargains”. Similarly, weapons collection is greatly strengthened if it is embedded in a more

¹⁵⁸ See Section 3.3.5, above.

comprehensive SALW programme, involving improved laws and law enforcement, police reform (particularly developing community policing), stockpile security, weapons destruction and other elements. It appears that collection schemes involving relatively small direct aid incentives can be as successful as those involving relatively generous incentives, provided that social groups such as traditional leaders or women are supportive and that weapons collection is regarded as an intrinsic part of community efforts to build a better future. Community perceptions of their own security, and the “meaning” of weapons collection are very important, as is the degree of local trust in state authorities to provide for their peace and security.

Experience further shows how important it is to approach weapons collection as an on-going process. The first phase may only collect “spare” weapons, while people retain others for their security. As the process develops, confidence and partnerships develop that enable more arms to be collected from the same community. Confidence depends on good communications, and assurance (preferably through public destruction of collected arms) that weapons that are handed in do not leak back into the community or criminal networks. Moreover, weapons hand-ins are not the only issue: if people decide to bury their arms to hide them, they are not easily available for misuse in disputes and thus similar benefits are obtained.

4.3.2. WEAPONS DESTRUCTION

The PoA encourages destruction of confiscated, collected and surplus SALW, as do most relevant regional agreements. As noted in Section 3, above, it is increasingly the norm that all or most collected SALW are destroyed. Moreover, a significant and increasing number of governments have declared policies of destroying arms confiscated during criminal investigations (subject to evidential requirements of courts) and of destroying surplus SALW from official stockpiles.

Moreover, technical and financial assistance for weapons destruction programmes is relatively easily available. Most donor agencies concerned with SALW are comfortable and now reasonably experienced with assisting arms destruction programmes, particularly where these are associated with voluntary weapons collection (some development agencies are still constrained in providing assistance relating to police or military stocks).

Prior to 2001, there were debates in many international meetings about appropriate methods of SALW destruction. In practice, this was never a technically complex problem, and this is now widely recognised. There are a range of well-proven destruction techniques, of which several are cheap and involve low technology. Where commercial smelters exist, for example, they can readily be used for SALW destruction. Where they do not, arms can be destroyed through a variety of methods, including cutting, crushing, burning and explosive destruction. The main technical challenges arise in relation to disposal of ammunition and explosives, which generally require relatively expert handling and destruction. Even in these cases, however, most armed forces have such expertise and experience.

The costs of SALW destruction typically do not arise from the destruction process itself, but rather from the measures required to ensure security, monitoring and record-keeping and, where relevant, to ensure an effective public event. Such measures are important. Loss or theft of weapons due for destruction is a continuing issue of concern in many countries, and public confidence depends on reliable assurances that weapons due for destruction are actually destroyed.

Thus, progress towards establishing and implementing a norm of destruction of collected and confiscated arms has continued since 2001, although it still has far to go before it is consistently implemented. The norm of destroying surplus arms from official stocks is not as well advanced. Best practices are being established, and these could usefully be specified and disseminated more widely. Moreover, in some regions, such as the OSCE, EAPC and Stability Pact areas in Eurasia, regional

mechanisms have developed to facilitate the processes of securing financial and technical assistance with weapons destruction. In most regions, however, these are still undeveloped, making it hard for middle-ranking national officials responsible for disposal to find even the modest resources to enable destruction rather than disposal on the second-hand arms market.

Importantly, in practice, a substantial fraction of confiscated or collected arms probably still find their way back into use, and most surplus arms are sold on rather than destroyed. This implies not only increased efforts to promote destruction, but also the development of good practices relating to transfers of surplus stocks. Such good practices should include measures to reduce the risk of undesirable knock-on effects of legal transfers of surplus SALW to third party governments.

4.3.3. STOCKPILE MANAGEMENT AND SECURITY

Commitments to ensure that SALW kept in official and authorised stockpiles are kept secure and safe are second to none in importance in the PoA. The great majority of SALW in the illicit trade or associated with destabilising flows and holdings are sourced from legal stocks. One quiet but significant development since July 2001 has been ever-widening acceptance amongst governments that stockpile management and security within their territories are of legitimate international concern.

In practice, however, there is little evidence that this has led to substantial efforts to review and improve SALW stockpile management and security in most countries. Military or police authorities within a state generally regard such issues to be within their professional domain, and are resistant to suggestions from foreign ministries or others that they need to review and tighten their stockpile security procedures. In many countries, such issues remain politically sensitive and relevant information is hard to obtain.

A partial exception to this tendency can be found in Europe, where NATO standards in stockpile management and security appear to have been an important influence amongst countries with Partnership for Peace status and aspiring towards NATO membership. OSCE states are developing a best practice guide on the issue. The regional institutions for military cooperation have facilitated reviews and cooperative programmes for strengthening systems and capacities for stockpile security. However, in practice, progress remains patchy, and where it exists it has focused more on military stockpiles than on those of the police and paramilitaries, for which regional cooperation mechanisms are much less well developed. In other regions, only Latin America has made progress towards establishing regional programmes, and these remain very modest.

International and regional programmes to promote measures to ensure stockpile security therefore appear to be an important priority. This requires a concerted effort, to encourage all states to review their present regulations and practices and to implement necessary measures where weaknesses are found. The good practice guides that are being developed in the OSCE and in Latin America and the Caribbean should be widely disseminated. But it is important for each state and region to address these issues for itself, within the framework of a global approach. The systems and procedures for stockpile security established by the OSCE, for example, may not seem practicable in many poor developing states. International training and assistance programmes are probably needed if significant progress is to be made within a few years.

4.3.4. ENSURING ADEQUATE CONTROLS ON MANUFACTURE AND TRANSFERS OF SALW

As noted in Section 3.1, above, large numbers of states have at least some laws and regulations to control the manufacture, export, import or transit of SALW. In nearly all such countries, these laws and regulations are part of a wider system for controlling manufacture and transfer of all categories of military goods and sensitive technologies.

However, on the basis of evidence available to us, it appears that at least half of the member states of the UN still do not have regulations and systems enabling them to control manufacture and transfer of SALW. This should be a source of major concern. In contrast to the situation with major conventional weapons systems, such as tanks, artillery or aircraft, virtually all states in the world are potential exporters of SALW – not least of surplus stocks from existing stockpiles. Moreover, the capacity to manufacture SALW and/or associated ammunition is relatively widespread – in at least 98 countries. The PoA commitments in this area are directly relevant for all states.

