

REVIEWING ACTION  
ON SMALL ARMS

2006

ASSESSING THE FIRST  
**FIVE YEARS**

OF THE UN PROGRAMME OF ACTION  
**BY BITING THE BULLET**



## **INTERNATIONAL ALERT**

International Alert is an independent peacebuilding organisation working in over twenty countries and territories around the world. We work with people affected by violent conflict as well as at government, EU and UN levels to shape both their policy and practice in building sustainable peace. Our regional work is focused mainly on the African Great Lakes, West Africa, the Caucasus, Colombia, Sri Lanka, Nepal and the Philippines. The issues we work on include business, humanitarian aid and development, gender, security and post-conflict reconstruction.

## **SAFERWORLD**

Saferworld is an independent non-governmental organisation that works with governments and civil society internationally to research, promote and implement new strategies to increase human security and prevent armed violence.

## **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.

## **IANSA**

The International Action Network on Small Arms is the global movement against gun violence - a network of more than 600 civil society organisations active in 100 countries. Members work to reduce the proliferation and misuse of small arms and light weapons through advocacy and campaigning, research, information, awareness raising and victim support.

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

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# EXECUTIVE SUMMARY

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## 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) was agreed in July 2001. As the key international agreement on the illicit trade in, and misuse of, small arms and light weapons (SALW), the PoA is a vital instrument for addressing the urgent problems relating to SALW which underlie thousands of deaths each week, hinder development, undermine human rights and restrict good government across the world.

This report aims to provide a comprehensive and up to date review and analysis of progress towards implementation of the PoA, and of the consequent issues and priorities for the 2006 Review Conference. Building on the findings of the 2003 and 2005 Red Books, it outlines and assesses progress towards implementation of the PoA, and analyses relevant local national, regional and international processes. Specifically, it aims to be a useful resource for states, regional and international organisations, civil society groups, experts and citizens by:

- Providing a broad, detailed and reliable empirical overview of progress towards implementing the PoA and associated national, regional and international commitments across all regions of the world since 2001
- Illustrating experiences and identifying and analysing lessons learned in each of the regions
- Identifying and enhancing international understandings of emerging strengths and weaknesses in implementing the PoA across each of its key thematic areas
- Examining the adequacy of existing PoA commitments and opportunities for urgent or useful further development, revision and reinforcement of such commitments, including the launch of additional international initiatives, programmes or guidelines
- Examining the extent to which problems with the implementation of the PoA are linked to inadequacies of the PoA and associated international agreements and the implications of this for the agenda and objectives of the 2006 Review Conference
- Examining progress in developing and using partnerships to promote implementation, including partnerships between government and civil society, those between aid donors and recipients and those developed through regional organisations and agreements
- Providing a resource to support efforts to promote the awareness, implementation and development of the PoA

## THE UN PROGRAMME OF ACTION

The PoA establishes an international framework that is relatively comprehensive in scope, including almost the full range of issues related to the illicit trade in SALW. Thus it contains substantial agreed norms, standards and programmes on a number of topics including:

- Preventing and combating illicit SALW production and trafficking
- Ensuring effective controls on the legal production, holding, and transfer of SAL;
- 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 strong implicit recognition of the considerable interconnections between illicit and legal production, flows and accumulations and misuse of SALW and the need for a comprehensive approach.

However, the scope of the PoA in some areas has been left somewhat vague and has some important gaps. Nevertheless, the PoA is complemented by a range of regional agreements on SALW and the UN Firearms Protocol that reinforce global action on SALW. Full implementation of the PoA would make a big impact on the scale of SALW-related problems.

## AIMS OF THE REPORT

The 2006 Red Book has a more critical goal than the 2003 and 2005 reports, which is appropriate in view of the importance of the Review Conference. This report focuses on thematic examinations of progress towards implementation of the PoA in a way that aims to be of the most use to inform debates at the Review Conference.

Including more information and analysis in thematic chapters implies a smaller chapter reviewing national and regional implementation. As this report is published only one year after the 2005 Red Book, much of the information in the latter's major chapter on national and regional implementation remains valid and relevant. While the thematic discussion and analysis draws fully on *all* available information on implementation since 2001, this year's review of national and regional progress confines itself to overall analyses and new information or recent progress. However, the global tables, in which the information is now organised by region rather than alphabetically, remain comprehensive and have been fully updated.

The research undertaken during the production of this report includes data from a wide range of primary and secondary sources, enabling the report to cover over 180 countries. The research was primarily conducted by the Biting the Bullet project team (International Alert, Saferworld and the University of Bradford) in co-operation with over 100 members of the International Action Network on Small Arms (IANSA) and other experts from around the world. Systematic efforts were made to verify information and assessments.

## OVERALL ASSESSMENT

Previous editions of the Biting the Bullet "Red Book" have indicated that while some significant steps have been taken towards implementing parts of the Programme of Action, progress on the whole has been inadequate. This report finds that progress to date is only marginally more encouraging and remains disappointing in many areas. Overall, implementation of the PoA has been mixed globally, regionally, nationally, and thematically. While it is important to recognise some positive developments ('the glass has begun to be filled'), it is at least as important to face the fact that implementation is not on track towards overall effective action ('the glass remains almost empty').

A wide range of action has taken place within the PoA framework, and the UN SALW process remains the most comprehensive global framework for action on SALW. There are emerging and consolidating good practices in most key areas of PoA implementation from which lessons can be learned and action on small arms can be made more efficient and effective in the future. The PoA has, moreover, opened the way for some significant national and regional action on key issues.

As a general rule, where a sub-region has developed substantial regional agreements and programmes of action to address SALW issues, the states within that sub-region have made more progress towards national implementation. However, not all regions and sub-regions have developed these substantial agreements and programmes and where they are absent progress in PoA implementation has been generally much more limited. This highlights and reinforces the need for an elaborated global framework linked to comprehensive global programmes and initiatives to address all aspects of the illicit trade and misuse of SALW.

## PROGRESS TOWARDS IMPLEMENTATION

### PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

The basic foundations of PoA implementation include the infrastructure for co-operation, the development of co-operative relationships, and the basic structures for ensuring co-ordinated approaches that build efficient and comprehensive action to tackle SALW problems.

The PoA outlines a number of key elements of the foundations for implementing its commitments. One of these requirements is the appointment of a point of contact. While this basic requirement of the PoA has been implemented by a majority of states (150 states) it has not been achieved by a significant minority of states. Further, while many national points of contact have been appointed, many lack capacity or have lapsed into inactivity. An effectual national point of contact is key minimum for participation in global, regional and multilateral partnerships and cooperation on SALW. There is therefore a need for states to reaffirm the importance of establishing a national point of contact.

The commitment to establish or appoint “national coordination agencies or bodies and institutional infrastructure” responsible for policy guidance, research and monitoring of action on SALW has been neglected by more than half of states. 90 out of 191 UN member states have established national co-ordination mechanisms including officially designated national co-ordination agencies or bodies, including 16 states with no formal national commission but for which there is, nevertheless, evidence of significant national co-ordination. This represents a significant improvement on previous figures of 37 formal national coordination agencies in 2003 and 79 in 2005 and so overall the building of these foundations has been slow but increasing steadily.

The development of specific national strategies to address SALW problems and implement the PoA, is a key initial action undertaken by many co-ordination mechanisms. While the development of such strategies is not an explicit requirement of the PoA, experience has shown that, in order to be effective, national co-ordination mechanisms need to develop a clear strategy or action plan for their work. Where they exist, national strategies or action plans tend to be relatively comprehensive. Such national action plans are currently at varying stages of implementation. But it is already clear that the approaches and methodologies developed to establish such plans hold considerable potential to enhance action on SALW in wider range of countries in the future. This is an area that has emerged as a key focus for increased international co-operation and assistance.

An increasing number of governments are now recognising that the development of partnerships between government and civil society organisations (CSOs) on SALW control is likely to yield more positive, sustainable outcomes than when initiatives are conceived and imposed by governments without reference to the concerns or views of civil society. While the models of such partnerships vary, the benefits tend to be significant. There are also numerous examples of partnerships on SALW initiatives between governments of SALW affected states and between these governments and donor agencies. However, it is clear that this co-operation could and should be far more extensive. The international community needs to find a way of allowing lessons learned and experiences from all types of partnerships to be shared much more systematically for the benefit of all who have an interest in tackling the spread and misuse of SALW.

Overall, these basic foundations have not been built in a majority of states. This, inevitably, will have slowed the pace and effectiveness of PoA implementation. In those places where such foundations have been built, greater national synergies and successes are likely than in those states that have neglected these foundations.

## PROGRESS TOWARDS CONTROLLING SALW TRANSFERS

Effective and responsible transfer controls are key to preventing destabilising accumulations and misuse of these weapons. The PoA acknowledges this through commitments to effective regulation of the import, export, transit and brokering of SALW as well as recommending further measures relating to: assessing authorisations against strict guidelines and criteria; exercising effective end-use/end-user controls; supporting the enforcement of UN arms embargoes; and border controls.

Most states have some basic laws and procedures on export and import of SALW. Fewer (at least 79) have controls on transit and transshipment and even fewer - only 37 states - have specific controls over brokers and brokering. While a majority of states have some laws and procedures on import and export this still leaves a substantial group of between 25% and 30% of states that lack even the frameworks required to exercise control let alone the capacity to enforce them. The Review Conference needs to establish a process that elaborates on comprehensive best practice guidelines and model regulations for SALW transfer control.

Transfer controls should effectively control *all* types of SALW transfer activities including export, import, retransfer, transit/transshipment, licensed production, brokering and transportation. Such controls must be sufficiently detailed and applied with enough consistency and rigour to prevent the exploitation of loopholes by unscrupulous entities and to close opportunities for the illicit trade and misuse of SALW.

The Review Conference needs to reinforce the progress made by states in relation to SALW transfer controls and should establish that stringent guidelines must be adopted with regard to authorising each SALW transfer process. The need for effective implementation systems should also be elaborated, including requirements for end-user certificates, effective border controls and strengthened capacities for states and the international community to monitor and enforce arms embargoes. In particular, further international action is also required to develop the capacity to adequately cooperate in border controls, which remains under-resourced, and enhance the capacity of the international community to effectively monitor and implement UN arms embargoes.

The Review Conference needs to encourage and facilitate the development of best practice and clear international standards on all aspects of SALW transfer controls, including the agreement of principles for national transfer controls based upon states existing responsibilities under international law. It should also acknowledge the need for an international agreement on controlling illicit SALW brokering and should recommend that the mandate of the Group of Governmental Experts reflects this imperative.

While overall progress on transfer controls has been slow at the national level, regional and global processes on guidelines are developing, and transfer controls have moved on in some specific areas, most notably in relation to MANPADS. In other areas that proved impossible to get agreement during the 2001 conference, international progress has also been made. Notably, the issue of controlling SALW transfers to Non-State Actors (NSAs), which proved so divisive in 2001, has moved on to a more constructive foundation. Nevertheless, this represents fragmented progress and many states and regions, as well as key issue areas, lag far behind even this level of progress. Thus the Review Conference is faced with several tasks to strengthen the UN SALW process' engagement with transfer control issues including many opportunities to do so strongly.

## PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR AUTHORISED SALW

Ensuring responsibility for authorised small arms, light weapons, and associated ammunition has been one of the most widely implemented areas of national action on SALW since 2001. For some states this has meant the prioritisation of implementing controls over state stocks; for others, the weapons and ammunition authorised for other bodies such as private security companies, private dealers, and civilians have been the



priority. Fewer states have prioritised action on manufacturing controls and many ammunition stocks have been neglected and require urgent attention. Across the range of areas of action needed, further international support and much greater national action remains essential if the illicit trade and misuse of SALW that feeds off authorised stocks is to be curtailed.

The management and security of stocks of SALW in the hands of state agencies (military, police, paramilitary, border guards etc) and authorised bodies (such as private security companies) is central to the PoA and to reducing the illicit trade in SALW. Most states have some form of system for stockpile management and security. Many of these are, in practice, inadequate. At least 30 governments have reviewed these systems to enhance their effectiveness in line with aspects of good practice outlined in the PoA and elsewhere. Unfortunately, this implies that the great majority of states have not. International programmes need to substantially scale up efforts and assistance to ensure responsibility for all authorised SALW and ammunition by disseminating, promoting and implementing effective standards and mobilising the resources required.

Ammunition stocks are a particular challenge and the vast quantities of unsafe, insecure and at risk ammunition are an urgent priority that was not specifically addressed in the PoA. The specific challenges of ammunition stocks require the development of specific norms and programmes on ammunition. The Review Conference needs to affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and should encourage the establishment of a UN based process to promote specific global action on SALW and other conventional ammunition. A priority is to establish emergency standards for and a process for identifying and disposing of urgently at-risk and dangerous stocks.

Ensuring responsibility for authorised SALW through responsible controls on the manufacture of SALW and ammunition has not been prioritised by many states. The Review Conference needs to establish a process for elaborating and disseminating best practices in manufacturing control and for encouraging states to provide technical and financial assistance to states in revising laws and procedures on controls of manufacture.

While the PoA currently contains negligible commitments on civilian possession, states have increasingly recognised that adequate implementation of the PoA requires effective control over the possession and trade of small arms by and for civilians. Many states and regions have continued to prioritise this issue as the core activity in ensuring responsibility for SALW. Several regions have taken significant steps towards ensuring harmonisation of these controls. A range of national actions have been undertaken in this regard and changes in the regulatory frameworks and their enforcement have been undertaken by at least 52 states since 2001. In spite of well-known sensitivities, there is considerable scope for action on the part of the Review Conference.

## PROGRESS TOWARDS DISARMAMENT, COLLECTION AND DISPOSAL

Disarmament and disposal through destruction are key areas of programming promoted by the PoA. Programmes to promote the disarmament of ex-combatants in post-conflict situations, to collect SALW from civilians, and to dispose of SALW through destruction have been prominent areas of action since before 2001. Since 2001, 62 states have conducted some form of disarmament and 73 states have destroyed surplus, confiscated and/or collected SALW and/or ammunition. Significant gaps and opportunities remain for learning lessons from good practice and increasing the scale and effectiveness of disarmament and destruction programmes.

Across the range of disarmament initiatives and contexts there are important lessons to learn related to issues including: the use of incentives for weapons handover; the need for partnerships with civil society; the need for addressing the needs of women and children in post-conflict settings; and the safety, security and disposal of collected weapons.

Progress remains inadequate with regard to disposal processes. International support has been provided to many programmes for destruction, but their coverage and scale remains patchy and inadequate to the global task. A range of international initiatives have contributed to destruction, including through regional agreements and frameworks, such as the OSCE; or initiatives targeted at particular types of weapons such as MANPADS. However, much greater progress is required. For instance, the scale of at risk stocks of ammunition and stocks of SALW and ammunition that are prone to diversion remains large and presents an urgent challenge.

Overall, while there has been commendable progress in implementing disarmament and disposal initiatives, there is considerable scope for enhancing such programming and improving its effectiveness. For instance, there is a need for enhanced coordination between DDR and civilian disarmament, including better integration of gender and age dimensions; there is also a clear need for identified lessons to be learnt in practice in the design and implementation of disarmament programmes. These are key areas for support and elaboration from the UN SALW process. The Review Conference needs also to promote mechanisms to direct assistance towards those countries and regions where SALW collection and destruction has been weak, as well as building capacities and further institutionalising practices where efforts have already taken place. To this end, a more efficient global mechanism for providing financial and technical expertise and the establishment of UN best practice guidelines for SALW collection and destruction should also be developed.

## IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

It is increasingly recognised that action on SALW should fully recognise the impacts and implications of the illicit proliferation and misuse of SALW, and – where appropriate – be integrated with broader programming that directly engages with these issues. In addition to the clear need for development and governance programming to take greater account and make more effective use of SALW programming, the converse is also crucial: specific actions on SALW need to pay greater attention to human rights, development and governance issues and impacts. While this is happening in key areas of action on SALW, such as the development of stringent transfer control guidelines, the strengthening of controls over civilian possession, and conducting weapons for development projects etc. overall this remains patchy and contained within particular initiatives. However, there are some encouraging signs of the development of global foundations for more effective handling of the linkages between action on SALW and human rights, humanitarian issues, development, governance, and security that will benefit all areas of programming.