Moreover, many of the laws and regulations that do exist are inadequate or partial in their coverage. Small-scale production of firearms is not controlled in many countries, leaving major loopholes in legal controls: many cottage industries that traditionally concentrated on single shot ceremonial or hunting rifles diversify into producing much more capable weapons. In relation to arms transfer controls, for example, laws are often inadequately supported by regulations or licensing and reporting procedures.

These are areas where there is now long experience and widely acknowledged good practice. Measures to promote efforts to ensure adequate laws and regulations on manufacture and transfer are greatly needed in most regions. This process is relatively well advanced in the OSCE, and among EU and Wassenaar Arrangement countries, where efforts to strengthen and ensure consistency of national controls on arms transfers have been under way for more than 12 years. The OSCE best practice guidelines are being finalised on laws and licensing procedures for SALW transfers, and on systems for their control and enforcement. It is important to note, however, that even in Europe, many of the relevant laws and control systems are relatively new, and even EU states need to continue to take actions to strengthen and coordinate their controls.

Other regions too have made significant recent progress, particularly in the Americas and Southern and Eastern Africa. But elsewhere, regional initiatives are much less well developed, to the extent that they exist at all.

International initiatives are needed to develop shared international understandings of good practices, and to promote and assist with their adoption and implementation. In doing so, the “harmonisation” of national laws in these areas is an important objective. However, this should be regarded as a process in which all states are developing and improving their national laws in an adequately consistent way, rather than a process of “harmonising” existing legislation.

There are now a number of widely acknowledged international and regional standards and guidelines in this area. These could usefully be crystallised and re-inforced through a new internationally agreed document. Proposals to launch negotiations for a framework convention on the international arms trade aim to address this need

In practice, however, it continues to be clear that the continuing supplies for illicit or destabilising flows of SALW are not only due to inadequate laws. It is important also that states avoid licensing transfers that may be diverted into the illicit trade or that contribute to destabilising or excessive flows and holdings of arms. It appears that many states continue to exercise inadequate care in deciding on whether to issue licences for arms transfers. This may often be due to inadequate information about risks associated with a proposed arms transfer, and to poorly developed national guidelines on how to assess risks when judging whether to issue a transfer licence. International cooperation on such matters is constrained by lack of information exchange or shared understandings about such national guidelines.

Moreover, inadequate controls on SALW possession and trade within a state appear in some cases to continue to contribute to problems of illicit or destabilising international flows. The PoA does not include commitments to specific standards relating to domestic possession and trade. Nevertheless, the overall

system of controls of each state, including those on domestic possession by civilians, should be sufficient to prevent unauthorised or inadequately regulated international transfers. However, wide availability of guns in one country inevitably increases the risk of leakage across borders. Issues relating to domestic gun control continue to be actively debated in many countries around the world, and in the last two years a number of states have significantly tightened restrictions on SALW possession by civilians, as well as on the carrying of such weapons by off-duty police and military personnel.

4.3.5. CONTROLS ON ARMS BROKERS

Most states are still far from implementing their commitments in relation to ensuring adequate controls on SALW brokering activities. As noted, only some 18 states have so far adopted explicit controls over such activities, and a few more governments believe (dubiously, in some cases) that SALW brokering is effectively controlled (or banned) through their administrative procedures or arms transfer control systems.

Nevertheless, international momentum and understanding has been building on this issue, particularly during the last year, as discussed in Section 3.3.4, above. A number of states are in the process of developing legislation on arms brokering activities, and the EU and OSCE have made substantial progress towards developing some best practice guidelines. The Dutch-Norwegian international initiative aiming to develop common approaches and agreed elements of model regulation on arms brokering was launched promisingly in April 2003.

Priorities in this area are not only to promote wide adoption of effective national controls by states, but also to ensure that states adopt adequately consistent and harmonised approaches to new brokering regulations, to avoid loopholes and inconsistencies that can be exploited by unscrupulous arms brokers. This implies a need for enhanced international information exchange and consultation on arms brokering controls, and for developing common approaches towards the design of such controls. Such exchanges and common understandings should include as many states as possible from all regions.

Proposals to launch international negotiations for an international instrument on SALW brokering activities were widely discussed in the lead-up to the UN 2001 Small Arms Conference. These continue to attract attention, although a number of governments have made it clear that they are not yet ready to agree to such negotiations. As the international consultations and development of common international approaches to brokering controls proceed, such proposals should rise high on the international agenda.

4.3.6. MARKING, RECORD-KEEPING AND TRACING OF SALW

The PoA contains particularly specific and stringent commitments relating to ensuring adequate marking and record-keeping of SALW and promoting cooperation in tracing illicit SALW. The UN Firearms Protocol complements and reinforces these commitments. So do a number of regional agreements, particularly the OAS Convention, SADC Protocol, Nadi Framework, and OSCE Document, as discussed in Section 3.3.2. Many countries have regulations in place that require that all newly manufactured SALW are uniquely marked during the production process.

Nevertheless, progress on marking, record-keeping and tracing since July 2001 appears to be disappointing. Awareness of the importance of adequate marking and record-keeping has been raised, but efforts to promote and ensure adequate marking and improve record-keeping appear to have been modest and fragmented in most regions. In the OSCE, there has been significant follow-up, through information exchanges and the development of best practice guides, and a number of countries have reportedly improved their record-keeping and registration systems. Similarly, in the OAS region and in Southern and Eastern Africa, some progress towards establishing electronic registration and record-keeping systems

has been made. The Royal Canadian Mounted Police have provided useful software and other resources to assist international efforts in this area. This is welcome, but overall progress has been patchy and slow. Many existing stocks of SALW remain inadequately marked, and there have been few concerted efforts to remedy this. Record-keeping and registration systems remain paper based and inadequate in most countries.

In the lead-up to the July 2001 UN Conference on Small Arms, the situation appeared ripe to launch initiatives to facilitate and promote international cooperation in tracing illicit SALW. There were proposals to launch negotiations for an international instrument in this area, which continue to command wide interest. Immediately after the conference, there were hopes that at least a number of states would launch an informal international initiative to cooperate in tracing illicit SALW. However, in practice, this did not materialise, and action was postponed pending the report of the UN Group of Experts on marking and tracing, which is due to be issued in time for consideration by the UN General Assembly during its next session in autumn 2003.

Nevertheless, there has been some progress, particularly in relation to tracing illicit firearms used in crimes. Interpol's programme to upgrade its IWETS database has continued, though it is not yet finished. The Canadian Firearms Reference Table has been made more generally available, particularly in the Americas, to facilitate reliable firearms identification. Bilateral and trilateral cooperation amongst police authorities has incrementally developed. In November 2002, the SECI Regional Centre for Combating Transborder Crime launched its Operation Ploughshares Project to promote information exchange amongst police and customs authorities in South East Europe on confiscated SALW.

However, these established mechanisms for tracing cooperation are designed for use in criminal investigations of individual firearms crimes. They are not, as yet, designed also for use in tracing illicit shipments of SALW to regions in conflict. Progress in implementing the PoA in this area has thus been frustratingly slow since July 2001, and it can only be hoped that it will accelerate over the next two years.

4.3.7. INFORMATION EXCHANGE AND TRANSPARENCY

There have been no new information exchange and transparency mechanisms established relating to SALW at either a regional or international level since July 2001. In this respect, progress in implementing this aspect of the PoA has been very limited. However, there has been progress in implementing information exchanges agreed prior to 2001, particularly in the OSCE and OAS. Moreover, Wassenaar Arrangement countries are actively considering whether to exchange information regularly and systematically on their SALW transfers, in the same way that they already do for major conventional weapons systems.

At a national level, democratically-elected governments are gradually increasing the amount of information they regularly provide to their parliaments and citizens relating to SALW and also to other conventional arms. For example, most OECD countries now regularly provide a detailed annual report on the licenses issued for SALW transfers, and the informal best practice standards for disclosure are incrementally improving every year. However, similar progress is not seen in many regions, and particularly in countries without democratically-elected governments.

4.4. DEVELOPING PARTNERSHIPS

The primary responsibility for preventing and reducing illicit trafficking and proliferation of SALW and for implementing the PoA lies with states. Nevertheless, the problems of SALW trafficking and proliferation

are complex, cross-cutting and difficult. They cannot effectively be tackled without developing partnerships not only within government but also among governments, international and regional organisations, and civil society groups. In this section, we briefly examine progress in developing such partnerships. We begin with cooperation among governments and civil society and international organisations, then consider regional and international cooperation, and finally international cooperation and assistance programmes

4.4.1. PARTNERSHIPS BETWEEN GOVERNMENTS AND CIVIL SOCIETY

Many countries lack traditions of close cooperation and partnerships among governments, local authorities and civil society groups, particularly NGOs. This is true in most sectors of governance, including education, health and the economy. It is particularly true in relation to the control of arms and combating illicit trafficking, which are widely regarded as sensitive issues in which governments and government agencies determine policy and manage implementation, and where private citizens and NGOs have a limited role to play. Often, relationships between governments and NGOs are mutually suspicious and even adversarial.

One of the main challenges for both governments and concerned NGOs and other civil society groups after July 2001 was to overcome suspicions and obstacles to cooperation and to develop effective partnerships in implementing the PoA. As would be expected, progress has been patchy. It is harder where the institutions of democratic governance are poorly developed or non-existent, or where society is highly polarised. It is easier where both government and NGOs enter into the relationship with some confidence and expertise, and where there are good precedents from partnerships in other areas.

Overall, there appears to have been real progress towards developing good cooperation between civil society groups and government ministries and agencies in many countries across the world. Good examples can be found in virtually every region of the world. In general, wherever governments have been open to cooperation on tackling SALW issues, at least some NGOs and other civil society groups (such as professional bodies, women's groups or community representatives) have proved interested and capable as cooperation partners. Members of the IANSA NGO network have actively sought such cooperation.

There are many examples of civil society groups contributing to efforts to promote public awareness on the risks and impacts of SALW availability and misuse, and to mobilise public support for measures to prevent and reduce illicit or excessive SALW availability and misuse.

Experience shows that government public awareness campaigns have limited effect unless they are associated with active civil society support. Moreover, two-way cooperation is important. Concerned civil society groups will only rarely simply be instruments for government campaigns, but rather active participants in the design and targeting of efforts to promote public awareness.

For example, gender-aware efforts have proved to be highly potent in efforts to promote voluntary disarmament or to reduce violence and SALW misuse, especially where women's groups have become engaged. Often, women's roles as "mothers", "sisters", "lovers" or "carers" can be used to mobilise concerns about wide availability and misuse of SALW, and to target pressure on the groups of men who might otherwise be unaffected by public campaigns. Similarly, engagement with gun sports associations or industrial associations has proved to be important in generating support for improved regulation and for combating illicit activities.

Civil society campaigns can also draw attention to problems with government policies and programmes. Although the criticism is sometimes uncomfortable, the overall impact is generally

to help to mobilise political will, overcome bureaucratic obstacles and develop more sustainable initiatives.

Different civil society groups can bring distinctive skills and capacities. Some bring independent credibility to the campaign. Others bring quite highly developed professional skills in the design and implementation of public awareness materials and campaigns. In many cases, it is the capacity to mobilise citizens, or simply the combination of concern and close links with relevant communities.

However, the contributions that civil society groups make have proved to go far beyond raising public awareness. From the beginning of international efforts to address SALW problems in the early 1990s, NGOs and independent experts have been an important source of expertise, knowledge, experience and policy proposals for governments and international organisations. A number of institutes and NGOs have contributed substantially to research and understanding of the problems, impacts and potential policy responses, including BICC, GRIP, the ISS, the Monterey Institute, the Small Arms Survey, SaferAfrica and the UNIDIR, as well as the three BtB project partners: Saferworld, International Alert and the University of Bradford. For many governments, such civil society research is a major source of information and ideas. A key development over the last three years has been a continuing expansion of research and policy development activities on SALW issues by research communities and civil society organisations.