A strengthening yet nascent area of action relates to the integration of SALW programming with development and governance programmes. To date this involves just a handful of donors, programmes, and affected countries taking steps to integrate SALW programmes with poverty reduction strategies, security sector reform programmes, and so forth. The last few years has seen greater policy attention to these issues, which build support and understanding of the implications of tackling armed violence in development programming, and ensuring that development and governance and security programmes effectively tackle the critical problems of SALW. This includes the decision by the OECD DAC to make SALW programming eligible for ODA; a March 2006 expert seminar hosted by the Government of Norway; a workshop at Wilton Park (UK) in April 2006 organised by the UNDP and the UK's DFID. Thus, there is a growing and accelerating international impetus to more effective and systematic integration of armed violence issues into development frameworks and programming.

States should be encouraged to appropriately integrate policies and programmes to address SALW associated issues of armed violence and insecurity into their national development frameworks and strategies and, where appropriate, into their Poverty Reduction Strategy Papers. States, international and regional organisations and other aid organisations, including development aid agencies and the International Financial Institutions, should also take steps to ensure that they have the policies, programmes and capacities required to support and co-operate in the implementation of such national development frameworks and strategies, which integrate tackling SALW proliferation and armed violence into development frameworks.

## PROGRESS TOWARDS INTERNATIONAL CO-OPERATION AND ASSISTANCE ON SALW

There have been significant developments in international co-operation and assistance since 2001, though many of these are only in their embryonic stages. In relation to the provision of financial and technical assistance, the donor base for assistance to SALW programmes has undergone some significant changes since 2001. A number of new donors have entered the field and the character of international assistance programmes appears to be gradually moving away from relatively inflexible and project-based donor aid to more flexible and sustained co-operation with greater scope for genuine partnerships, including south-south as well as north-south. While this is only in the early stages of becoming a feature of assistance, these first steps are encouraging.

Further, regional and international institutions have become increasingly involved in raising, providing, channelling and co-ordinating assistance. Relationships of assistance and co-operation on SALW issues have therefore developed at all levels. The range of projects on SALW that have benefited from co-operation and assistance has also broadened, and regional frameworks for supporting such action have developed. This is further reinforced by strengthened co-operation and capacity at regional levels.

A number of reasonably reliable crosscutting lessons from experience have already been identified about how to design and implement different types of SALW programmes. These include the importance of:

- Sustainability
- Full engagement with relevant local communities and stakeholder interests
- Appropriate comprehensiveness and flexibility
- Linkages with development, post-conflict reconstruction and peacebuilding, security sector reform and related issue areas

While there have been numerous improvements in co-operation and assistance, in practice donors have been slow to actually learn and apply these lessons and mistakes are repeatedly made. Importantly, the international community has not realised its commitment to ensure co-ordination and synergy in actions on SALW. The scale of available assistance remains inadequate and there is a clear need to increase assistance substantially. There is a pressing need for the Review Conference to examine ways in which international co-operation and assistance can be improved with a view to ensuring complementarity in action on SALW and expanding and matching co-operation and support with needs.

## IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE AND BEYOND

The 2006 Review Conference is a key opportunity to clarify, elaborate and strengthen the PoA through the supplementary 2006 Outcome document. It is also an opportunity to create and enhance further dynamism in international action by putting in place follow-on mechanisms and international programmes, and supporting action at the global, regional, sub-regional and national levels.

The international community is now faced with a clear opportunity to build upon the progress made in the first five years in order to achieve a steep rise in the level of implementation efforts and, thus, to actually reduce the overall impact of SALW trafficking, proliferation and misuse and reduce human insecurity and suffering.

The analyses throughout this report show that many of the reasons for limited and uneven implementation reflect:

- The unevenness of the foundations for national and regional action

- A lack of implementation of the types of global programmes required for full and successful implementation
- A lack of sufficient clarity and elaboration of the implications of the PoAs' commitments in key areas
- The presence of gaps in the PoA that reduce its effectiveness as a comprehensive approach to tackling illicit SALW

These obstacles to implementation lie within the scope of the UN SALW process and within the reach of the Review Conference. The Review Conference take the required decisions to reinvigorate and support global, regional and national action to fully implement all PoA commitments, as all measures are dependent upon continued and expanded political will from member states, and regional and international co-operation.

In order to ensure that the PoA remains a relevant and constructive framework for action, Biting the Bullet recommends that the Review Conference should:

- **Reinforce the foundations of action on SALW** in particular by supporting states in building their capacity to take effective action on SALW by ensuring that lessons are learnt from national and regional experiences on how to build such foundations effectively and efficiently.
- **Affirm and consolidate the progress made so far** by creating processes for learning lessons, and by affirming emerging and strengthening good practices. For instance, the Review Conference should reinforce the progress made by states in relation to SALW transfer controls, by acknowledging the need for all key aspects of transfers to be controlled by rigorous national systems including import, export, transit, licensed production and brokering, and should elaborate on the key components of such national systems.
- **Create or facilitate the creation of international programmes on key areas** including, for example, on stockpile management and security, implementation of the International Tracing Instrument, national controls on SALW transfers and the destruction of surplus, confiscated and collected weapons. These programmes will include information sharing, learning lessons, developing and disseminating good practices and other activities.
- **Clarify and elaborate the implications of the PoAs' commitments** in key areas, such as on principles for transfer controls based on states existing responsibilities under international law, the need to effectively tackle ammunition, and the need to better integrate action on SALW with programmes of action on related impacts and implications, especially development, security, human rights and humanitarian issues and programmes.
- **Address gaps in the PoA framework** that continue to undermine its effectiveness as a comprehensive framework for action on the illicit trade in SALW. Recognising that a majority of states support strong standards and responses to these gaps, the Review Conference should establish or permit continued and enhanced processes of international action on these issues, including transfers of SALW to Non-State Actors (NSAs), national controls on civilian possession, action on MANPADS and addressing demand.
- **Reaffirm and expand support for international co-operation and assistance** recognising that good implementation of action on SALW is reliant upon the will and capacity of states, and that international co-operation and assistance is crucial to the development of partnerships and capacities in this regard.
- **Agree strong and effective follow-on processes** including subsequent Biennial Meetings of States and a further Review Conference and Intersessional Processes and Meetings. These follow-on mechanisms should be given a strong role to ensure the continued relevance and strengthening of the UN small arms process. This should include reviewing and assessing action on small arms, including all measures related to the PoA and any international programmes and processes related to it and the Outcome Document of the Review Conference, the International Tracing Instrument etc. with a view to: learning lessons from those experiences; identifying and consolidating good practice; and proposing further recommendations and elaborating agreements to prevent the proliferation and misuse of small arms and light weapons.

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# ACRONYMS

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**2001 Conference** - UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, July 2001

**ANBP** - Afghanistan New Beginnings Programme

**APEC** - Asia Pacific Economic Co-operation

**ASEAN** - Association of South East Asian Nations

**ASEZ** - Aqaba Special Economic Zone

**ATT** - Arms Trade Treaty

**AU** - African Union

**AVPI** - Armed Violence and Poverty Initiative

**BCPR** - UNDP Bureau for Crisis Prevention

**BiH** - Bosnia and Herzegovina

**BIMST-EC** - Bangladesh, India, Myanmar, Sri Lanka, Thailand Economic Co-operative

**BMS** - Biennial Meeting of States

**BPGs** - Best Practice Guidelines

**CARICOM** - The Caribbean Security Secretariat

**CASAC** - Central American Small Arms Control Project

**CGP** - Consultative Group Process

**CICAD** - The Inter-American Drug Abuse Control Commission

**CICS** - Centre for International Co-operation and Security, University of Bradford, UK

**CIFTA** - Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives and Other Related Materials

**CIPDD** - Caucasus Institute for Peace, Democracy and Development

**COARM** - EU Member States Working Group on Conventional Arms Exports

**CPC** - OSCE's Conflict Prevention Centre

**CSI** - Container Security Initiative

**DDR** - Disarmament, demobilisation and reintegration

**DFID** - Department of International Development (UK)

**DRC** - Democratic Republic of Congo

**DTRA** - US Department of State and the Department of Defense's Defense Threat Reduction Agency

**DVC** - Delivery verification certificate

**EAANSA** - East African Action Network on Small Arms

**ECOSAP** - Economic Community of West African States Small Arms Project

**ECOWAS** - Economic Community of West African States

**EOD** - Explosive Ordnance Disposal

**EU-ASAC** - The EU's assistance on curbing small arms and light weapons in Cambodia programme

**EUC** - End Use(r) Certificate

**FARC** - Fuerzas Armadas Revolucionarias de Colombia

**FBIS** - Firearms Ballistics Information System

**FSC** - OSCE's Forum for Security Co-operation

**GAM** - Free Aceh Movement

**GGE** - UN Group of Government Experts on Tracing Illicit Small Arms and Light Weapons

**GoI** - Government of Indonesia

**IANSA** - International Action Network on Small Arms

**ICAO** - International Civil Aviation Organization

**IDP** - Internally displaced person

**IEPADES** - Institute of Education for Sustainable Development (Guatemala)

**IHL** - International Humanitarian Law

**IIC** - International Import Certificate



**IPAP** - Individual Partnership Action Plan  
**IPPNW** - International Physicians for the Prevention of Nuclear War  
**ISSR** - Internal Security Sector Review  
**IWETS** - Interpol Weapons Electronic Tracing System  
**JSAC** - Japan's Assistance Team for Small Arms Management in Cambodia  
**LANSANSA** - Liberia Action Network on Small Arms  
**LTTE** - Liberation Tigers of Tamil Eelam  
**MANPADS** - Man Portable Air Defence Systems  
**MAP** - Mutual Assistance Programme  
**MENA** - Middle East and North Africa  
**MERCOSUR** - Economic association of countries: Argentina, Brazil, Paraguay, Uruguay, associate members Bolivia and Chile and more recently Peru and Venezuela  
**MINUSTAH** - United Nations Stabilisation Mission in Haiti  
**NAFTA** - North Atlantic Free Trade Association  
**NAP** - National Action Plan  
**NATO** - North Atlantic Treaty Organization  
**NCCK** - National Council of Churches of Kenya  
**NFP** - National Focal Point  
**NGO** - Non-governmental organisation  
**NISAT** - Norwegian Initiative on Small Arms Transfers  
**NISEA** - Non-Violence International Southeast Asia  
**NPC** - National Point of Contact  
**NZDF** - New Zealand Defence Force  
**OAS** - Organization of American States  
**OCO** - Oceania Customs Organisation (OCO)  
**OEWG** - Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons  
**OSCE** - Organization for Security Co-operation in Europe  
**PCASED** - Programme for Coordination and Assistance for Security and Development (West Africa)  
**PEAP** - Uganda's Poverty Eradication Action Plan  
**PfP** - NATO Partnership for Peace  
**PHILANSANSA** - Philippines Action Network on Small Arms  
**PIF** - Pacific Islands Forum  
**PoA** - UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects  
**PrepCom** - UN Preparatory Committee  
**PSC** - African Union's Peace and Security Council  
**QUNO** - Quaker United Nations Office  
**RAMSI** - Regional Assistance Mission to the Solomon Islands  
**RCMP** - Royal Canadian Mounted Police  
**RECSA** - Regional Centre on Small Arms  
**RENAR** - National Registry of Weapons  
**Review Conference** - 2006 UN Review Conference for the PoA  
**RIP** - Regional Implementation Plan on Combating the Proliferation of SALW  
**RUF** - Revolutionary United Front  
**SAANSA** - Southern African Action Network on Small Arms  
**SAARC** - South Asian Association for Regional Co-operation  
**SADC** - Southern Africa Development Community  
**SADU** - Recovery's Small Arms and Demobilisation Unit  
**SALSA** - Small Arms and Light Weapons Administration  
**SALW** - Small Arms and Light Weapons

**SARPCCO** - Southern African Regional Police Chiefs Co-operation Organisation  
**SASA-Net** - South Asia Small Arms Network  
**SATCRA** - Small Arms Transparency and Control Regime in Africa  
**SAWG** - Canadian and US Small Arms Working Groups  
**SECI** - South Eastern Europe Co-operative Initiative  
**SEE** - South Eastern Europe  
**SEEI** - South East Europe Initiative  
**SEENCA** - South Eastern Europe Network on the Control of Arms  
**SEESAC** - South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons  
**SICA** - Central American Integration System  
**SLANSA** - Sierra Leone Action Network on Small Arms  
**SSR** - Security sector reform projects  
**TAP** - Training Assistance Programme  
**UJCC** - Uganda Joint Christian Council  
**UN** - United Nations  
**UNAMA** - UN Assistance Mission to Afghanistan  
**UN CASA** - UN Co-ordinating Action on Small Arms  
**UN DDA** - United Nations Department for Disarmament Affairs.  
**UNDP** - United Nations Development Programme  
**UN ECOSOC** UN Economic and Social Council  
**UNIDIR** - United Nations Institute for Disarmament Research  
**UNLiREC** - United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean  
**UNREC** - UN Regional Centre for Peace Disarmament and Development in Africa  
**USAID** - United States Agency for International Development  
**WAANSA** - West Africa Action Network on Small Arms  
**WfD** - Weapons for Development'  
**WGWR** - Working Group for Weapons Destruction in Cambodia  
**WMD** - Weapons of Mass Destruction

# 1: INTRODUCTION

# 1

The illicit trafficking, proliferation and misuse of small arms and light weapons (SALW) such as pistols and Kalashnikov combat rifles is associated with enormous numbers of deaths and injuries across the world each year. There are some 600 million of these portable but lethal weapons in existence globally. They are legally traded for use by government armed forces, police and civilians under licence. But they also come into the hands of warlords, terrorists and criminals, either through diversion to the illicit trade or through inadequately controlled legal supplies. They contribute to armed violence, conflict, insecurity, high levels of gun crime and great human suffering. They escalate and exacerbate conflicts, obstruct the achievement of peace and good governance, and undermine efforts to promote development and security.

SALW 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 peacebuilding and development. For many years, these problems were somewhat neglected by the international community and little progress was made towards developing regional or national measures to ensure controls.

The end of the Cold War opened possibilities for international action. In the 1990s, international awareness of the seriousness of SALW proliferation grew rapidly. Local, national and regional initiatives to tackle aspects of the problem were launched. A number of important international programmes began to examine the problems and challenges and to develop proposals for international action.

In 2001 an international agreement to prevent, combat and reduce illicit trafficking, proliferation and misuse of small arms and light weapons was finalised at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.<sup>1</sup> The result of years of pressure and negotiation, it was designed to provide a comprehensive set of politically binding commitments to address the issue in its complexity.

This agreement – the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects<sup>2</sup> (hereafter referred to as the PoA) – contains a wide range of important international commitments for states, as well as for the UN and other relevant international and regional organisations. It is complemented and reinforced by the UN Firearms Protocol,<sup>3</sup> also agreed in 2001, and a range of regional agreements and international programmes.

In 2003, the Biting the Bullet (BtB) initiative (International Alert, Saferworld and the University of Bradford) and the International Action Network on Small Arms (IANSA) published the first comprehensive and detailed examination of progress towards implementing the PoA.<sup>4</sup> The ‘Red Book’, as it became known, was launched at the UN in Geneva and New York and was a major source of information and analysis for the first Biennial Meeting of States on the PoA at the UN in 2003. In brief, it found that the implementation process had got off to a promising start in many respects, although it was still far from making any real impression upon the problems associated with SALW proliferation.

In 2005, the BtB project published a major follow-up study, again in co-operation with IANSA and timed to contribute to the 2005 Biennial Meeting of States.<sup>5</sup> This provided an even more detailed and comprehensive

<sup>1</sup> Held July 7 – 20, 2001

<sup>2</sup> See the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Document A/CONF.192/15) at <http://disarmament.un.org:8080/cab/poa.html>

<sup>3</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition supplementing the UN Convention against Transnational Organised Crime, Resolution Adopted by the UN General Assembly 55/255, 8 June 2001, see <http://www.iansa.org/un/un-firearms-protocol.pdf>

<sup>4</sup> Biting the Bullet project and IANSA, *Implementing the Programme of Action 2003: Action by States and Civil Society*, London, Biting the Bullet/IANSA, June 2003

<sup>5</sup> Biting the Bullet project, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, London, Biting the Bullet/IANSA, June 2005

examination of progress in implementation. By that stage, states had had some four years in which to implement PoA commitments. This report identified and examined many useful initiatives and activities, and noted significant progress in some issue areas and sub-regions. However, in many other countries and regions, early and promising indications of imminent action in 2003 proved to be misleading and had not been followed up. Many states had not even put into place the basic mechanisms and procedures for PoA participation. Overall, the scale of interventions had generally not been sufficient to make more than a local or marginal impact on the problems that the PoA was designed to address.