As noted in Section 4.2, a well-functioning national commission or national coordinating body has proved to be a key institution in efforts to develop and implement effective national plans to implement the PoA and similar regional agreements. On the evidence so far, it appears that the involvement of representatives of effective civil society groups and NGOs in the work of such commissions is a key indicator of their likely effectiveness. In a number of national commissions, NGOs have brought substantial additional capacity and expertise to otherwise poorly resourced government officials, and have helped to enable wider and more effective engagement and consultation with a wide range of social sectors and communities in the development and implementation of national programmes.

Certain NGOs and experts have been able to play a key role in facilitating meetings and contacts between key stakeholders (within different branches of government, or central and local government and community representatives), or between government officials from neighbouring countries. In some cases, these were politically difficult for governments to initiate on their own, and in many others, NGOs provided useful facilitation and convening capacity. There have been many examples of this, including several countries and regions in sub-Saharan Africa, Eastern and South Eastern Europe, and Latin America.

Similarly, some NGOs have well-developed international networks to enable them to facilitate contacts and “match-making” between donors, international institutions and government agencies in severely affected countries, thus contributing to the development of international cooperation and assistance. Their international networks and experience have contributed to lessons-learned processes.

In summary, therefore, experience since July 2001 has emphasised the potential benefits of effective cooperation between governments and civil society groups. Nevertheless, there are serious problems and issues remaining.

Firstly, in many countries and regions, there is still very limited cooperation between governments and civil society groups on SALW issues. Often, the process has not proceeded far beyond initial contacts and discussions.

Secondly, “civil society” includes a very wide range of groups, including social organisations and movements, churches, trades unions, institutes, professional organisations, NGOs of many different

types, industrial associations, ethnic and cultural associations, women's organisations and community groups. Inevitably, these can be expected to disagree on many issues, and bring a wide range of concerns and interests. So far, only a small fraction of these groups have become engaged in SALW issues in most countries. Those NGOs that have developed good cooperation with the national or local governments represent only a small fraction of civil society concerns and interests. This is inevitable. But it highlights risks of limiting good cooperation to a small group of government officials and a few favoured NGOs and experts. It is important to continue systematically to ensure inclusiveness and to broaden engagement between officials and a wide variety of civil society groups.

4.4.2. REGIONAL COOPERATION

The PoA encourages regional and sub-regional initiatives and agreements to complement and reinforce global efforts to prevent, combat and reduce SALW trafficking, proliferation and misuse. A number of important regional initiatives and agreements were already established prior to July 2001, and, as outlined in Section 3, these have developed significantly over the last two years.

However, regional cooperation on SALW remains very patchy: in some areas it has developed substantially, but in several geographical regions it scarcely exists in practice. Although all governments have declared a willingness in principle to cooperate with others in their region, in practice there are many countries that are not yet part of any substantial or reasonably comprehensive regional programmes to tackle SALW problems. This is particularly obvious in relation to East and South Asia, the Middle East and North Africa. In Africa, the Bamako Declaration and the African Union provide a continental framework for cooperation, but in practice most real cooperation is to be found amongst members of sub-regional initiatives in Southern, Western and Eastern Africa (SADC, ECOWAS and the EAC/Nairobi Initiative respectively).

Experience has shown that, without specific regional programmes, agreements, mechanisms and institutions concerned with SALW, regional cooperation remains limited and *ad hoc*. In practice, lack of functioning regional cooperation on small arms generally reflects broader obstacles to regional cooperation on a range of security and other matters. Nevertheless, in at least some cases, it also appears to reflect a lack of political will to make substantial progress in implementing the UN PoA.

The existence of functioning regional agreements and initiatives to address SALW problems appears usefully to stimulate and reinforce national efforts to develop and implement national action plans on SALW. There are many mechanisms for this. For example, the existence of a regional agreement or programme provides a political framework within which government ministries and agencies can legitimately take initiatives and develop programmes without continual reference to high-level political authorities. It enables existing regional organisations to use their convening power or capacity to develop active programmes on SALW. For example, the regional associations of police commissioners in Southern and Eastern Africa have become a focus for developing substantial and practical regional cooperation on a number of prevention and law-enforcement issues in recent years. Regional agreements and mechanisms provide a framework for mobilising international support for regional and national programmes, and for exerting pressures on governments to implement their regional commitments.

Experience so far with regional cooperation on tackling SALW trafficking and proliferation indicates the importance of good partnerships among governments, regional secretariats, civil society organisation and international organisations.

UN agencies and other international organisations find it relatively efficient and easy to develop cooperation with regional organisations, and the advantages of such cooperation has been demonstrated in many ways over the last two years. For example, the UNDP, UNDDA and other

multilateral agencies have usefully supported regional efforts in the Stability Pact countries of South East Europe (particularly through support for the SEESAC regional “clearing-house” for SALW programmes), as well as in sub-Saharan Africa, Latin America, Oceania and the OSCE.

The direct relationships between NGOs and regional initiatives has been strikingly close in several regions, particularly in South East Europe and sub-Saharan Africa, and they have brought real benefits. A number of international NGOs, including Saferworld, SaferAfrica and the ISS, have played important supporting roles in the development and implementation of regional agreements and action programmes on SALW, including the wider facilitation of engagement with relevant regional and national civil society groups. They have also helped to facilitate inter-regional cooperation on SALW problems, such as the cooperation between the EU and SADC.

4.4.3. INTERNATIONAL COOPERATION AND ASSISTANCE

International assistance is an essential element of efforts to implement the PoA, and commitments to provide such assistance form a key part of Section III of the PoA. Even before July 2001, a number of donors were providing important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. The key challenge for the PoA is to enhance the scale and effectiveness of such international assistance.

It is important to recognise that experience has shown that the key resources required for effective implementation of the PoA are human resources rather than financial ones. All countries, even poor countries that are severely affected by small arms problems, have great human and social resources that can be mobilised and directed towards controlling and reducing small arms problems. Even poor and fragile governments have substantial resources directed to security, crime control and regulation that can be directed towards these goals.

Nevertheless, international assistance has a key role to play in helping to stimulate, facilitate and support effective use of these national (and regional) resources. Financial and technical assistance is needed to build capacity and to directly support implementation programmes.

As discussed earlier, over the last two years there has been substantial and increased assistance available to develop and implement national and regional policies and programmes related to the PoA. This is welcome. However, experience has shown that there are continuing deficiencies and issues that need to be addressed.

Firstly, in principle, each country and region should develop its own programmes of work to implement the PoA, and then identify those areas where it needs assistance. There are normally many areas where assistance would be useful. Priorities need to be established, to help direct assistance to the most critical efforts. In practice, however, numerous countries, particularly some of those that are most severely affected by illicit SALW, have lacked the capacity to develop their own programmes and priorities. Moreover, they have felt vulnerable to donor pressure. This has led to international assistance too often being directed more according to the institutional and policy preferences of donor agencies and institutions than to the needs perceived by the recipients.

In this context, recent donor programmes providing assistance to countries with the process of developing their national plans and programmes of work for implementing the PoA are very important and welcome. Provided that these national programmes are well developed and have involved wide consultation and support from relevant stakeholders, including civil society groups, donor agencies should provide assistance according to the priorities and programmes set in the national or regional programme.

Secondly, many donor agencies and relevant international and regional donor organisations still have work to do to ensure that they have the capacity to provide appropriate assistance to help promote implementation of the PoA. This remains a major challenge.

Some donor countries and agencies have made major efforts in recent years to develop such budget lines and institutional capacity. Experience shows that this in itself is a challenging task. Development agencies typically have programme guidelines and institutional constraints that need to be reformed or expanded if they are to provide appropriate assistance in implementing the PoA. So far, only a very few substantial bilateral donor agencies and organisations have actually made sufficient progress in this that they are now in a position to provide real assistance in implementing the main elements of the PoA in more than an *ad hoc* or partial way.

One key issue in developing capacity to provide assistance in this area is to ensure that donor institutions have the capacity to provide flexible and timely funding across at least a substantial range of the areas addressed in the PoA. There is a continuing tendency in some agencies to develop narrow and constrained budget lines, making them relatively incapable of actually meeting the appropriate needs of the recipient countries and communities.

Numerous special funds have been established dedicated to support programmes related to implementing the PoA. Such funds are welcome and valuable. However, they generally remain separate from the much larger funds dedicated to development aid and other mainstream aid programmes. Development agencies need to develop programmes and budgets enabling them to contribute effectively to programmes specifically targeted at tackling aspects of SALW problems. In this context, it is not necessary for development agencies to provide full support for comprehensive SALW programmes, including support for military and police programmes to control SALW that are far away from mainstream development programmes – though it would be valuable if development agencies could be more flexible in this respect. Generally, the development agencies can operate in cooperation with ministries of foreign affairs and defence, together with international agencies and the recipient government itself.

However, while recognising some progress, few if any development agencies have yet successfully integrated SALW concerns into their development programming. SALW availability and misuse obstruct and undermine development and contribute to poverty, malnutrition, lack of education, child mortality and so on. A key task for development agencies is to develop their systems for developing country development assistance strategies and programmes so that they appropriately take into account SALW concerns and “fold in” support for SALW controls where possible and appropriate.

This is a challenging task for donor development agencies. However, it also implies responsibilities for recipient countries. Unless countries affected by SALW problems actually make it clear that they regard tackling such problems to be an integral part of their development needs, development agencies cannot effectively respond. Yet SALW and related conflict and security issues are rarely prominent, or even mentioned, in key documents such as poverty reduction strategy papers produced by severely affected states. This needs to change.

Also, there is still a long way to go in developing the capacity of international and regional donor organisations to assist in the implementation of the PoA. The UNDP has recently made substantial progress in this respect, and is now developing a useful and comprehensive programme of assistance in this area. This cannot be said yet of the World Bank, for example. Government representatives on the governing board of the World Bank need to take measures to ensure that this institution reforms and develops its programmes so that it can play its appropriate role. The same point applies to numerous other international agencies.

Thirdly, there is a continuing problem with matching needs with available assistance and with donor coordination. Experience shows that these are not easy tasks. As noted, in principle it is best for the recipient government or region to coordinate donor assistance. In practice, this is often difficult, and donors themselves also have major responsibilities to ensure appropriate coordination. This is an urgent priority in mobilising effective international assistance to promote implementation of the PoA.

The immediate priority is at least to ensure effective information exchange and consultation amongst donors and their partners. Recent experience shows that donors find even this to be a very challenging task. No single mechanism or organisation can achieve this reliably. The main principle should therefore be to ensure multiple channels for information exchange and consultation to facilitate coordination of assistance, including transparency by all donors; international and regional information exchange mechanisms, including regular coordination meetings; coordination mechanisms at country level; and coordinated international programmes. Regional clearing-houses, such as the UNDP's SEESAC programme, have proven to be very useful in this context. Overall, it may be necessary to establish overlapping information exchange and coordination mechanisms.

4.5. INFORMAL INTERNATIONAL INITIATIVES AND THE POA

Participating states have agreed that the priorities before 2006 are to promote implementation of the PoA, rather than to negotiate the further strengthening of international norms and commitments. This is frustrating for many of those who are aware of the weaknesses and gaps in parts of the PoA, but it is the political reality.

Nevertheless, it is important for the implementation of key parts of the PoA that the international community continues to consult and develop shared understandings of what implementation should involve. This is the case, for example, for issues such as cooperation in tracing, ensuring adequate controls on SALW transfers and brokering activities, and ensuring adequate stockpile security.

In this context, recent international initiatives on such issues to exchange information and consult are very welcome, with the aim of developing shared understandings and reasonable coordination and cooperation. These initiatives are outlined in Section 3, and include the UK's Lancaster House initiative focused primarily on strengthening transfer controls and developing common understandings of the factors that national authorities should take into account when considering license applications; the French-Swiss initiative on tracing cooperation; the UNDDA Gender Mainstreaming Action Plan; the Dutch-Norwegian initiative on brokering controls; the Geneva Forum consultations, and the informal Small Arms Consultation Group initiated by the BtB project (concerned with guidelines on arms export and controls on transfers to non-state actors). It is important that these promising initiatives are followed up and developed to involve that widest possible number of states and other interested partners.

However, there appear to be some important gaps in this collection of global initiatives. One relates to stockpile management and security: although there are some regional programmes, particularly in Eurasia, there are at present no global initiatives to promote information exchange and development and support for best practices in this issue area.