This 2006 report is thus the third in the BtB 'Red Book' series. It is published with the intention of contributing to the first UN Review Conference for the PoA, due to take place in July 2006. This 2006 UN Review Conference (hereafter referred to as the Review Conference) is a major international event, providing the first formal international opportunity to review and strengthen the PoA since it was agreed in 2001. It is important that this Review Conference, and all concerned people and organisations around the world, not only have reliable and up to date information and analyses of progress towards implementing the PoA, but also an examination of the implications of these findings for the Review Conference and its Outcome Document.

## 1.1 AIMS OF THIS REPORT

This report aims to provide a comprehensive and up to date review and analysis of progress towards implementation of the PoA, and of the consequent issues and priorities for the 2006 Review Conference. Building on the findings of the 2003 and 2005 BtB Red Books, it outlines and assesses progress towards implementation of the PoA, drawing on data gathered for over 180 countries and analysing relevant local national, regional and international processes.

More specifically, this 2006 Red Book aims to provide a resource for states, regional and international organisations, civil society groups, experts and citizens by:

- Providing a broad, detailed and reliable empirical overview of progress towards implementing the PoA and associated national, regional and international commitments across all regions of the world since 2001
- Illustrating experiences and identifying and analysing lessons learned in each of the regions.
- Identifying and enhancing international understandings of emerging strengths and weaknesses in implementing the PoA across each of its key thematic areas
- Examining the adequacy of existing PoA commitments, and opportunities for urgent or useful further development, revision and reinforcement of such commitments, including the launch of additional international initiatives, programmes or guidelines
- Examining the extent to which problems with the implementation of the PoA are linked to inadequacies of the PoA and associated international agreements, and the implications of this for the agenda and objectives for the 2006 Review Conference
- Examining progress in developing and using partnerships to promote implementation, including partnerships between government and civil society, those between aid donors and recipients, and those developed through regional organisations and agreements
- Providing a resource to support efforts to promote the awareness, implementation and development of the PoA

This 2006 Red Book thus has more critical and ambitious goals than the 2003 and 2005 reports, which is appropriate in view of the importance of the Review Conference. It has been substantially re-organised and developed to enable focused thematic discussion of progress towards implementation of the PoA in a way that aims to be of the most use for informing debates at the Review Conference.

Including more information and analysis in thematic chapters implies a smaller chapter reviewing national and regional implementation. As this report is published only one year after the 2005 Red Book, much of the information in the latter's major chapter on national and regional implementation remains valid and relevant. While the thematic discussion and analysis draws fully on *all* available information on implementation since 2001, this year's review of national and regional progress confines itself to new information or recent progress. Readers are referred to the 2005 Report for more details. However, the global tables, in which the information is now organised by region rather than alphabetically, remain comprehensive and have been fully updated.

## 1.2 REPORT FRAMEWORK

The structure of this report is straightforward although, as noted, it differs from that of the 2003 and 2005 Red Books. After this Introduction, Chapter 2 briefly outlines the PoA and the various regional and other multilateral initiatives relating to the illicit trade in small arms and light weapons in all its aspects, highlighting areas of complementarity and divergence.

Chapter 3 examines the policies, programmes and measures to implement PoA commitments that states, regional and sub-regional organisations and others have developed and implemented since 2001. It includes an overview of existing policies and practices relating to the key PoA commitments, covering over 180 states. This is summarised in substantial tables and is accompanied by explanatory text and observations. Building on the detailed national and regional accounts in the 2003 and 2005 report the chapter focuses particularly on highlighting and reviewing specific progress at the regional and sub-regional level and recent developments relating to regional and sub-regional agreements. In each region key aspects of national implementation are drawn out, challenges to further progress are identified and priorities for action at the Review Conference and afterwards are drawn out.

Each of the following chapters focuses on identifying, illustrating and examining progress towards implementation of particular thematic aspects of the PoA, and assessing the implications for priorities and issues at the 2006 Review Conference.

Chapter 4 examines progress towards establishing the capacity to implement the PoA. It therefore focuses on progress in taking those key basic institutional and organisational steps without which progress is unlikely and political commitment questionable.

- First, it examines three aspects of national capacity to implement the PoA: national contact points, national co-ordination mechanisms, and national SALW strategies or action plans. In each case, it questions what has and has not worked.
- Second, it examines regional capacities, questions the relationship between progress on regional agreements and national capacity, and looks at the extent to which the development of regional processes and capacities has proved important for national implementation.
- Third, it focuses on the development of key partnerships, including: government – civil society, including operational agencies – civil society co-operation; and the co-ordination between government and donor agencies including government – government co-operation.
- Finally, it addresses the implications for the Review Conference.

Chapter 5 focuses on progress towards controlling SALW transfers. In this context, strong controls on legal transfers and measures to prevent and combat illicit trafficking are treated as dimensions of the same challenge. After an initial review and analysis of regional and national progress, this Chapter systematically addresses the key areas within this overall thematic issue. In relation to national controls on SALW transfers, the chapter examines implementation progress on:

- Assessment of transfer applications
- Transfer control guidelines
- Transit controls
- Import controls
- End use/user control systems
- Controls on arms brokering activities
- Marking, record-keeping and tracing
- Enforcing embargoes
- Border controls
- Legal penalties for non-compliance
- Transfers to non-state actors
- Controls on transfers of MANPADS

In each sub-section, there is an analysis of progress on implementation and of the reasons for success, failure and discussion of the extent to which inadequacies in the PoA may contribute to inadequate progress. The Chapter concludes with a discussion of transfer control and the implications for the Review Conference.

Similarly, Chapter 6 focuses on progress towards ensuring responsibility and control for all authorised SALW. After an introductory review, the following issue areas are examined:

- Controls on manufacture
- SALW stockpile management and security
- SALW ammunition safety and security
- Civilian possession, sale and ownership

The Chapter closes with an analysis of the reasons for success or inadequate implementation and the implications of the Review Conference. As in some other chapters, not all of the thematic issues discussed in this Chapter relate directly to PoA commitments, although they all address key issues for ensuring effective responsibility and control.

Chapter 7 addresses progress towards SALW disarmament, collection and destruction. After an introductory review, it addresses each of the issues below:

- Disarmament and weapons collection
- SALW destruction
- Emerging best practices for SALW collection and destruction

It closes with the examination of implications for the Review Conference.

Chapter 8 is concerned with the implications of illicit proliferation and misuse. After an initial review, it addresses:

- Implications for humanitarian and human rights concerns
- Impacts on development and links with development aid
- Implications for governance and security

These are issues that are not addressed in detail in the PoA, although their importance is emphasised and acknowledged. Many states have expressed a hope that the Review Conference Outcome Document will address and elaborate these.

Chapter 9 discusses progress towards international co-operation and assistance on SALW and therefore relates to the commitments contained in Part III of the PoA. After an introduction it addresses:

- Donors and international assistance programmes on SALW
- Integrating SALW into wider assistance programmes (security sector reform, development, humanitarian aid, etc.)
- International and regional information exchange, consultation and transparency measures
- The role of international and regional organisations
- International co-operation and the role of civil society

Like the other chapters, it then examines factors contributing to success or limitations and the implications for the 2006 Review Conference.

The report ends with conclusions and recommendations (in Chapter 10), bringing together its findings and assessments. It focuses particularly on the possible implications for the Review Conference.

It is not the purpose of this Red Book to provide detailed proposals for the Outcome Document from the 2006 Review Conference. The BtB project has prepared and published such recommendations elsewhere, and will contribute to specific proposals on text during the preparations for the Conference.<sup>6</sup> Rather, the purpose of this report is to clarify and analyse the implications of progress so far on the implementation of the PoA for the priorities and agendas of the Review Conference. The evidence points to a need for a substantial and forward-looking Outcome Document to elaborate, develop and strengthen implementation of the PoA. It needs not only to elaborate and establish substantive commitments but also to promote effective and active follow-up after 2006 at the international as well as the regional and national levels.

### 1.3 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 over 180 countries. The research was primarily conducted by the Biting the Bullet project team (International Alert, Saferworld and the University of Bradford) in co-operation with over 100 members of the International Action Network on Small Arms (IANSA) and other experts from around the world. While IANSA and its members supported the production of this 2006 Red Book, the BtB Project team has final editorial responsibility for the analysis and information contained in this report (as well as for any errors).

Project partner organisations or independent analysts were commissioned to research and provide the information used to prepare some national or regional analyses. This was supplemented by further research, secondary data and the expertise of the Biting the Bullet project partners, IANSA members and others.

The research contained in this report is wide-ranging and extensive. Considerable efforts were taken to verify facts and assessments. Efforts were made to contact as many governments as possible to invite them to provide relevant information further to that provided in their periodic reports on PoA implementation to the UN.

<sup>6</sup> Greene, O., *Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference*, Biting the Bullet Report, London/Bradford, Biting the Bullet Project, January 2006 (also Greene, O., *Promoting Effective Global Action on Small Arms: Emerging Agendas for the 2006 Review Conference*, BtB Discussion Paper, London/Bradford, Biting the Bullet, July 2005. See also Small Arms Consultative Group Process, *Developing International Norms to Restrict SALW Transfers to Non-State Actors*, London/Bradford, Biting the Bullet, January 2006 and Small Arms Consultative Group Process, *Developing International Guidelines for National Controls on SALW Transfers*, London/Bradford, Biting the Bullet, March 2006.

## 1

However, the report (combined with the information published in the 2005 and 2003 Red Books) does not claim to provide a complete picture of implementation. There are several factors which prevent this (apart from limited project resources), which include:

- A lack of transparency in many countries, which makes it difficult to conduct research on certain aspects of implementation. In some cases verification of information is extremely problematic.
- The wide scope of the PoA, which provides significant opportunities for different interpretations of what constitutes implementation-focused action.
- Implementation of the PoA is ongoing – this report was completed in May 2006 and doubtless by the time it is published in July 2006, several countries will have produced 'last-minute' updates in time for the 2006 Review Conference.

However, despite these qualifications, Biting the Bullet believe that the report is a valuable contribution to the process of implementation of the PoA and to the 2006 Review Conference, as well as a significant resource for governments, international organisations and civil society.



## 2: INTERNATIONAL RESPONSES, THE UN PROGRAMME OF ACTION AND THE 2006 REVIEW CONFERENCE

### 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 (PoA) is relatively comprehensive in scope and its commitments include many important international norms, standards and programmes. It stands as the central global agreement on preventing and reducing the trafficking and proliferation of SALW.

When it was agreed, towards the end of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001, many participants were very aware of the compromises and weaknesses in the final PoA document. In the interests of achieving consensus and a degree of support, some commitments and norms that required wider support were either omitted or left frustratingly vague. Moreover, having been developed largely within an arms control and disarmament framework, the PoA does not satisfactorily address some of the key human rights, humanitarian, developmental and crime prevention dimensions of the problems associated with SALW. The Review Conference for the PoA is therefore a major event, providing the first formal opportunity to address some of these weaknesses and to launch new initiatives or programmes to enhance implementation.

This chapter aims to briefly outline the origins and content of the PoA and of a number of other associated regional and global agreements. It also aims to clarify the significance of the PoA and its relationship to these agreements and initiatives and of the follow-up processes since 2001, including the 2003 and 2005 Biennial Meetings of States (BMS) and the forthcoming Review Conference. These are complex issues and so this short chapter aims only to provide sufficient background to the main focus of the remainder of this report – examining progress in the implementation of the PoA and the implications of this for the Review Conference.

### 2.2 THE DEVELOPMENT OF 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 diminished, 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 faced by the UN and other international peace support operations as conflicts come 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, the wide availability and misuse of SALW was a major problem, clearly contributing to great human suffering and insecurity.

SALW problems were placed directly on the UN agenda by a request from Mali in 1993 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 the Agenda for Peace, issued in January 1995.<sup>1</sup> However, SALW problems are complex and multi-dimensional and raised crosscutting issues that were relatively new to UN and other international arms control and disarmament processes. To address them, new international norms, standards and programmes were required.

<sup>1</sup> 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

A UN Panel of Governmental Experts on Small Arms was established as a result of General Assembly Resolution 50/70B of 12 December 1995. This panel was tasked with addressing the types of SALW actually being used in conflicts with which the UN was concerned, the nature and causes of the excessive and destabilising accumulations and transfers of SALW, including their illicit production and trade and ways and means of preventing and reducing such problems.<sup>2</sup> After the panel presented its Report, 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 (GGE) on Small Arms was established in 1998, this time including all five permanent members of the Security Council as well as other key states to review the issues, assess implementation of the recommendations in the 1997 Report and to develop further recommendations for action, including on the objectives and agenda for a UN Conference. These were successfully negotiated in the Consensus Report of the Group, issued in August 1999 (hereafter, 1999 Report).<sup>3</sup> This Report was endorsed by General Assembly Resolution 54/54V in December 1999, which also decided to convene a UN Conference in 2001.

During the same period, two further UN Groups of Governmental Experts examined specific issues: SALW ammunition and SALW brokering activities. These two GGEs examined and clarified the issues and character of the problems, but at that stage could not achieve consensus on specific next steps.

The preparations for the 2001 Conference were formally organised through three Preparatory Committee (PrepCom) meetings, held in January 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, however, the 1999 Report of the UN Group of Governmental Experts provided a major source of agreements and recommendations during the preparations for the 2001 UN Conference.

Moreover, during this period there was a relatively intense process of international meetings and regional initiatives, 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 (CIFTA) 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 on the Importation, Exportation and Manufacture of Small Arms and Light Weapons was signed in October 1998 following 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 (1999).

During the months preceding the 2001 Conference, the development of regional initiatives intensified. The Organization for Security and Co-operation in Europe (OSCE) states agreed a substantial Document on Small Arms and Light Weapons on 24 November 2000. On 15 March 2000, ten states from the Great Lakes Region and Horn of Africa agreed the Nairobi Declaration on SALW in their region, followed by a Co-ordinated Agenda for Action and an Implementation Plan in November 2000. On 1 December 2000, African Union (AU) states agreed the Bamako Declaration on Small Arms Proliferation, which established agreed principles directly relevant to the 2001 Conference. The European Union (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 (UN ECOSOC). This led to agreement being reached on the United Nations

<sup>2</sup> Report of the Panel of Governmental Experts on Small Arms, 27 August 1997, A/52/298.

<sup>3</sup> Report of the Group of Governmental Experts on Small Arms in pursuance of GA Resolution, 19 August 1999, 52/38 J, A/54//258.

Convention against Transnational Organised Crime, in December 2000 and in spring 2001, the adoption of a Protocol to the Convention dealing with illicit firearms manufacturing and trafficking: the UN Firearms Protocol, which 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 PoA, which followed a matter of months later, the Protocol is focused particularly on illicit firearms used in crime, in particular transnational crime, and primarily adopts a crime prevention and law enforcement approach to the small arms problem, with state-to-state transactions exempt from its purview. Having finally received sufficient ratifications by signatory states, the UN Firearms Protocol came into force in July 2005.

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 the Biting the Bullet project) had developed substantial programmes and expertise in SALW issues. In 1998-9, the International Action Network on Small Arms (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 Conference, a large number of NGOs and civil society groups across the world had become engaged in the issue and had participated in a wide range of national, regional and international meetings, including all the PrepComs.

The 2001 Conference itself took place in New York on 9 – 20 July. In addition to representatives of states, many international and regional organisations took part, together with some 120 NGOs. By these final stages, consensus had virtually already been achieved on various key aspects of the Programme of Action, such as 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 guidelines for national decisions on whether to authorise SALW transfers and possible follow-on measures such as negotiations on an agreement to enable tracing of 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 0600 hrs on 21 July, twelve hours after ‘the clock was stopped’.

### 2.3 THE UN PROGRAMME OF ACTION

The PoA agreed at the 2001 Conference is not a legally binding document, but it has been endorsed by consensus at a high political level. The commitments entered into by the participating states 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 them 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 co-operation in this area (complementing and reinforcing the UN Firearms Protocol discussed above).

In practice, the 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 topics 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 strong implicit recognition of the considerable interconnections between illicit and legal production, flows and accumulations of SALW and the need for a comprehensive approach. However, the scope of the PoA in some areas has been left somewhat vague. For example, while the category of ‘SALW’ was understood broadly to cover the weapons specified in the 1997 and 1999 Reports of the Groups of Governmental Experts, there was no consensus on specific definitions, including the extent to which SALW ammunition was included.

In summary, the PoA contains four main sections.

### THE PREAMBLE (SECTION 1)

The Preamble refers to many dimensions of the problems associated with SALW trafficking, proliferation and misuse, declares or re-affirms 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 for preventing and combating illicit trafficking, establishes that international co-operation and assistance is essential and needs to be strengthened and requires that efforts be taken at national, regional and international levels involving all relevant stakeholders including civil society groups.

Section I ends with the resolve to prevent, combat and eradicate the illicit trade in SALW in all its aspects by (Section I, Para 22):

- Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further co-ordinate 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 have come to an end and where serious problems with the excessive and destabilising accumulation of SALW need to be urgently addressed
- Mobilising the political will of the international community to prevent and combat illicit transfers and manufacturing of SALW in all their aspects, to co-operate towards these ends, and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of, and trafficking in these weapons
- Promoting responsible action by states with a view to preventing the illicit export, import, transit and retransfer of SALW

### SECTION II

Section II 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), expressed in some 41 paragraphs of specific agreed measures to be taken at the national, regional and international level. The issues on which there are commitments include controls and measures on the following:

- Establishment and exchange of information on national points of contact on SALW
- Establishment of national SALW co-ordination 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 particular needs of children affected by armed conflict
- Encouraging regional and sub-regional initiatives consistent with PoA commitments
- Ensuring compliance with United Nations Security Council arms embargoes
- Providing information on the implementation of the PoA to the UN Department for Disarmament Affairs (UN DDA), which should collate and circulate this information
- Encouraging and facilitating appropriate involvement of regional and international organisations and civil society

### SECTION III

Section III deals with implementation, international co-operation and assistance. Some 18 paragraphs specify undertakings to take measures including:

- Co-operation at the sub-regional, regional and international level to achieve the aims and implement the measures of the PoA
- Development and strengthening of partnerships to share resources and information, and co-operation in implementing the PoA, including partnerships within governments, between states, regional and international organisations and with civil society groups
- Establishing regional and international programmes for specialist training on stockpile management and security
- Co-operating in tracing illicit SALW
- Exchanging information, on a voluntary basis, on relevant issues and practices, including marking systems; and on developments relating to national controls, collection and destruction of SALW
- Providing assistance, on request, with the implementation of the PoA

### SECTION IV

Section IV specifies follow-up to the 2001 Conference. First, it says 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 on implementation.

Second, it requests the 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.

Third, states are required to consider further steps to enhance international co-operation in preventing and eradicating illicit brokering of SALW.

Fourth, 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 are further urged to encourage NGOs and civil society to engage in this process.

There are, as noted, numerous weaknesses as well as strengths within the PoA. Nevertheless, it contains many substantial commitments and progress towards their implementation is the main concern of this report.

## 2.4 THE UN PROGRAMME OF ACTION AND OTHER REGIONAL AND INTERNATIONAL AGREEMENTS ON SALW

As outlined above, the PoA is by no means the only international agreement relating to SALW. There are many regional initiatives and agreements that address aspects of the SALW problem and various substantial international agreements, in particular the UN Firearms Protocol.

Formally, each of these various agreements 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 OAS, OSCE, SADC, ECOWAS, EU, Nairobi Initiative States (Eastern Africa), MERCOSUR and others before 2001. Moreover, the process of developing and implementing the PoA has stimulated and assisted the further development of regional agreements. Efforts since 2001 on further developing SALW agreements and implementation programmes, which have been particularly strong in the EU, OSCE, South East Europe, OAS, ECOWAS, Horn of Africa, and South Pacific, have therefore all been - partially at least - in support of the PoA as well as of regional requirements.

Importantly, it has been firmly established that the PoA sets minimum global standards; regional agreements should be consistent with it and 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 mechanisms for international co-operation to prevent, combat and reduce illicit and uncontrolled SALW manufacture, transfers, holdings and misuse.

It is therefore not desirable, even if it were possible, to seek to clearly distinguish between efforts to implement the PoA and efforts to implement the associated regional and international commitments. We 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.

## 2.5 POA FOLLOW-ON MECHANISMS

As noted above, Section IV of the PoA specifies certain follow-on measures. In particular, Biennial Meetings of States (BMS) will be convened every two years, to “consider the national, regional and global implementation of the PoA” (Section IV, Para 1b). Similarly, a UN Conference was to be convened “no later than 2006 to review progress made in the implementation of the PoA” (Section IV, Para 1a).

The first BMS was held in July 2003 and the second in July 2005. The mandate of these BMS was deliberately extremely restricted by the 2001 Conference in order to reassure reluctant states. They were considered by participating states solely to be occasions for reporting and discussing progress towards implementation, not for review or debate on the PoA commitments themselves. Attempts to design the agenda or work programme for these BMS to achieve substantial outputs were consistently opposed by a number of governments, who, due to the consensus rule, achieved their goal.

In practice, the first BMS, Chaired by Ambassador Inoguchi (Japan), established some useful precedents to avoid being unduly dominated by formal statements on implementation measures. These precedents included holding important thematic discussions in which government delegations could talk about the priorities, opportunities and challenges associated with implementing commitments relating to different thematic areas. The event proved an important stimulus to governments to submit official reports on their countries’ progress towards implementation of the PoA. Moreover, the BMS was well attended by a wide



range of civil society and other concerned groups. There were wide informal discussions and many side meetings on initiatives, co-operation and experiences with implementation.

The 2005 BMS was similar in many ways. As in the previous BMS, there were thematic discussions in which delegations could examine the priorities, opportunities and challenges associated with implementing various PoA commitments. The desire to have something to present encouraged a fresh wave of government reports, the meeting was attended by a very active civil society and there were many side events and informal discussions amongst a wide range of stakeholders. The Chair (Ambassador Patakallio, Finland) was also successful in ensuring substantial and useful debates in which governments could exchange views on the strengths and weaknesses of the PoA so far, and priorities for further action. Informally, this provided important preparatory discussions for the 2006 Review Conference process. Formally, however, several states insisted that none of the substance of these discussions should be included in the official report of the 2005 BMS.

Although the 2003 and 2005 BMS meetings were widely recognised to be useful in many ways, by 2005 the great majority of participants had become frustrated and critical of the constraints imposed on them. Because of a highly restrictive mandate imposed by a number of 'reluctant' governments, the 2005 BMS meeting, for example, was not as useful as it could have been.

In this context, the Review Conference has assumed even greater prominence and importance for the PoA process than many anticipated in 2001. As noted earlier, the mandate for this Review Conference was not elaborated in 2001. However, by 2005 the great majority of governments (and also relevant civil society groups and international and regional organisations) had made it clear that they wanted a 'forward looking' Conference, focused on developing international agreement on ways to further enhance implementation and to strengthen the PoA. This is the customary purpose of a Review Conference for international agreements and implies a mandate to:

- Review progress made towards implementation of the PoA
- Consider and establish further agreements and measures to strengthen and promote implementation of the PoA
- Consider and establish further commitments and programmes that may be needed for effective international action to prevent, combat and eradicate the illicit trade in SALW in all its aspects
- Establish follow-on mechanisms and processes that enable active international consultations, initiatives and programmes to take place between the 2006 and the next major Review Conference, to promote enhanced implementation of the PoA

After a number of informal consultations, the Preparatory Committee for the Review Conference took place at the UN in New York between 9 – 20 January 2006, Chaired by Ambassador Rowe (Sierra Leone). This addressed customary procedural issues, and also conducted a series of thematic debate in which many states presented ideas and proposals on ways to promote implementation or strengthen the PoA. As always, there were many side events and civil society groups were actively engaged.

A consensus rapidly emerged that the Review Conference would not aim to re-negotiate elements of the 2001 PoA Document. This 2001 Document would remain unrevised. Instead attention would focus on agreeing a Review Conference Outcome Document, which would supplement and reinforce the existing PoA. As in 2001, this Outcome Document would be politically rather than legally binding, but would rest on the same degree of political commitment as the 2001 PoA Document.

Immediately after the end of the Preparatory Committee meeting, the Chair-Designate for the Review Conference, Ambassador Prasad Kariyawasam (Sri Lanka) embarked on a process of informal

consultations. These were aimed at developing consensus and at preparing an effective Chair's 'Non-Paper' to provide a good basis for agreement on a substantial Outcome Document at the Review Conference (due to take place on 26 June – 7 July 2006). At the time of writing, these were progressing well, but it was clear that there remained much to do if the Review Conference is to achieve its goals of substantially enhancing implementation and strengthening the PoA.

## 2.6 ISSUES AND CHALLENGES OF ASSESSING IMPLEMENTATION AND EFFECTIVENESS OF THE POA

As international regimes to tackle global problems such as trafficking and proliferation of SALW develop, it is important to assess their impact and effectiveness. Such assessments are critical for decisions about the adequacy of existing international commitments and for the design and development of further programmes and commitments that may be required.

It is intrinsically difficult to make such assessments. For example, we do not have reliable or detailed information on the scale, character or impact of the problems of uncontrolled or illicit SALW flows or holdings, either in the past or in the present. Research and knowledge on such issues has increased greatly in recent years but good baseline data for 2001 against which to assess progress is lacking.

Similarly, it remains difficult to gather comprehensive, reliable information about the policies and programmes that governments, regions and all other stakeholders have developed and strengthened in order to implement the PoA. One of the primary purposes of the series of BtB/IANSA 'Red Book' reports (of which this is the third) is to contribute to this area. However, although we believe that these reports make a major contribution to understanding, we would be the first to emphasise that they may be incomplete. Moreover, we lack the resources and access to conduct detailed evaluations of the impact and effectiveness of each of the programmes that we describe. To achieve this, substantial improvements need to be made on the consistency and comprehensiveness of government reports on PoA implementation activities, and adequate resources are required to conduct systematic assessments. This is an issue for the Review Conference and beyond.

When discussing issues of impact and effectiveness it is important to recognise that these terms can have multiple meanings. For example, effectiveness could be used simply in relation to compliance such as whether or not states have literally fulfilled their specific PoA commitments. However, this question, although important, is too narrow. The commitments may be too weak or vague for compliance to mean much. In contrast, states that have made real progress towards achieving ambitious commitments could be judged to be more effective, even if they have not actually been able to fully achieve them.

It is important also to focus on effectiveness in terms of:

- The extent to which the PoA has contributed to achieving changes in behaviour (policies, measures, etc.) of governments and all other stakeholders in the direction intended
- The extent to which the actions taken have actually prevented or reduced global SALW trafficking and proliferation

As matters stand, the international community has not established the official mechanisms to produce the systematic reports that would be required for a Review Conference to conduct a detailed review of progress on implementation or the adequacy or otherwise of PoA commitments. Thus establishing some such process is important. This is our primary motivation for the new structure for this report: to organise the information and analyses that are available in a way that supports well-informed international assessment of the adequacy of existing implementation efforts and the extent to which revised, clarified or further developed PoA commitments and programmes are needed.



# 3: PROGRESS TOWARDS IMPLEMENTATION

## 3.1 INTRODUCTION

The UN PoA is a relatively comprehensive and wide-ranging framework for action. Its commitments cover many areas. Many of these areas are complex with levels of good practice varying widely. Therefore a wide range of information has been collected and analysed by Biting the Bullet in order to provide an overview of the nature of implementation of all key aspects of the PoA in all regions of the world. This information is presented throughout this Chapter and covers 184 countries. The Chapter begins with an overview of key basic information on key areas of action on SALW. This is followed by relatively comprehensive tables that have been updated since the 2005 edition of this report; these tables give greater detail on the baseline information and are organised regionally. While these tables contain substantial breadth of data, they can only give a basic view of each of the thousands of pieces of information. Thus, building on the detailed national and regional accounts in the 2003 and 2005 Reports this Chapter then focuses on highlighting and reviewing specific progress at the regional and sub-regional level and recent developments relating to regional and sub-regional agreements. In each region key aspects of national implementation are drawn out, challenges to further progress are identified and priorities for action at the Review Conference and afterwards are drawn out.

3

## 3.2 OVERALL PROGRESS IN NATIONAL IMPLEMENTATION

### INTRODUCTION

In order to adequately implement the PoA states should put into place the necessary foundations for co-operation, information exchange, and national co-ordination. Thus 150 states have established an official point of contact (Section II, Para 5) to act as liaison between states. Many of these points of contact, however, are yet to be fully functioning, and some are not represented on the list of national points of contact made available by the UN Department for Disarmament Affairs (UN DDA).

90 states have national co-ordination mechanisms including officially designated national co-ordination agencies or bodies (Section II, Para 4) and other similar mechanisms for co-ordination on SALW issues within government (for instance this figure includes 16 states with no formal national commission but evidence of significant national co-ordination). This represents a significant improvement on previous figures of 37 formal national co-ordination agencies in 2003 and 79 in 2005. However, the capacity and mandate of these mechanisms varies hugely (see Chapter 4). Further, 37 appear to actively involve civil society in their national co-ordination of action on SALW. 20 have developed national strategies on small arms including comprehensive national action plans, or other active sets of strategies; though some of these are limited in scope. At least a further 8 states are in the process of discussing or developing such national strategies.

Additionally, 135 have submitted at least one report on national implementation to the UN DDA (43 states have submitted one report, 56 have submitted two; 30 have submitted three; and only 5 states have submitted four, and only one has submitted a report in all five years).<sup>1</sup>

### GLOBAL OVERVIEW OF LAWS AND PROCEDURES ON SALW

The PoA contains a number of commitments by states to have laws and procedures on many key aspects of SALW. In particular, in order to establish effective basic controls over the production and transfer of SALW (Section II, Para 2):

<sup>1</sup> These figures are based on reports available as of 5 May 2006.

- 116 states (and entities) have laws and procedures controlling the production of SALW; 47 have reviewed these.
- 111 states (and entities) have laws and procedures controlling the export of SALW; while the scope and stringency of these controls varies hugely and information is limited, only 41 appear to conduct some assessment of the risk of diversion of the weapons into illicit circulation; 58 require an authenticated end-user certificate; and 28 notify the original exporting state when transferring previously imported SALW; 63 have reviewed these controls.
- 135 states (and entities) have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12); 51 have reviewed these.
- 79 states (and entities) have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12); 38 have reviewed these.
- 37 states have specific controls over SALW brokering activities (Section II, Para 14); 27 have reviewed these; while only illustrative information is available, it seems that at least 25 states register brokers, 30 require a license for individual deals and at least 15 have some level of extra-territorial controls.

The scope and stringency of these laws and procedures and their enforcement, varies considerably. At a national level 68 states have reviewed at least some of their laws and/or procedures controlling the production and international transfer of SALW since 2001.

In line with rudimentary commitments in the PoA to criminalise illegal possession, manufacturing, trade and stockpiling of SALW (Section II, Para 3):

- 134 states have laws and procedures criminalising the illicit possession of SALW; at least 50 have reviewed these.
- 119 states have laws and procedures criminalising the illicit trade in SALW; 35 have reviewed these.
- 112 states have laws and procedures criminalising the illicit manufacturing of SALW; 32 have reviewed these.
- At least 40 states have laws and procedures criminalising the illicit stockpiling of SALW; 11 have reviewed these.

Reflecting the considerable importance attached to such national controls, 52 states have reviewed at least some of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing since 2001, or illicit stockpiling. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures and their enforcement, varies considerably.

## GLOBAL OVERVIEW OF WEAPONS MANAGEMENT

Much of the illicit trade in SALW stems from inadequate control over weapons and ammunition stocks. Thus the PoA contains a wide range of commitments relating to weapons management. These commitments have attracted significant attention in states implementation of the PoA, but significantly more remains to be done.