Similarly, although the issue of norms relating to regulations on possession of SALW by civilians remains actively debated at national level, further initiatives would be useful to continue to facilitate global discussion on such issues.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSIONS

Throughout much of the world, the excessive availability and misuse of SALW continues to contribute to great suffering and insecurity, with grave implications for poverty, underdevelopment, crime, violent conflict and abuse of human rights. Over 500,000 people are killed each year and millions more are injured by SALW, as combatants or civilians in wars or as victims of crime, oppression, suicide or communal violence. International efforts since July 2001 to prevent, combat and eradicate the illicit trade in SALW in all its aspects have been insufficient to significantly reduce the terrible impacts of illicit trafficking and proliferation of SALW.

An overall assessment of progress towards implementing the PoA can therefore at best be modestly positive. It is easy and persuasive to judge that the “glass remains 95 per cent empty”. However, we have never been in any doubt about the scale and complexity of the problems, and of the challenges of tackling them effectively. In spite of the many gaps in and inadequacies with international efforts to implement the PoA, we prefer to take the perspective that at least the glass has been slightly filled.

In practice, it takes time to mobilise political will and resources to implement a comprehensive and cross-cutting programme such as the PoA. Nobody realistically hoped that the PoA would be substantially implemented within two years of its establishment.

Thus, as noted in Section 4, our criteria for assessing progress have focused on the extent to which governments, together with relevant international and regional organisations and civil society groups, have taken steps to implement their PoA commitments; improved their understandings of the problems; learned lessons from experience about how best to implement PoA commitments and measures; developed the necessary partnerships for effective action; and taken initiatives to further develop shared international understandings and cooperation on important issues relating to the trafficking, proliferation and misuse of SALW.

By these criteria, this report has shown that there has been significant progress since July 2001 in implementing the PoA. In many countries and most regions, the momentum for action on SALW trafficking, proliferation and misuse that was generated during the lead-up to the July 2001 UN Conference on Small Arms has largely been maintained, and practical steps have been made towards implementing the commitments in the PoA and related regional and international agreements.

Numerous countries where there were already substantial controls and programmes in place have taken steps to review and enhance such controls, and to enhance their cooperation and assistance for others. In numerous countries where existing controls and measures were lacking or weak, including those in the regions most severely affected by illicit SALW, at least some initial steps have been taken towards establishing mechanisms and developing national plans for implementing the UN PoA. This is welcome.

Moreover, there has been real progress in a number of countries and regions towards developing the strategic partnerships that are required for effective action to prevent and reduce trafficking, proliferation and misuse of SALW. Civil society groups, particularly NGOs within the IANSA network, are developing cooperation with many government ministries and agencies, as well as with regional and international organisations. Several regional agreements established in the lead-up to the 2001 UN Conference on Small Arms have developed and begun to implement action programmes and best practices. Increased international assistance has been made available to support efforts to tackle

SALW problems. A number of important international initiatives have been successfully launched to clarify and develop shared understandings of how best to implement key aspects of the PoA.

However, the assessment in Section 4 of this report should be sobering. A worrying number of governments appear at least implicitly to have adopted the position that, because they already have in place many relevant laws and regulations, there is no need for them to take more than a few additional ad hoc measures to meet their obligations under the PoA. Even where governments have established national SALW commissions or mechanisms to coordinate and develop efforts to implement the PoA, these have often, so far, appeared to be treated as bureaucratic exercises, with little impact on the mobilisation and coordination of efforts across government ministries and agencies, and inadequate engagement with stakeholders outside government, including civil society groups.

There are still many countries where there is little cooperation on SALW controls across government, or between government and national and regional stakeholders, including civil society groups. Even where there is good cooperation among some ministries, NGOs and regional and international bodies, further efforts are needed to engage and involve a wider range of organisations and groups. In many countries, awareness in government (to say nothing of wider society) of the key commitments in the PoA and related regional agreements appears not to extend far beyond those directly involved in their negotiation. International cooperation and assistance remains patchy and limited, with important opportunities being lost.

In some regions, including North Africa, the Middle East and parts of Asia, significant progress towards implementing the PoA appears to be the exception rather than the rule. There appears to be significant correlation between the existence of substantial regional agreements and programmes and the extent to which participating countries are making progress towards implementing the PoA. In many ways, this is to be expected. However, it does imply that countries in regions where there are no substantial regional agreements and programmes (i.e. ones going beyond broad declarations) should take special steps to establish such agreements where possible, and to develop national action programmes in cooperation with the wider international community and global institutions.

5.2. RECOMMENDATIONS

Experience with efforts to implement PoA commitments provides a rich source of lessons and inspiration for the future. This report is too short even to note all of these, let alone describe them in detail. Nevertheless, Sections 3 and 4 of this report provide many lessons, illustrations of good practices and implicit recommendations that will hopefully contribute to efforts to strengthen implementation of the PoA next year and beyond.

The following points aim to highlight a number of particularly important recommendations that emerge from the findings of this report.

5.2.1. STARTING IMPLEMENTATION OF THE POA

- All governments should take immediate steps to ensure that they have established, and notified to the UNDDA, a national contact point that is able to respond to the full range of areas covered by the PoA, and which is embedded within a functioning national SALW commission or coordinating body.
- All governments should ensure that they have carried out an appropriately comprehensive national review of the adequacy of their existing laws, regulations, procedures, institutions and programmes in the light of PoA commitments, as an integral part of the process of developing or improving their national plan for implementing the PoA and associated regional agreements.

- All governments should ensure that their national SALW commission or coordinating body is effectively functioning as a primary custodian, development and implementation body for their national plan to implement the PoA; and able to take or directly shape relevant national decisions and to engage with all relevant stakeholders from civil society, local governments, and regional and international bodies.
- National, regional and international programmes to implement the PoA, and other associated initiatives, should be developed in a way that integrates and takes full advantage of approaches that take full account of gender, as well as of the variety of cultural, ethnic and social perspectives in the societies concerned.
- All involved in the implementation of the PoA should continue to prioritise efforts to accurately understand and update the factors contributing to illicit trafficking, proliferation and misuse of SALW, their impacts, the effects of response measures, and good and bad practices in developing and implementing the PoA. In this context, stronger and more systematic programmes are needed to map, monitor, evaluate and learn lessons from SALW-related problems and programmes.