Of the states for which information could be obtained on these subjects:

- 102 have standards and procedures for the management and security of stockpiles (Section II, Para 17).
- At least 69 of these include “regular reviews of stocks” (Section II, Para 18) though their thoroughness and regularity vary.
- At least 30 states have reviewed their standards and procedures for the management and security of stockpiles since 2001.

Further reduction of the stocks potentially available for illicit trafficking is achieved through the disposal of surplus, collected, and confiscated weapons and ammunition. Thus, over 73 states appear to have destroyed some SALW since 2001. Further:

- At least 39 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19).
- At least 55 states have destroyed some confiscated, seized and/or collected SALW since 2001 (Section II, Paras 16, 21).

While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal. In this regard:

- At least 14 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19); while at least 16 sometimes destroy surplus arms but often authorise other disposal.
- At least 27 states (and probably more) destroy most or all collected and/or confiscated SALW; while only 11 sometimes destroy but often authorise other disposal (Section II, Para 16).

Disarmament programs also reduce the stock of arms and ammunition available for illicit circulation. 62 states have conducted some form of disarmament since 2001, including:

- 20 post-conflict disarmament demobilisation and reintegration (DDR) (Section II Para 21)
- 32 voluntary weapons collection programs (Section II, Para 20)
- 37 amnesties (Section II, Para 20)
- 13 forcible disarmament programs

In order to enhance the traceability of weapons (and in some cases ammunition) states undertook a range of commitments related to marking, record-keeping, and tracing:

- 53 require that all SALW are marked as an integral part of their manufacture, though for many this only relates to some of the emerging international standards on marking SALW (Section II, Para 7).
- 50 have measures to tackle unmarked or inadequately marked weapons; particularly by marking or destroying them (Section II Para 8).
- At least 81 keep detailed records on holdings and transfers of SALW, though many of these are not maintained in line with emerging international standards (Section II, Para 9).
- At least 40 actively co-operate in tracing and at least a further 14 have expressed a willingness to do so (Section III, Para 11).

## GLOBAL OVERVIEW OF INTERNATIONAL CO-OPERATION AND ASSISTANCE

The PoA contains a wide range of commitments to assist other states' implementation, and to co-operate with civil society. In this regard:

- At least 26 states have provided some form of donor assistance to SALW-related projects.
- Approximately 68 have engaged in some form of co-operation with civil society. However the degree to which this reflects openness and capacity to engage with SALW issues varies considerably.
- Over 23 publish reports on their arms exports, though considerably more exchange information on SALW transfers in confidential reporting and information exchange mechanisms within regional and multilateral agreements.

Global  
Table

## 1

Foundations<sup>i</sup>

COUNTRY	Point of Contact	National Co-ordination on Small Arms		
		National Coordination mechanism	Civil Society Involvement in national coordination	Comments
		A = Regular and Substantial Coordination including regular meetings B = Formally established mechanism, has met, but coordination appears limited C = Formally established, but little evidence of coordination/not yet operational D = No formal mechanism, but evidence of significant informal coordination		
Angola		Yes	Yes	3 NGOs are part of the national commission
Benin	Yes	Yes C	Yes	
Botswana	Yes	Yes A		Regular meetings, well organised, identifies gaps in legislation
Burkina Faso	Yes	Yes C	Yes	Civil society involvement limited. Limited national activities
Burundi	Yes	Yes	Yes	
Cameroon	Yes			
Cape Verde	No	No	No	SALW not a priority
Central African Republic	No	Yes		Coordination mechanism for national DDR
Chad	Yes	Yes		
Congo (Republic of)	Yes	No		
Côte d'Ivoire	Yes	Yes	No	
Democratic Republic of Congo	Yes	Yes	No	
Djibouti	Yes	Yes		
Equatorial Guinea		Yes		
Eritrea	Yes	Yes		
Ethiopia	Yes	Yes		
Gabon	Yes			
Gambia	Yes	Yes A	No	NatCom meets regularly but no civil society representation
Ghana	Yes	Yes A	Yes	NatCom meets regularly and a seat is allocated to civil society
Guinea	Yes	Yes	Yes	5 of the 27 members of NatCom are from civil society organisations
Guinea Bissau	Yes	Yes	Yes	
Kenya	Yes	Yes A	Yes	
Lesotho	Yes	No		
Liberia	Yes			Civil Society network but no NatCom
Malawi	Yes	Yes		
Mali	Yes	Yes	Yes	Actively works with civil society
Mauritius	Yes			
Mozambique	Yes	Yes	Yes	
Namibia	Yes	Yes	Yes	NGOs part of the commission
Niger	Yes	Yes C	Yes	Limited national activities. Reports to UN DDA
Nigeria	Yes	Yes C	Yes	Very active but no budget of its own
Rwanda	Yes	Yes		
Sao Tomé and Príncipe	Yes			
Senegal	Yes	Yes B	Yes	
Seychelles	Yes	Yes		Coordination mechanism not yet launched
Sierra Leone	Yes	Yes A	Yes	
South Africa	Yes	No D		
Sudan	Yes	Yes	Yes	Coordination mechanism for DDR
Swaziland				
Tanzania	Yes	Yes A	Yes	Significant involvement of Civil Society
Togo	Yes	Yes	Yes	
Uganda	Yes	Yes A	Yes	Significant involvement of civil society
Zambia	Yes	No		
Zimbabwe	Yes	Yes	Yes	
<b>TOTAL</b>	<b>39</b>	<b>34</b>	<b>20</b>	

Reports to DDA	National Strategy on Small Arms
	A= Either a formal national action plan with relatively comprehensive scope, or an active strategy/set of strategies B= Formal national action plan but limited scope or substance; or partial national strategies; C= Declaratory support for SALW control and relevant policies but no evidence of concerted strategy
0	No
2	
1	Yes A
3	No
3	No
1	
0	No
1	
1	
1	No
2	
1	No
1	No
1	No
0	No
1	Being developed
1	
2	
1	Reportedly being developed. Part of NatCom mandate
0	Yes
0	No
2	Yes
1	
1	
0	No B
2	Reportedly being developed
1	
1	Yes
1	Yes
2	
1	
2	No
1	
2	
0	No
1	No B
2	Yes
1	No: Proposed
0	
0	Yes
3	
1	Yes A
1	No
1	
<b>35</b>	<b>8</b>

<sup>4</sup> These codings are not intended as a grade and are applied only where sufficient information was available.

Global  
Table

## 1

## Foundations

COUNTRY	Point of Contact	National Coordination on Small Arms		
		A = Regular and Substantial Coordination including regular meetings B = Formally established mechanism, has met, but coordination appears limited C = Formally established, but little evidence of coordination/not yet operational D = No formal mechanism, but evidence of significant informal coordination		
		National Coordination mechanism	Civil Society Involvement in national coordination	Comments

## AMERICAS

Antigua and Barbuda	Yes			
Argentina	Yes	Yes	Yes	There is an inter-agency working group to implement provisional national plan that contemplates NGO participation.
Barbados	Yes			
Bolivia	Yes	No		
Brazil	Yes	Yes A	Yes	National Disarmament Commission new law establishes channels for info exchange between army and police
Canada	Yes	Yes	Yes	10 seats for NGOs at annual meeting. No opportunity for policy input from civil society
Chile	Yes	No		
Colombia	Yes	Yes B	Yes	Began preliminary meetings in March and April 2005. Ad hoc consultation with NGOs
Costa Rica	Yes	Yes	Yes	NGOs included in national coordination mechanism as consultative partners only
Cuba				
Dominican Republic	No	No		
Ecuador	Yes	Yes	No	
El Salvador	Yes	No D	Yes.	De facto commission with focus on domestic control issues
Grenada	Yes			
Guatemala	Yes	Yes	Yes	National disarmament commission formed July 2004, includes NGO
Haiti	Yes			
Honduras	Yes	No		
Jamaica	Yes			
Mexico	Yes	No D		Frequent inter-agency cooperation
Nicaragua	Yes	Yes	No	NGOs included on paper, but not yet in practice
Panama	Yes	Yes	Yes	
Paraguay	Yes	Yes	Yes	Ad hoc consultation with NGOs
Peru	Yes	Yes	No	
Saint Kitts and Nevis	Yes			
Trinidad and Tobago	Yes	No		
United States of America	Yes	No D		
Uruguay	Yes	No		
Venezuela	Yes	No		
<b>TOTAL</b>	<b>26</b>	<b>14</b>	<b>9</b>	

## EUROPE

Albania	Yes	No		
Andorra	Yes			
Armenia	Yes	No D		Point of contact reportedly not functioning
Austria	Yes	No D		
Azerbaijan	No	No		
Belarus	Yes	No	No	
Belgium	Yes	Yes	No	Transfer of competencies for production control and export licensing has undermined coordination

Reports to DDA	National Strategy on Small Arms
	A= Either a formal national action plan with relatively comprehensive scope, or an active strategy/set of strategies B= Formal national action plan but limited scope or substance; or partial national strategies; C= Declaratory support for SALW control and relevant policies but no evidence of concerted strategy
0	
3	Yes 2003 plan to be reviewed in 2006
1	
2	No, lacks national legislation
2	Yes A
3	No A
2	
2	Being Developed
3	Yes A
1	
0	No
2	Beginning to develop a strategy
3	No
1	
2	Yes A
1	
2	No
1	
4	
2	No
1	
2	A
2	No
0	
2	No
4	No
0	No
2	No
<b>24</b>	<b>5</b>
2	In the very early stages - UNDP project just beginning
0	
2	
3	No
2	No
4	No C
1	No

Global  
Table

## 1

## Foundations

COUNTRY	Point of Contact	National Coordination on Small Arms		
		National Coordination mechanism	Civil Society Involvement in national coordination	Comments
		A = Regular and Substantial Coordination including regular meetings B = Formally established mechanism, has met, but coordination appears limited C = Formally established, but little evidence of coordination/not yet operational D = No formal mechanism, but evidence of significant informal coordination		
Bosnia and Herzegovina	Yes	Yes	No	
Bulgaria	Yes	Yes B		Export only
Croatia	Yes	Yes		National Commission formed May 2005
Czech Republic	Yes	No	No	Some cooperation between government departments
Denmark	Yes	No		There is a National Committee on the Control of Firearms
Estonia	Yes	No	No	
Finland	Yes	Yes A	Yes	
France	Yes	Yes	No	
Georgia	Yes	Yes C		Inter-agency body covers SALW among many other issues and is currently not functioning. Point of Contact largely ineffectual
Germany	Yes	No D	Yes	No formal commission, but appears to be significant. Regular informal meetings with NGOs coordination
Greece	Yes			
Holy See	Yes			
Hungary	Yes	Yes	No	Related to export licensing policy
Iceland	Yes			
Ireland	Yes	No D		
Italy	Yes	Yes A		Interagency working group on SALW meets twice per year
Kazakhstan	Yes	Yes	No	
<i>Kosovo (entity)</i>	No	Yes		
Kyrgyz Republic	No	No	No	
Latvia	Yes	Yes B		Inter-ministerial committee for transfers
Liechtenstein	Yes			
Lithuania	Yes	Yes C	No	
Luxembourg	Yes			
Macedonia (FYRoM)	Yes	Yes	Yes	National commission proposed but yet to be adopted by Government. Existing coordination body for weapons collection, including 2 NGO representatives
Malta	Yes	No		
Moldova	Yes	No		
Monaco	Yes			
Netherlands	Yes	Yes	Yes	Generally cooperative with NGOs
Norway	Yes	Yes		
Poland	Yes	No D	No	Some national coordination
Portugal	Yes	No		
Romania	Yes	Yes B		Inter-ministerial council for export, import and brokering applications
Russian Federation	Yes	No		
San Marino	Yes			
Serbia and Montenegro	Yes	No		Coordination mechanism being created
Slovakia	Yes	No D		Ad hoc working group
Slovenia	Yes	No		
Spain	Yes	Yes	No	Export only
Sweden	Yes	No D		Some limited informal coordination
Switzerland	Yes	Yes	No	
Tajikistan	Yes	No D	No	Reportedly some national coordination through Vice Prime Minister
Turkey	Yes			
Ukraine	Yes			
United Kingdom	Yes	No D	Yes	No formal commission, but good coordination
<b>TOTAL</b>	<b>48</b>	<b>28</b>	<b>5</b>	



Reports to DDA	National Strategy on Small Arms
	A= Either a formal national action plan with relatively comprehensive scope, or an active strategy/set of strategies B= Formal national action plan but limited scope or substance; or partial national strategies; C= Declaratory support for SALW control and relevant policies but no evidence of concerted strategy
2	Expected
3	No
3	Planned
3	No
1	No
1	No
3	No B
2	
1	No
3	No
3	
1	
5	No
0	
3	
3	No
1	C
0	
0	No
4	No
1	
3	No C
2	
3	Yes A
3	No
2	No
2	
2	
2	No
3	No
2	
2	
3	No B
0	
3	Under construction
2	No
2	No
2	No
2	
3	Under discussion
1	C
3	
3	No
2	No A
<b>46</b>	<b>4</b>

Global  
Table

## 1

## Foundations

COUNTRY	Point of Contact	National Coordination on Small Arms		
		National Coordination mechanism	Civil Society Involvement in national coordination	Comments
		A = Regular and Substantial Coordination including regular meetings B = Formally established mechanism, has met, but coordination appears limited C = Formally established, but little evidence of coordination/not yet operational D = No formal mechanism, but evidence of significant informal coordination		

## MENA

Algeria	Yes			
Egypt	Yes			
Iran	Yes	Yes		
Israel	Yes	Yes		
Jordan	Yes	No		
Lebanon	Yes	No		
Morocco	Yes			
Qatar, State of	Yes			
Saudi Arabia				
Syria	Yes	No		
Yemen				
<b>TOTAL</b>	<b>9</b>	<b>2</b>	<b>0</b>	

## ASIA

Bangladesh	Yes			
Cambodia	Yes	Yes		
China	Yes	No D		Some inter-agency coordination on exports
India	Yes	Yes		
Indonesia	Yes	Yes		Inter-departmental working group
Japan	Yes	No D		
Laos	Yes	No		
Malaysia	Yes	Yes		
Maldives	Yes			
Mongolia	Yes			
Myanmar (Union of)	Yes	No		
Oman	Yes			
Pakistan	Yes	Yes		
Philippines	Yes	No	No	
Republic of Korea	Yes			
Singapore	Yes			
Sri Lanka	Yes	Yes	Yes	
Taiwan (entity)	NA	NA		
Thailand	Yes	No D		
Vietnam	Yes	No		
<b>TOTAL</b>	<b>19</b>	<b>9</b>	<b>1</b>	

## OCEANIA/PACIFIC

American Samoa	No	No	No	
Australia	Yes	Yes B	Yes	Coordination body is Australian Police Ministers Council – partial attention to SALW
Cook Islands	Yes	No	No	
Fiji	Yes	No	No	
French Polynesia	No	No	No	
Kiribati	No	No	No	
Marshall Islands	Yes	Yes	No	

Reports to DDA	National Strategy on Small Arms
	A= Either a formal national action plan with relatively comprehensive scope, or an active strategy/set of strategies B= Formal national action plan but limited scope or substance; or partial national strategies; C= Declaratory support for SALW control and relevant policies but no evidence of concerted strategy
2	
2	
1	
2	
2	No
2	No
2	
2	
1	
2	
2	
<b>11</b>	<b>0</b>
2	Very brief
1	No
3	
2	No
2	No
3	
0	No
2	
0	
0	
0	No
3	
2	
3	Yes B
2	
0	
2	Proposed
NA	
2	
0	No
<b>13</b>	<b>1</b>
0	
4	A
0	
1	
0	
0	
1	

Global  
Table

## 1

## Foundations

COUNTRY	Point of Contact	National Coordination on Small Arms		
		National Coordination mechanism	Civil Society Involvement in national coordination	Comments
		A = Regular and Substantial Coordination including regular meetings B = Formally established mechanism, has met, but coordination appears limited C = Formally established, but little evidence of coordination/not yet operational D = No formal mechanism, but evidence of significant informal coordination		
Micronesia (Federated States of)	No	No	No	
Nauru	No	No	No	
New Caledonia	No	No	No	
New Zealand	Yes	Yes B	Yes	Good ad hoc coordination between government departments
Niue	No	No	No	
Palau	No	No	No	
Papua New Guinea	Yes	No	No	
Samoa	Yes	No	No	
Solomon Islands	Yes	No	No	
Tonga	No	No	No	
Tuvalu	Yes	No	No	
Vanuatu	No	No	No	
Wallis and Futuna	No	No	No	
<b>TOTAL</b>	<b>9</b>	<b>3</b>	<b>2</b>	
<b>GLOBAL TOTAL</b>	<b>150</b>	<b>90</b>	<b>37</b>	

Reports to DDA	National Strategy on Small Arms
	A= Either a formal national action plan with relatively comprehensive scope, or an active strategy/set of strategies B= Formal national action plan but limited scope or substance; or partial national strategies; C= Declaratory support for SALW control and relevant policies but no evidence of concerted strategy
0	
0	
0	
3	A
0	
0	
1	
0	
2	
0	
0	
0	
0	
<b>6</b>	<b>2</b>
<b>135</b>	<b>20</b>

Global  
Table

## 2

## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Specific Controls over Brokering Activities	Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls
Angola	Yes							Yes								
Botswana			Yes			Yes		Yes								
Burkina Faso	Yes	Yes						Yes	Yes	Yes	Yes					
Burundi	Yes	No	Yes					Yes		Yes		No				
Cameroon	Yes		Yes					Yes		Yes						
Central African Republic	Yes	No														
Congo (Republic of)								Yes								
Democratic Republic of Congo	Yes		Yes			No	No	Yes		Yes						
Djibouti	Yes	No	Yes			No		Yes		Yes		No				
Eritrea	Yes	Yes	Yes	Yes		No		Yes	Yes	Yes	Yes	No				
Ethiopia		Yes	Yes	Yes				Yes	Yes				Yes			
Ghana	Yes	Yes	Yes	Yes				Yes	Yes			No				
Guinea	No	No	No	No				Yes	No	No	No					
Guinea Bissau	No							Yes		No		No				
Kenya	Yes	Yes	Yes	Yes		No		Yes	Yes	Yes		No				
Lesotho	Yes	No	Yes	No		No		No		No		No				
Liberia																
Malawi	Yes	No	Yes		No	No	No	Yes		No		No				
Mali																
Mauritius	Yes	Yes	Yes	Yes				Yes	Yes	No		Yes	Yes			
Mozambique	Yes		Yes	No				Yes		No		No				
Namibia	Yes	No	Yes	No		No		Yes	No	No		No				
Nigeria	Yes	No	Yes	No		Yes		Yes	No	Yes	No					
Rwanda	No		No					Yes	No	Yes		No				
Senegal	Yes		Yes					Yes								
Seychelles	Yes		Yes			Yes		Yes		Yes		Yes		Yes	Yes	Yes
Sierra Leone	Yes	Yes	Yes	Yes				Yes	Yes	Yes	Yes	Yes	Yes			
South Africa	Yes		Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sudan	Yes	Yes	Yes	No				Yes	No	Yes						
Swaziland	Yes		Yes			No		Yes		No		No				
Tanzania	Yes		Yes		Yes	Yes	Yes	Yes		Yes						
Uganda		Yes	Yes	Yes				Yes	Yes	No		No				
Zambia	Yes	No	Yes			Yes		Yes	No	Yes		No				
Zimbabwe	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No				
<b>TOTAL</b>	<b>25</b>	<b>10</b>	<b>24</b>	<b>10</b>	<b>2</b>	<b>7</b>	<b>2</b>	<b>30</b>	<b>9</b>	<b>16</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>

COMMENTS	ILLCIT POSSESSION		ILLCIT TRADE		ILLCIT MANUF- ACTURING		ILLCIT STOCKP- ILING		COMMENTS
	Criminalisation of illicit Civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
Adequacy of controls unclear.	Yes		Yes		Yes				Enforcement reportedly improved since 2002
Permit required for export. Arms and ammunition act under review	Yes	Yes	Yes	Yes					Arms and ammunition act under review
Transit controls only cover transport	Yes	Yes	Yes	Yes	Yes	Yes			
Discussing harmonisation of legislation with Djibouti and DRC, and a review is planned	Yes		Yes		Yes				
	Yes		Yes		Yes		Yes		
	Yes								
All potential arms recipients, except national police and army are under a UN arms embargo									
	Yes		Yes		Yes				
Penal code specifies that special authorisation is required for export, import, transit, and production. No regulatory procedures are specified.	Yes		Yes		Yes				A new penal code is being developed.
Draft law being prepared	Yes		Yes		Yes				
Currently being reviewed	Yes	Yes	Yes	Yes	Yes	Yes			Currently being reviewed.
	Yes	No	Yes	No	Yes	No			
Licensing procedures exist for import by third parties, none for government agents.	Yes	No	Yes	No	No				
New policy being developed	Yes		Yes		Yes				
	Yes	No	Yes		Yes	No			
	Yes	No		No	No				
Laws and regulations rudimentary. Permit required for export and import.	Yes				No		No		Law unclear and outdated
Transfer, transit, and brokering are prohibited	Yes	Yes							
New law in March 2006 in line with SADC protocol. Introduced brokering controls	Yes	Yes	Yes	Yes	Yes	Yes			New law in March 2006 prohibited civilian possession of light weapons
Production controls are limited. Export and Import controls merely require permit	Yes		Yes		Yes				
	Yes	No	Yes	No	Yes				
	Yes	No	Yes		Yes				Trading and private manufacture are prohibited
	Yes		Yes		Yes				
	Yes								Licensing procedures exist for most categories of weapons.
	Yes		Yes		Yes				
New Arms and Ammunition Bill 2005	Yes	Yes	Yes		Yes	Yes	Yes		New Arms and Ammunition Bill 2005
Brokering controls established in 2002 law. Extra-territorial application established through judicial powers rather than the licensing requirement.	Yes	Yes	Yes	Yes	Yes	Yes	Yes		2000 Firearms Control Act entered into force 2004. Another new law in 2002. Improvements in enforcement: a national campaign "Operation Setunya" April to September 2003.
Export controls merely allow for possible authorization. Production controls reportedly under review	Yes	No	Yes		Yes				
	Yes		Yes		Yes				
	Yes		Yes		Yes		Yes		
Review underway	Yes	No	Yes	Yes	Yes	Yes			Review Underway
Transit permits are required	Yes		Yes		Yes		Yes		
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	<b>32</b>	<b>8</b>	<b>27</b>	<b>7</b>	<b>25</b>	<b>7</b>	<b>6</b>	<b>1</b>	

Global  
Table

## 2

## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures Review since 2001	Review since 2001	Laws and procedures Review since 2001	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures Review since 2001	Review since 2001	Laws and procedures Review since 2001	Review since 2001	Specific Controls over Brokering Activities Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls	
Argentina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No		Yes	No
Belize			Yes					Yes		Yes						
Bolivia	No		No					Yes			No	No				
Brazil	Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes	No	No	No			
Canada	Yes	Yes	Yes	Yes		Yes		Yes	Yes		Yes	No				
Chile	Yes	No	Yes	No		Yes		Yes	No	No		No				
Colombia	Yes	Yes	Yes	Yes		Yes				No	Yes					
Costa Rica		Yes	Yes	Yes		Yes		Yes		Yes	No	No			Yes	
Dominican Republic	No		No					Yes		No		No				
Ecuador	Yes	No	Yes	No				Yes	No	Yes		No	No			
El Salvador	No		Yes	Yes		Yes		Yes	Yes					Yes	Yes	
Guatemala	Yes	Yes	Yes	Yes				Yes	Yes	No	Yes	No	Yes			
Honduras	Yes	No	Yes	No				Yes	No			No	No			
Jamaica	Yes	No	Yes	No				Yes		Yes		No				
Mexico	Yes	No	Yes	No				Yes	No	No	No	No				
Nicaragua	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes		Yes	Yes	Yes	Yes	Yes	Yes	
Panama	Yes	Yes	Yes	Yes				Yes	Yes				Yes			
Paraguay	No		Yes	Yes			Yes	Yes	No	Yes		No				
Peru	Yes	No	Yes	No		Yes		Yes	No	Yes						
Trinidad and Tobago	Yes	Yes	No					Yes		No		No				
United States of America	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
Uruguay	Yes	No	Yes			Yes		Yes	No	Yes		No				
Venezuela	Yes	No	No					Yes	No	No		No				
<b>TOTAL</b>	<b>17</b>	<b>10</b>	<b>19</b>	<b>11</b>	<b>3</b>	<b>11</b>	<b>2</b>	<b>22</b>	<b>7</b>	<b>11</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>1</b>



COMMENTS	ILLICIT POSSESSION		ILLICIT TRADE		ILLICIT MANUFACTURING		ILLICIT STOCKPILING		COMMENTS
	Criminalisation of illicit civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
National Arms Registry established administrative procedures for production controls in 2004 and requirement for EUC in 2005-including for transit	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2004 law increased penalties
Import regulation focus on payments at entrance		Yes			Yes				Currently in process of legislative debate
Some illicit brokering covered if breaks a UN arms embargo. Amendments to export and import regulations due to come into force in 2005 and 2006.	Yes	Yes	Yes	Yes	Yes				December 2003 law changed right to carry. Referendum on banning sales to civilians. Reviews in 2002 and 2004 largely to cut costs
Laws and procedures being reviewed. Laws on export and production unclear.	Yes	Yes	Yes		Yes				Review being discussed
Several Bills related export and production are before congress. Brokering is considered part of import.	Yes	Yes	Yes	Yes	Yes	Yes			Review currently underway. Ambiguity in definitions. 2001 law entered into force 2002
Export reviewed but not changed. Import regulations reformed in 2002 but are still not in line with CIFTA.	Yes	No	Yes	No	Yes	No			Express prohibition of craft production in 2002 reform of 1999 law
Laws reviewed but not changed	Yes	Yes	Yes	Yes	Yes	Yes			Laws reviewed but not changed
Basic legislation requiring authorisation for export, import, and transit.	Yes	No	Yes	No	Yes				Implementation of National Arms register
Transit controls appear to relate solely to internal transportation	Yes		Yes	No	Yes	No			Law states that there are prohibited weapons, but does not specify which.
Brokering controls reviewed in 2004. brokers must be registered for each deal. Transit controls apply within country, not across borders	Yes	Yes	Yes		Yes		Yes		Recent revocation of licenses for some military, police and Private Security Companies
Reviewing legislation on production, export import brokering and penalising illicit possession Unifying three laws into one	Yes	Yes							New law in 2004 created a new civilian and private security registry, and increased penalties for illicit production
No controls existed prior to 2002 law and 2004 secondary legislation.	Yes	Yes	Yes	Yes	Yes	Yes			
Import and export controls do not cover government imports or exports. Transit controls require an additional permit.	Yes	No	Yes		Yes				New law in 2002. Prior to new law almost everything was permitted and civilian registration was voluntary.
2004 Act made production illegal. Import controls appear minimal	Yes	Yes	Yes		Yes				2004 law introduced more stringent measures for obtaining a firearms license and increased penalties for illegal possession
Controls are regularly reviewed	Yes	Yes	Yes	Yes	Yes	Yes			Assault weapons ban expired in 2004
Transit controls cover both international and internal transit.	Yes	Yes	Yes	Yes	Yes	No			New 2002 law reduced minimum age reduced from 21 to 18; more rigorous control of firearms owners by the government was mandated.
Disarmament law in 2002, but no change to production or import controls	Yes	Yes	No		Yes				New law in 2002
	<b>21</b>	<b>14</b>	<b>19</b>	<b>7</b>	<b>18</b>	<b>6</b>	<b>2</b>	<b>1</b>	

Global  
Table

## 2

## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Specific Controls over Brokering Activities	Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls
Albania	No		Yes	No		Yes	Yes	Yes	No	No						
Armenia	Yes		Yes	Yes		No	Yes	Yes		Yes		No				
Austria	Yes		Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes		Yes	
Azerbaijan	Yes	No	Yes	Yes				Yes	Yes	Yes						
Belarus	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No				
Belgium	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Some	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bulgaria	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Croatia	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No				
Czech Republic	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes	Yes	No		Yes	Yes	Yes	Yes	Yes				
Estonia	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Finland	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
France	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	No
Georgia	Yes	Yes	Yes	Yes		Yes	No	Yes	Yes	Yes	Yes	No				
Germany	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No
Greece	Yes		Yes		Yes			Yes		Yes	No		No			
Hungary	Yes	Yes	Yes	Yes	Yes	Yes	Some	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ireland	Yes		Yes	Yes	Yes	Yes		Yes		No	No	No	Yes	No	No	No
Italy	Yes	No	Yes	Yes	Yes	Yes	Yes some	Yes	Yes	Yes	Yes	Yes				
Kazakhstan (Republic of)	Yes		Yes			Yes		Yes								
Kosovo (entity)	Yes		Yes					Yes		Yes						
Kyrgyz Republic			Yes	Yes	No	No	No	Yes	Yes			No				

COMMENTS	ILLICIT POSSESSION		ILLICIT TRADE		ILLICIT MANUF- ACTURING		ILLICIT STOCKP- ILING		COMMENTS
	Criminalisation of illicit Civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
	Yes	No	Yes		Yes		Yes		
Export control reviewed in Orders of the Minister of Interior in 2002.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Criminal Code amended August 2003. New law on ownership of non-automatic weapons for self-defence being prepared
New Foreign Trade Act May 2005	Yes		Yes		Yes				
A new export law was drafted in 2003 with western assistance.	Yes		Yes		Yes				
New decrees in 2003 on export and import, and in 2002 on Transit	Yes	No	Yes		Yes		Yes		Private trade and manufacture are prohibited.
Export controls Reviewed in 2003 with introduction of brokering controls. Unaffected by recent transfer of competencies. Review did not affect production and import controls.	Yes	Yes	Yes		Yes				Review process recently launched
Brokering controlled by the 2003 Law. Production control reviewed 2004				Yes					
July 2002 export control review introduced brokering controls and regulations on EUCs. Production controls amended September 2003.	Yes	Yes	Yes	Yes	Yes		Yes		Possession regulations amended 2002. Controls on trade amended in 2003.
New production law in 2002, one change in October 2003. Export and import law being drafted, will include brokering.	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Law on Arms covers possession, amended in 2001 and 2002. Law on Production and trade introduced in 2002
New laws in 2004. Transit controls only cover firearms and ammunition	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New law in 2004
Export, Import and Transit new law in September 2004. Brokering law introduced March 2005. Not yet adopted.	Yes	Yes	Yes	Yes	Yes	Yes			New Weapons and Explosives Act September 2004.
	Yes		Yes		Yes				
Production law reviewed 2002, Export, Transit and Import laws amended 2002; New Brokering law came into force in December 2002. Register planned.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Firearms act amended in 2003
2002 Decree on registration of brokers	Yes		Yes		Yes				
Presidential decree in 2003 added import control to scope of export law. Reviewed twice in 2004. Law mentions reexport, but stipulates that no permit of original exporter is required.	Yes	No	Yes	No	Yes	No			
Amendments to laws in April and December 2003, and in 2004; brokering controls will be amended in 2005.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Yes		Yes						
Export, Transit and brokering controls tightened in 2004. New law on weapons production in 2005	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New law in 2004. Seen as among the most rigorous in the region. Manufacturing and stockpiling controls under review in 2005.
Review of legislation in 2003, published in July 2004. Identified need for new primary legislation on exports. Brokering will be controlled in new laws.	Yes	Yes	Yes		Yes		Yes		Forthcoming legislation will increase penalties in some areas in relation to illicit possession of firearms.
Slight amendments to export, import and transit laws in 2003. Ministry of Justice task force is elaborating national legislation on brokering	Yes	No	Yes		Yes		Yes		
	Yes		Yes		Yes		Yes		
Import control law in November 2001	Yes								