5.2.2. DEVELOPING NECESSARY PARTNERSHIPS

- All governments, regional bodies and other relevant stakeholders should work to ensure that involvement in the development and implementation of national and regional SALW action plans reflects the necessary strategic partnerships among government ministries, civil society groups (including industry, community and cultural groups, women's groups and NGOs), and local, regional and international bodies.
- NGOs and other civil society groups should take opportunities for constructive, if sometimes critical, relationships with governments and to promote wide and inclusive social engagement in efforts to develop and implement national action plans to implement the PoA and related regional agreements.
- Regional and international organisations and their member states should take steps to enhance opportunities for civil society groups to participate in the development and implementation of agreements and programmes relating to the PoA, as well as to engage with and build on civil society initiatives.
- The human dimensions of the impacts and use of SALW need to be further integrated into planning and effective implementation of national and regional plans to implement the PoA. International and civil society initiatives provide some examples of good practice, with effective gender and cultural awareness, that can usefully be taken into account in developing programmes, for example, to affect social attitudes towards demand, availability and use of SALW and towards collection and control measures.
- Systematic and sustained measures are needed to widen awareness of and participation in the implementation and further development of the PoA.

5.2.3. ENHANCING PROGRESS IN THEMATIC AREAS OF THE POA

All governments, relevant regional and international organisations, and civil society groups need to strengthen their efforts to implement all aspects of the PoA and related regional agreements. This not only includes vigorous action to develop and implement appropriate local, national, regional and international SALW action plans, but also measures to ensure more effective lessons-learned processes.

Many opportunities and recommendations emerge from our examination of progress in implementing the commitments relating to the main thematic issue areas of the PoA. Below we highlight some of the most important suggestions:

- States and other stakeholders should continue to expand and improve weapons collection and disarmament programmes where appropriate, but launch a systematic “lessons-learned” process to identify and disseminate best practices; move away from initial “standard formulas”; and embed such programmes as an on-going process within development, peace-building and community-building processes. Better links are needed between DDR programmes and wider weapons collection processes.
- States and other stakeholders should continue to expand the range and scope of SALW destruction programmes, recognising that the challenges and costs of SALW destruction do not typically arise from the destruction process itself, which is technically easy and aid for which is increasingly available, but rather from the measures required to ensure security, monitoring, record-keeping and a wider contribution to peace-building. Technical assistance with destruction of ammunition and explosives needs to be expanded, particularly outside the OSCE area.
- States, international and regional organisations and other stakeholders should continue to establish the norm of destruction of collected and confiscated SALW, and launch initiatives to further promote the norm of identifying and destroying surplus SALW.
- Stakeholders should promote special efforts to encourage all states (and their military, paramilitaries, police, border guards, etc.) to review and address problems with the security and management of authorised and official SALW stocks.
- States and relevant international and regional organisations should launch international and regional programmes to encourage and support specialist training and improvements to stockpile security, including an international mechanism to identify and disseminate best practice guidelines relevant to developing and transitional as well as developed states.
- States should ensure that they have comprehensive and adequate controls on the manufacture, possession, trade and transfer of SALW: existing laws, regulations and procedures appear to remain inadequate in most states, and in a large number, such controls apparently still do not exist.
- States and all other stakeholders should work to ensure adequate controls on domestic possession and trade of SALW, to facilitate prevention and reduction of illicit or destabilising international flows and also to help to prevent and reduce gun violence and crime within their own society.
- States and other stakeholders should support international initiatives to exchange information and to clarify and promote best practices relating to controls on manufacture, possession, trade and transfers of SALW, and to ensure adequate harmonising of such controls. As part of this process, governments and other relevant bodies should continue to consult and develop shared understandings of the national guidelines and criteria used to assess whether to authorise SALW transfers. Proposals to develop an international treaty establishing agreed norms and standards relating to the international arms trade should be pursued.
- States should support initiatives to exchange information and develop elements of model regulation relating to national controls on SALW brokering activities, and to promote adoption of effective national controls on brokering by all states. Such controls need to be designed according to common approaches, to prevent unscrupulous brokers exploiting inconsistencies and loopholes.
- States and other relevant bodies should launch or support initiatives to promote practical and full implementation of commitments relating to marking, record-keeping and tracing of SALW. Following the issuing of the Report of the UN Study Group on the feasibility of developing an international instrument on marking and tracing, stakeholders should launch immediate initiatives not only to develop such an instrument, but also to enable effective cooperation in tracing illicit SALW amongst a coalition of states willing to embark on such cooperation immediately. International momentum developed during the lead-up to the 2001 UN Conference on Small Arms to make progress on these issues appears to have been lost, and needs to be restored.

- Governments and other stakeholders should develop and strengthen regional and international mechanisms to encourage and facilitate information exchange and transparency. Although such measures were recommended in the PoA, no new mechanisms have yet been developed since July 2001.

5.2.4. REGIONAL AND INTERNATIONAL COOPERATION

- Regional and international cooperation is essential for the effective implementation of the PoA. All governments, regional and international organisations and concerned civil society groups should pursue available opportunities to strengthen cooperation relating to all aspects of the PoA.
- In regions where relevant regional agreements or initiatives on SALW exist, all stakeholders should ensure that there are well-developed programmes and mechanisms in place to promote and coordinate their implementation and further development. At present, several regional agreements have not progressed far beyond the declaratory stage.
- All relevant governments and other relevant bodies should pursue all available opportunities to launch and develop regional cooperation in regions where they are presently lacking or weak, particularly in North Africa, the Middle East and South and East Asia. Where countries cannot presently benefit from effective regional cooperation, special efforts are needed to ensure and strengthen relevant international cooperation and support.