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Table

## 2

## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Specific Controls over Brokering Activities	Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls
Latvia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Liechtenstein	Yes		Yes					Yes		Yes		Yes				
Lithuania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	No
Macedonia (FYRoM)	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No
Malta	Yes	Yes	Yes	Yes	Yes			Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Moldova	Yes	No	Yes	No	Yes	Yes	No	Yes	No	Yes		Yes		No	Yes	Yes
Monaco	Yes		Yes					Yes								
Netherlands			Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No
Norway	Yes		Yes		Yes	Yes	Yes	Yes		Yes	No	Yes	No	No	Yes	Some
Poland	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes			
Portugal	Yes	No	Yes	No	Yes	Yes		Yes	No			No				
Romania			Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No
Russian Federation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No				
Serbia and Montenegro	Yes	Yes	Yes	Yes				Yes	Yes							
Slovakia	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes	Yes	Yes	Yes	
Slovenia	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes				
Spain	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	
Sweden	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Switzerland	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	Yes		Yes		Yes	Yes	No
Tajikistan	Yes	No	Yes	No	No	No	No	Yes	No	Yes	No	No				
Ukraine	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
United Kingdom	Yes	No	Yes	Yes	Yes			Yes	No	Yes	Yes	Yes	Yes	No	Yes	No
<b>TOTAL</b>	<b>41</b>	<b>20</b>	<b>45</b>	<b>33</b>	<b>32</b>	<b>31</b>	<b>20</b>	<b>45</b>	<b>28</b>	<b>38</b>	<b>21</b>	<b>28</b>	<b>18</b>	<b>19</b>	<b>22</b>	<b>11</b>

## MENA

Israel	Yes		Yes					Yes		Yes		Yes				
Jordan	Yes	No	Yes	No				Yes	No	No		No				
Lebanon	No		Yes					Yes		Yes		No				
Syria																
Yemen																
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

COMMENTS	ILLICIT POSSESSION		ILLICIT TRADE		ILLICIT MANUF- ACTURING		ILLICIT STOCKP- ILING		COMMENTS
	Criminalisation of illicit Civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
New Law in force since January 2004 Swiss law applies	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New Law in force since January 2004
Production controls reviewed in 2002. Brokering controls introduced in 2002 Export controls revised in April 2004 to define brokering	Yes	Yes	Yes	Yes	Yes	Yes			New criminal code 2003
New Law on Weapons passed on January 15 2005	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New Law on Weapons passed on January 15 2005
Export Controls amended in 2003 to control brokering. New provisions in legal notice in 2004. Malta is guided by, but not bound by, the EU Code of Conduct criteria	Yes	No	Yes	No					
Two systems: one for military SALW and one for civilian arms	Yes	No	Yes		Yes		Yes		
French Laws on War Material Apply	Yes		Yes		Yes				
New law on transit in January 2002. Further amended in 2004 to apply to all arms.	Yes	No	Yes	No	Yes	No			
Permission required for brokering activity for all resident or domiciled persons	Yes		Yes		Yes				
New law in 2004 amended controls, broadened definition of brokering etc.	Yes		Yes		Yes		Yes		
Brokering Legislation drafted in 2003 and presented to the Minister of Defence	Yes				Yes				
	Yes		Yes	Yes	Yes				
8 amendments to Federal Law on Arms (1996) since 2001. Production statutes amended in June 2002.	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Reviews and amendments to law in 2001, 2002, 2003, 2004 and 2005.
	Yes	Yes							
2003 law introduced stricter rules for importing sporting weapons. 2002 strengthened controls and introduced post-shipment verification	Yes	Yes	Yes	Yes	Yes	Yes			New law in 2003 introduced more detailed list of weapons. 2004 review introduced security clearance for dealers and manufacturers
Law on Arms Amended 2002 and 2004; Law on Defence amended 2002 and 2004 to cover brokering. Transit controlled as export.	Yes		Yes		Yes		Yes		2004 Amended code to make illicit brokering a criminal offence
Transit and Brokering control reviewed July 2004.	Yes	Yes	Yes		Yes				Law on private ownership is under revision
New regulations on export control agreed mid 2005 will not be introduced until review of EU Code of Conduct is finalised.	Yes	Yes	Yes	Yes	Yes	Yes			Undergoing revision
2002 Law on the application of international sanctions strengthened import and export controls			Yes		Yes		Yes		
New law on international transfers on 20 February 2003	Yes		Yes		Yes		Yes		
New Export Controls Act in 2002, came into force in 2004, including brokering controls. Transit controls limited.	Yes	Yes	Yes	No	Yes	No			
	<b>40</b>	<b>19</b>	<b>38</b>	<b>15</b>	<b>37</b>	<b>13</b>	<b>20</b>	<b>7</b>	
	Yes		Yes		Yes		Yes		
	Yes	No	Yes						
	Yes	No							Reportedly no controls over gun dealers
	Yes								
	Yes		Yes		Yes		Yes		
	<b>5</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	

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## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Specific Controls over Brokering Activities	Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls
Bangladesh	Yes		Yes					Yes								
Brunei	Yes		Yes					Yes								
Cambodia	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes					
China	Yes		Yes	Yes		Yes		Yes				No				
<i>Hong Kong (Entity)</i>			Yes	Yes		Yes		Yes	Yes	Yes	Yes					
India	Yes	Yes	Yes	No	No	Yes		Yes				No				
Indonesia	Yes		Yes			Yes				Yes		No				
Japan	Yes		Yes	Yes				Yes				Yes				
Laos			Yes	Yes				Yes	Yes			No				
Malaysia	Yes	No	Yes	No				Yes	No	Yes		No	No			
Myanmar	Yes											No				
Nepal	Yes		Yes					Yes								
Pakistan	Yes	No	Yes	No	Yes	Yes	Yes	Yes		Yes						
Philippines		No		No					No							
Republic of Korea	Yes		Yes			Yes		Yes								
Singapore	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sri Lanka	Yes	No						Yes		No	Yes	No				
<i>Taiwan (Entity)</i>																
Thailand	Yes		Yes					Yes		Yes		No				
Vietnam			No					Yes								
<b>TOTAL</b>	<b>15</b>	<b>3</b>	<b>15</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>2</b>	<b>16</b>	<b>4</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

## OCEANIA/PACIFIC

American Samoa	Yes	No	No					Yes								
Australia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No				
Cook Islands	No	No	No	No				Yes	No			No	No			
Fiji	Yes	Yes	Yes	Yes	No			Yes	Yes	Yes	Yes	No	No			
French Polynesia	Yes							Yes								
Kiribati	Yes	No	No	No				Yes	No		No	No				
Marshall Islands	Yes	No	Yes	No	No	No	No	Yes	No	Yes	No	No				
Micronesia (Federated States of)	Yes	No	No	No				Yes	No			No				
Nauru	No		No					No								

COMMENTS	ILLICIT POSSESSION		ILLICIT TRADE		ILLICIT MANUFACTURING		ILLICIT STOCKPILING		COMMENTS
	Criminalisation of illicit Civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
	Yes		Yes		Yes				
	Yes		Yes		Yes		Yes		
New Law in April 2005	Yes	Yes	Yes	Yes	Yes	Yes			New Law in April 2005
Export laws amended in October	Yes		Yes		Yes		Yes		
The licensing requirements for Import, export and transit were revised on 16th April 2004.									
Changes to regulations on brokering and production revised in 2001. Brokering was simply legalized. No evidence of a regulatory system for brokering activities.	Yes	Yes	Yes		Yes				2002 Prevention of Terrorism Act included some provisions on possession - now being repealed
	Yes		Yes						Law being amended in 2005 to change definition of SALW and penalties
Export laws prohibit export, but are under review. May affect possible SALW transfers.	Yes		Yes		Yes				
October 2001 Presidential Decree regulates import and export. List of prohibited goods amended in February 2004.									
	Yes	No	Yes	No	Yes	No	Yes	No	
	Yes		Yes		Yes				
	Yes		Yes		Yes		Yes		
	Yes		Yes		Yes		Yes		Arms ordnance amended in 2001
	Yes	Yes	Yes	No	Yes	No			Supreme court decision in January 2003 upheld Executive Order to halt issuance of permits to carry firearms
			Yes		Yes				
Arms and Explosives Act Amended 2002	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Yes		Yes		Yes		No		
	Yes	Yes	Yes	Yes	Yes	Yes			
New law to control MANPADS being drafted on basis of APEC's Bangkok Declaration 2003	Yes		Yes		Yes				Ministry of Interior suspended granting of licenses for all types of rifles in May 2003.
	<b>16</b>	<b>5</b>	<b>17</b>	<b>3</b>	<b>16</b>	<b>3</b>	<b>6</b>	<b>1</b>	
Prohibition on manufacture of certain types of small arms	Yes		Yes		Yes				
	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Toughened penalties in 2002.
Import prohibited. Law allows for export prohibition	Yes	No	Yes	No	No	No			
New law in 2003	Yes	Yes	Yes	Yes	Yes	Yes			New law in 2003
Express prohibition on production	Yes								French law
Import prohibited. Production controls are a formality, it is effectively prohibited.	Yes	No	Yes	No	Yes	No			
Production and Import expressly prohibited.	Yes	No	Yes	No	Yes	No			Banned all ownership
	Yes	No	Yes	No	Yes	No			
	Yes		Yes		No				Possession in prohibited

Global  
Table

## 2

## Laws and Procedures

COUNTRY	PRODUCTION CONTROLS		EXPORT CONTROLS					IMPORT CONTROLS		TRANSIT CONTROLS		BROKERING CONTROLS				
	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Assessment of Risk of Diversion	Authenticated EUCs required	Retransfer Notification	Laws and procedures	Review since 2001	Laws and procedures	Review since 2001	Specific Controls over Brokering Activities	Review since 2001	Registration of Brokers	Licensing individual deals	Extra-Territorial controls
New Caledonia	Yes							Yes								
New Zealand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No				
Niue	No	No	No	No				Yes	No		No					
Palau	Yes	No	No	No	No			Yes	No		No					
Papua New Guinea	Yes	No	No	No				Yes	No		No					
Samoa	Yes	No	No	No				Yes	No		No					
Solomon Islands	Yes	Yes	Yes	No				Yes	No	Yes	No	No				
Tonga	Yes	No	No	No				Yes	No		No					
Tuvalu	Yes	No	No	No				Yes	No		No					
Vanuatu	No	No	No	No				Yes	No		No					
Wallis and Futuna	Yes							Yes								
<b>TOTAL</b>	<b>16</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>19</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GLOBAL TOTAL</b>	<b>116</b>	<b>47</b>	<b>111</b>	<b>63</b>	<b>41</b>	<b>58</b>	<b>28</b>	<b>135</b>	<b>51</b>	<b>79</b>	<b>38</b>	<b>37</b>	<b>27</b>	<b>25</b>	<b>30</b>	<b>15</b>



COMMENTS	ILLCIT POSSESSION		ILLCIT TRADE		ILLCIT MANUF- ACTURING		ILLCIT STOCKP- ILING		COMMENTS
	Criminalisation of illicit Civilian possession	Review since 2001	Criminalisation of illicit trade	Review since 2001	Criminalisation of illicit manufacturing	Review since 2001	Criminalisation of illicit stockpiling	Review since 2001	
Express prohibition on most production	Yes		Yes		Yes				French/National
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New laws in 2002 and 2005
Law allows for export prohibition	Yes	No	No	No	No	No			
Express prohibition on production. Import prohibited. Law merely allows for for possibility of export	Yes		No		Yes				Possession is prohibited
Express prohibition on production	Yes	No	Yes	No	Yes	No	Yes		
Law allows for prohibition of export	Yes	No	Yes	No	No	No			
	Yes	Yes	Yes	No	Yes		Yes		2003 Weapons surrender also made possession illegal.
Express prohibition on production	Yes	No	Yes	No	Yes	No			
	Yes	No	No	No	Yes	No			
No production controls except 1979 prohibition on making certain types of arms	Yes	No	Yes	No	Yes	No			
Express prohibition on production	Yes								French law applies
	<b>20</b>	<b>4</b>	<b>15</b>	<b>3</b>	<b>14</b>	<b>3</b>	<b>4</b>	<b>1</b>	
	<b>134</b>	<b>50</b>	<b>119</b>	<b>35</b>	<b>112</b>	<b>32</b>	<b>40</b>	<b>11</b>	

Global  
Table

## 3

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	

## AFRICA

Angola	Yes					Yes			April 2002 some UNITA weapons caches destroyed on the spot
Botswana	Yes	Yes				Yes	A	A	
Burkina Faso	Yes	Yes							
Burundi									
Cameroon	Yes	Yes	Yes						
Central African Republic					Yes				
Chad						Yes			
Congo (Republic of)						Yes			Destruction part of DDR
Democratic Republic of Congo	Yes	Yes	No		Yes				Symbolic destruction in 2002
Djibouti	No					Yes			Destroyed 1,160 weapons from DDR June 2001
Eritrea									
Ethiopia	Yes		Yes	Standards reviewed in draft legislation.					
Ghana	Yes	Yes		Checks on police stocks reportedly irregular					Destroyed 874 in July 2001; 200 in July (9th) 2004
Guinea	Yes								Destruction of PK 40 arms and ammunition with US support took place Sept-Nov 2003.
Guinea Bissau	Yes	No							
Kenya	Yes	Yes							Some destruction has taken place.
Lesotho	No				Yes				Carried out by South Africa
Liberia									
Malawi	Yes	Yes	No	Military regularly review stocks. Police do not.					Some destruction has taken place.
Mali	Yes	Yes	No			Yes		A	Collected weapons destroyed by the state.
Mauritius	Yes				Yes		A		
Mozambique						Yes			Destructions under Operation Rachel, and recent British Assistance
Namibia	Yes								
Niger						Yes			

Disarmament					Marking, Record Keeping and Tracing					
DDR	VWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
				Disarmament stage of DDR completed. Some continued sporadic handing in to police. Awareness raising and civil society involvement significant						
No	No	No	No		No		I, E	M or D	No (unreliable and not computerised)	A
No				Has concluded an agreement with the World Bank to fund DDR	No		No		Some	
Yes				UNDP weapons collection						
Yes					Yes					
					No		No		Some	
					No		No I, E		No	No
	Yes						I	M, D	Yes	B
Yes			Yes	Disarmament of armed rebels following 2000 rebellion					Yes	
Yes			Yes						No	No
					No				No	
Yes				DDR Plus a voluntary disarmament exercise in 2004 involving civil society	No				No	
	Yes	Yes		Buyback	No		I		No	
Yes	Yes			Current weapons for micro-development projects funded by Belgium, implemented by the NatCom.						
					No				Some	
	Yes			VWCP by NGO Mozambique Christian Council.	No				Some	
No	No	No	No		Yes				Some	
	Yes									

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Table

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## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
Nigeria	Yes		No		Yes	Yes	A	A	Several times in different states
Rwanda	Yes	Yes	Yes						
Seychelles	Yes	Yes			Yes	Yes			
Sierra Leone	Yes	Yes	No			Yes	B	B	
South Africa	Yes	Yes	No		Yes	Yes			450,000 in the last couple of years
Sudan	Yes	Yes	Yes	Are reportedly periodic reviews of procedures	Yes				February 2003 destruction of Invalid weapons
Swaziland									
Tanzania	Yes	Yes	Yes						
Uganda	Yes		Yes	In the process of establishing a national register					
Zambia	Yes					Yes			July 2003
Zimbabwe	Yes	Yes			No	Yes	A	A	
<b>TOTAL</b>	<b>24</b>	<b>15</b>	<b>6</b>		<b>8</b>	<b>14</b>	<b>4A, 1B=5</b>	<b>4A, 1B = 5</b>	

## AMERICA

Argentina	Yes	Yes	Yes	2004 law requires the Ministry of Defence (national arms register) and Ministry of Justice and Security to develop common standards.	Yes	Yes		A	RENAR destroyed 60,000 small arms from confiscation and voluntary collection
Bolivia	Yes	Yes	No	Procedures reportedly inadequate. Reviews of stocks occur in only some cases	Yes				Armed forces artillery destroyed in 2002
Brazil	Yes		No	Each force/police agency has its own regulations		Yes		A	Large numbers of collected weapons destroyed (e.g 130,000 in Rio de Janeiro)
Canada	Yes								Destruction occurs at local level
Chile	Yes					Yes			November 2004, destroyed 2,800 firearms held in judicial custody
Colombia	Yes		Yes	Being reviewed	Yes				Some surplus destroyed in 2001 and 2002
Costa Rica	Yes	Yes	No			Yes		B	Public arms destructions in 2001, 2004, 2005 and 2006
Dominican Republic			No		No	No			
Ecuador	Yes	No	No			Yes			September 2004 more than 2,500 weapons confiscated from criminals were destroyed