5.2.5. EXPANSION AND STRENGTHENING OF THE PROVISION OF INTERNATIONAL ASSISTANCE

- All governments and societies should recognise that the human and other capacities and resources for preventing and reducing SALW trafficking, proliferation and misuse in their countries must primarily be found within each country itself. Many of the problems relating to SALW arise from the negligence, complicity or bad practices of governments and various societal groups within each society, and such problems cannot generally be solved by external assistance.
- Measures should be taken to enable greater experience-sharing, cooperation and assistance between governments, experts, NGOs and other societal actors in countries that are facing similar problems or that are, or have recently been, severely affected by illicit or excessive SALW.
- National, regional and international donor and assistance agencies should take steps to expand and improve the quality of the assistance that they can provide to support the implementation of the PoA. In many cases, this will require institutional and policy reform, and greater flexibility and capacity to provide appropriate and timely aid.
- Development and humanitarian agencies and international organisations (including the World Bank and regional development banks) should take steps to ensure that support for measures to prevent and reduce SALW trafficking, proliferation and misuse are appropriately integrated into their mainstream assistance programmes, and that they are able to cooperate with other bilateral and multilateral assistance agencies in the area of crime prevention, conflict prevention and security so that, in combination, comprehensive assistance is available where appropriate and requested.
- Donor agencies should provide assistance to enable developing and transitional states to effectively develop their own comprehensive national plans and coordinating institutions for implementing the PoA. Where such plans have been effectively developed, with appropriately wide involvement and support from civil society and other stakeholders, donors should provide support according to the priorities established in these national plans rather than according to their own preferences.
- Governments, together with all other bodies in a position to do so, should both support and encourage the development of civil society organisations working to promote implementation and development of the PoA and related programmes.

- Urgent measures are required to improve information exchange and coordination amongst donor agencies and other institutions that provide assistance to support implementation of the PoA. These should include a combination of measures, including enhanced transparency, regional clearing-houses, in-country coordination mechanisms, and coordinated international or regional thematic programmes.

5.2.6. DEVELOPING INTERNATIONAL INITIATIVES TO PROMOTE IMPLEMENTATION OF THE POA

- International action is required to regain the momentum that existed in 2001 to implement international standards of marking and record-keeping and to establish mechanisms to enable improved cooperation in tracing sources and lines of supply of illicit SALW. This should include informal measures amongst interested states to cooperate in tracing, as well as immediate follow-up to the report of the UN Group of Experts on Marking and Tracing when it is submitted in early autumn 2003, including the launch of international negotiations for an international instrument in this area (to complement and re-inforce the UN Firearms Protocol).
- Recent international initiatives relating to strengthening controls on SALW transfers; developing shared understandings on criteria for authorising SALW transfers and on approaches towards controlling SALW brokering activities; restrictions on transfers to non-state actors; combating illicit trafficking; and integrating SALW controls into development strategies should be supported and followed up. As far as possible, participation in these initiatives should be widened and follow-up should be pursued through the UN framework. In this context, proposals to establish agreed norms and standards in an international arms trade treaty should be pursued.
- New international initiatives and programmes are needed to promote implementation of a number of key commitments contained in the PoA or related to it. Areas where such initiatives appear to be urgently needed include programmes to identify and promote best practices relating to stockpile management and security, and national restrictions on civilian possession of SALW.
- There is a need to clarify and build upon understandings of the links between preventing and reducing SALW trafficking, proliferation and misuse and related areas, including security sector governance and reform, access to justice, good governance and respect for human rights.

BITING THE BULLET FOLLOW-UP PROJECT

The Biting the Bullet Follow-up Project is a joint project between Saferworld, International Alert and the University of Bradford which seeks to build upon the successful first phase of the Biting the Bullet project. This facilitated a wide-ranging and well-informed debate between governments and civil society with a view to advancing the agenda of the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in July 2001. Following the agreement of the Programme of Action, Biting the Bullet is now working to promote international understanding of key issues relating to the implementation of the Programme of Action while creating opportunities to discuss the critical issues that proved controversial at the 2001 UN Small Arms Conference. In order to facilitate discussion on these issues, an informal Consultative Group Process involving government officials, international experts and non-governmental organisations was created and has met twice already to discuss in particular, export controls and the issue of non-state actors.

Subsequent to the first series of policy briefings, the Follow-up Project has published a further three research papers for the Biennial Review focusing on civilian possession, demand for small arms and the implementation of embargoes.

In addition, the Biting the Bullet Follow-up Project has prepared a substantial report on States' implementation of the commitments set out in the Programme of Action. This monitoring report analyses progress at the national, regional and international level. It was researched by partners from all world regions and produced by Biting the Bullet for IANSA.

For more information on the Biting the Bullet Follow-up Project please contact the following organisations:

International Alert
346 Clapham Road
London SW9 9AP (UK)
Tel: +44 (0)20 7 627 6800
Fax: +44 (0)20 7627 6900
Email: general@international-alert.org
www.international-alert.org

Saferworld
46 Grosvenor Gardens,
London SW1W 0EB, (UK)
Tel: +44 (0)20 7881 9290
Fax: +44 (0)20 7881 9291
Email: general@saferworld.org.uk
www.saferworld.org.uk

Centre for International Co-operation and Security
Department of Peace Studies
University of Bradford,
Bradford BD7 1DP (UK)
Tel: +44 1274 235172
Fax: +44 1274 235296
E-mail: cics@bradford.ac.uk
www.brad.ac.uk/acad/cics



IANSA - INTERNATIONAL ACTION NETWORK ON SMALL ARMS

50 Westminster Bridge Rd
London SE1 7QY (UK)
Tel: +44 (20) 7953 7664
Fax +44 (20) 7953 8222
E-mail: contact@iansa.org
www.iansa.org



INTERNATIONAL ALERT

346 Clapham Road
London SW9 9AP (UK)
Tel: +44 (0)20 7 627 6800
Fax: +44 (0)20 7627 6900
Email: general@international-alert.org
www.international-alert.org



SAFERWORLD

46 Grosvenor Gardens
London SW1W 0EB, (UK)
Tel: +44 (0)20 7881 9290
Fax: +44 (0)20 7881 9291
Email: general@saferworld.org.uk
www.saferworld.org.uk



CENTRE FOR INTERNATIONAL CO-OPERATION AND SECURITY

DEPARTMENT OF PEACE STUDIES

UNIVERSITY OF BRADFORD,

Bradford BD7 1DP (UK)
Tel: +44 1274 235172
Fax: +44 1274 235296
E-mail: cics@bradford.ac.uk
www.brad.ac.uk/acad/cics

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