Disarmament					Marking, Record Keeping and Tracing					
DDR	WWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
	Yes		Yes	Buyback						B
					No		R			
Yes	Yes		Yes	CACD Weapons for development	No		I		Yes	No
		Yes		Amnesty in 2005 had collected 12,306 weapons by 3rd March	Yes		I	C D	Yes	A
Yes	Yes	Yes	Yes	New interim DDR programme being implemented	Yes		I	M	Yes	B
					No		Some basic		No	
	Yes									
	Yes		Yes	WWCP collected 10,000 in 2001. Forcible disarmament in Karamoja in 2001 collected less than 1000 weapons New disarmament plan will take place in 2006	No			No	No	No
	Yes	Yes		Done "on an ongoing basis"	No		I 2	D		
						No	No	Yes	Yes	
<b>9</b>	<b>11</b>	<b>4</b>	<b>6</b>		<b>4</b>			<b>6</b>	<b>12</b>	<b>2A, 3B</b>
					Yes		I, E, R	M, C, D	Yes	A
	Yes			Weapons exchanged for foodstuffs and small community development projects			I	N	No	A
	Yes	Yes		WWCP began July 2004. Had collected 331,322 SALW as of May 2005. Involved awareness raising, buyback.	Yes	New law ammunition marking	E	M or D	Yes	A
	Yes			Various WWCPs	Yes	New legislation	I, E	M	Yes	A
							I, and at time of purchase	M or D	Yes	ad hoc
Yes	Yes			Initiated DDR for Paramilitaries. WWCP involves buyback.	No			No	No	A
		Yes					I	M or D	Yes	A
					No			No	Yes	No
								D	Yes	A

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Table

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## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
El Salvador	Yes	Yes	No			Yes			6,669 unusable or illegal types of confiscated weapons
Guatemala	Yes					No			
Honduras	Yes		No			Yes			April 2003 UNDP funded destruction
Jamaica						Yes			
Mexico			No			Yes			42,000 destroyed in 2004
Nicaragua	Yes				Yes				666 MANPADS
Panama					Yes				418 SALW destroyed 2005
Paraguay	Yes	No	No	The new law and guiding ministerial resolution call for regular reviews of stocks, but not yet fully implemented.	Yes				September 2003 3,000 weapons, 70 tons ammunition and grenades (further destruction planned for 2005) supported by UN-LiReC
Peru	No		No		Yes				Lima 2006 Challenge UN Li-REC
United States of America	Yes	Yes			Yes	Yes	B	B	
Uruguay			No						
Venezuela			No			Yes			Army destroyed 130,000 weapons in recent years
<b>TOTAL</b>	<b>14</b>	<b>5</b>	<b>2</b>		<b>8</b>	<b>11</b>	<b>1B</b>	<b>2A, 2B = 4</b>	

## EUROPE

Albania	Yes	No		Record books checked regularly. No information on checks on stocks.	Yes	Yes		A	
Armenia	Yes	Yes	No						All illegal weapons go into state arsenals. Unmarked and unusable weapons are claimed to be regularly destroyed
Austria	Yes	Yes					B	A	Disposal regulated by July 2001 law. Currently being revised
Azerbaijan	Yes			A commission has been established by The Ministry of Internal Affairs to verify storage					Weapons deemed unsuitable for further use are destroyed

Disarmament					Marking, Record Keeping and Tracing					
DDR	WCWP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
					No			Confiscation by police	Yes	A
No	No	No	No		No				Some	No
	Yes	Yes		In 2003 2137 weapons collected with UNDP support. In 2004 National Amnesty collected 2,700 weapons	No			No	Yes	no
	Yes			Several WCWPs	No		No	No	No	No
		Yes		New law in 2004 included temporary decree for amnesty and legalisation	Yes	Only requirements are for military arms to be marked	I	M, D	Yes	A
	Yes			Arms for food						
					Yes	Serial numbers and others.		M, C		B
					No			C	Some	No
	Yes	Yes		Buybacks in different cities. ATF receives firearms voluntarily abandoned by individuals	Yes		I	M, D		A
					No			No	Yes	B
			Yes	Plan Xmas in 2004 Government intensified weapons raids and operations	No		No		Yes	A
<b>1</b>	<b>8</b>	<b>5</b>	<b>1</b>		<b>6</b>			<b>12</b>	<b>14</b>	<b>12A, 2B</b>
	Yes			UNDP weapons for development programme	No				Outdated paper based system	
No				If weapons voluntarily surrendered, exempt from criminal liability, if no other criminal offence	Some		I, E, R	C, D	Yes	B
					Yes		I		Yes	
No	No	No	No		Some	Index number of manufacturer and year			Yes	B

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
Belarus	Yes	Yes	Yes	Reviews of procedures ongoing since 2002 (with NATO, OSCE, and JACIG)	Yes	Yes	B	A	Surplus SALW being decommissioned with NATO assistance. Weapons collected from civilians regularly destroyed. 66,407 SALW destroyed in 2003
Belgium	Yes	Yes							
Bosnia and Herzegovina	Yes		Yes	Current defence reform to meet NATO standards includes stockpile management	Yes	Yes	B		20,000 surplus army SALW in November 2004
Bulgaria	Yes	Yes	Yes	Reviews of stocks reportedly inadequate. Review of standards only for ammunition stocks	Yes				2001 agreement with USA for destruction of up to 150,000 SALW (90,000 so far).
Croatia	Yes	Yes	No		Yes		B	A	
Cyprus									Some destruction
Czech Republic	Yes	Yes	Yes	Improvement of technical means of security systems	No	No	B		Policy allows for transfer
Denmark	Yes	Yes					A	A	
Estonia	Yes	Yes	Yes		No	Yes	A	A	Regular destruction claimed to take place
Finland	Yes					Yes		B	Weapons from ongoing amnesty are either licensed, handed over to authorities or destroyed
France	Yes	Yes	No		Yes	Yes			
Georgia	Yes			Implementation is reportedly poor, particularly outside of the MoD.		Yes		B	Confiscated and collected weapons destroyed under OSCE Programmes but not from Ajara collection
Germany	Yes	Yes	Yes	Procedures reviewed in 2002	Yes	Yes	A	C	Almost 1.8 million surplus weapons destroyed since 1990. Non-military Weapons seized by customs are sold to authorized dealers
Greece	Yes					No			Modifications to law expected to regulate destruction of confiscated weapons
Hungary	Yes	Yes	No		No	Yes			
Ireland	Yes	Yes							
Italy	Yes	Yes					C	C	



Disarmament					Marking, Record Keeping and Tracing						
DDR	WWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)	
No	No	No	No		No	Former-USSR system	I	No	Yes	B	
No	No	No	No		Some	Marking required, but not unique, not defined in law		D	Yes	A	
Yes	Yes	Yes	Yes		Yes		I, E	M	No	A	
				Proposals for amnesties in 2002 and 2004 were stymied	Yes			Marking	Yes	A	
	Yes	Yes		Numerous amnesties and buybacks within "Farewell to Arms"	No	Has accepted the Firearms protocol into law					
No	No	No	No		Yes		N, I2, E, R	Yes	Yes	A	
No	No	Yes	No	Regular "safe-conducts" (amnesties). Latest in August – September 2003.	Yes		I	M	Yes	A	
No	No	Yes	Yes		Yes		No	Yes	Yes	A	
No	No	Yes	No	Permanent amnesty introduced into law 1 January 2004	Some			Marking before can be licensed	Yes		
No	No	No	No		Yes		No	D	Yes		
	Yes	Yes		May 2004 in Ajara collected 3,000 in ten days. South Ossetia WWCP from 2000 to 2002	Yes			M	No	A	
					Yes	Some Secondary marking	I, I2, E, R		Yes		
					Some				Yes	A	
					Yes	Amended	I2	D	Yes	A	
					Yes		I, R	C, M, D	Yes	A	
					Yes				Yes	B	

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
Kazakhstan (Republic of)	Yes	Yes	No						Some destruction in 2004
<i>Kosovo (entity)</i>						Yes			
Kyrgyz Republic	Yes	Yes							
Latvia	Yes	Yes	Yes	Merging of armouries and computerisation of accounting system in 2002		Yes		A	
Lithuania	Yes	Yes	No				C	B	Regular destruction
Macedonia (FYRoM)	Yes	Yes	Yes	Reviewed standards in 2005	No	Yes		A	All from weapons collection. Confiscated weapons are destroyed annually
Malta	Yes	Yes	No			Yes		A	
Moldova	Yes	Yes	No			Yes	C	A	Inventory of all state holdings following thefts from military stocks 2005
Monaco									
Netherlands	Yes	Yes			No		A	A	All police surplus, most others are destroyed. All confiscated.
Norway	Yes						C	A	Unfit weapons destroyed other surplus are stored
Poland	Yes	Yes	No				A		Very few weapons are designated as "Surplus" but another category – "reserve" weapons which may be sold
Portugal	Yes	Yes					B	B	Surplus only destroyed if unfit for sale
Romania	Yes	Yes	No		Yes		B	B	200,000 weapons destroyed
Russian Federation	Yes	Yes	Yes	Multi-layer system of accounting, control and storage. But some problems in implementation	Yes	Yes	B	A	In 2001, 21,000 destroyed. In first half of 2003 35,000 destroyed. National Programme for destruction of surplus until 2010 - needs funding
Serbia and Montenegro	Yes	Yes			Yes		A	A	
Slovakia	Yes	Yes	Yes	2002 law introduced security clearance for personnel dealing with stocks					
Slovenia	Yes	Yes	Yes	In process of harmonising the levels of security protection for all storage places	Yes	Yes			Conducted three times a year
Spain	Yes	Yes	No		No	No		B	Unmarked surrendered weapons are destroyed

Disarmament					Marking, Record Keeping and Tracing					
DDR	WWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
				Some weapons collection	Some					
Yes		Yes								
No	No	No	No				I, E, R	C, D	Yes	A
				Amnesty planned for the near future	Yes		I	M, D	Yes	No
Yes		Yes		2001 DDR "Essential Harvest". Amnesty 01 Nov – 15 Dec 2003.		Law planned for revision	I	M, D	Yes	A
No	No	No	No				I, E		Yes	
	Yes	Yes	No	2003 WWCP and amnesty 112 voluntarily given, and 103 "found ownerless"	No				Yes	B
					No	Being drafted				
	Yes	Yes				All SALW held by defence organisation are marked	Plan to introduce import marking	D	Yes	A
		Yes		1 year amnesty from 1 September 2003 to 31 August 2004.	Yes	All armed forces weapons			Yes joint military, police system being developed for January 2006	
					Yes		I	C	Yes	
					Yes				Yes	
					Yes				New national register being created	
Yes	Yes	Yes	Yes	2001 failed buyback in Moscow region. Amnesty, in early 2002, collected 16,000 firearms. Special operations for seizure in Chechnya 2002 and 2003. Permanent Amnesty	Yes		I, E, R	D, C	Yes	A
	Yes	Yes			Yes		I, E	M	Yes	No B
No		Yes		July 2004 change in arms law led to an amnesty and legalisation process	Yes	Changed in 2002		C, M	Yes	
No	No	No	No		Yes		I	M, D	Yes	A

Global  
Table

## 3

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
Sweden	Yes						B	B	Regular destruction, but not all
Switzerland	Yes	Yes			Yes	Yes		A	
Tajikistan	Yes				Yes	Yes			
Ukraine				Has requested assistance from OSCE	Yes	Yes			Large destruction of SALW and ammunition with NATO PFP
United Kingdom	Yes	Yes			Yes		B		Most are destroyed, some sold on. All surplus ammunition is sold
<b>TOTAL</b>	<b>41</b>	<b>32</b>	<b>11</b>		<b>15</b>	<b>19</b>	<b>6A, 10B=16</b>	<b>15A, 7B=22</b>	

## MENA

Jordan	Yes	No	No						
Kuwait									
Lebanon	Yes	Yes							
Syria	Yes								
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

## ASIA

Afghanistan									
Bangladesh	Yes	Yes			Yes	Yes	B	B	2002 adopted a national policy on disposal of SALW. Some are destroyed and some are reallocated or stored
Cambodia	Yes		Yes	Significant revision of stockpile management and security New centralised computerised database	Yes	Yes	A	A	Over 195,000 SALW destroyed since 1998
China	Yes	Yes				Yes		A	4 million confiscated SALW destroyed since 1996
India	Yes	Yes		Stocks reviewed quarterly					Some destruction has taken place
Indonesia						Yes			846 weapons destroyed under Indonesia-GAM peace agreement 2005
Japan	Yes	Yes							

Disarmament					Marking, Record Keeping and Tracing					
DDR	VWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
No	No	No			Yes		I, E	M, D	Yes	A
Yes	Yes	Yes	Yes	26,000 weapons since 1994 (10% forcibly collected)	No		No	No	Yes	A
					Yes			M, D		
		Yes		31 March to 30 April 2003 amnesty collected 43,908 guns and over 1 million rounds of ammunition	Yes				Yes	
<b>5</b>	<b>9</b>	<b>16</b>	<b>4</b>		<b>29</b>			<b>23</b>	<b>35</b>	<b>17A, 6B</b>
					Yes		I, E			
		Yes		Amnesty February to May 2005			I	No	No	No
									Yes	
<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>		<b>1</b>			<b>0</b>	<b>1</b>	<b>0</b>
Yes				DDR supported by Japan, Pakistan					Yes but some problems	
Yes	Yes		Yes	Various disarmament projects	Yes	No production			Yes	
			Yes	A number of special campaigns to confiscate weapons (30,000 collected by 2002)	No	Being reformed			Yes	A
				Reportedly some form of disarmament in conflict areas	Yes				Yes	
Yes				DDR under Indonesia - GAM peace agreement 2005	Some		I			
					Yes		Yes			

Global Table

# 3

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal				Comments
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	
Malaysia	Yes	Yes							Ineffective arms are destroyed
Myanmar									
Pakistan	Yes	Yes				Yes			2001 VWCP/Recovered illicit weapons destroyed by heavy road rollers
Philippines	Yes	Yes				Yes			Public destruction ceremonies in July 2001 and July 2002
Republic of Korea	Yes	Yes				Yes	B		Confiscated weapons destroyed annually
Singapore	Yes	Yes	Yes		Yes				
Sri Lanka	Yes								
Taiwan (entity)									
Thailand	Yes	Yes	Yes	Navy currently revising record keeping	Yes				OSCE destruction began in November 2005
Trinidad and Tobago	Yes	Yes	Yes						Reviewing destruction method
<b>TOTAL</b>	<b>13</b>	<b>11</b>	<b>4</b>		<b>4</b>	<b>7</b>	<b>1A, 2B=3</b>	<b>2A, 1B=3</b>	

Disarmament					Marking, Record Keeping and Tracing					
DDR	WWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
No					Some	Working to harmonise marking system with UN Firearms Protocol			Yes	A
	Yes	Yes		Deweaponisation	Yes		R	C	Yes	A
		Yes			Yes			D	Yes: Being improved	No
		Yes		Annual amnesties	Yes		All military arms		Yes	A
					Yes		Yes	Yes	Yes	No
	Yes	Yes		January 2004 and October 2004 to January 2005	Yes					
		Yes		3 month amnesty in 2004						
		Yes		7 amnesties implemented. Latest in 2003						B
							I	No	Yes	A
<b>3</b>	<b>2</b>	<b>6</b>	<b>2</b>		<b>10</b>			<b>3</b>	<b>11</b>	<b>5A, 1B</b>

Global Table

# 3

## Weapons Management

COUNTRY	Stockpile Management and Security				Destruction and Disposal			
	Procedures and systems exist	Regular Reviews of Stocks	Review of standards and procedures since 2001	Comments	Destroyed Surplus	Destroyed Collected, confiscated	Disposal Policy and Practice: Surplus arms: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed	Disposal Policy and practice: Collected and Confiscated Weapons: A= Usually Destroyed, B= Sometimes Destroyed but other disposal often authorised, C= Seldom/Never destroyed

### OCEANIA/PACIFIC

American Samoa									
Australia	Yes	Yes			Yes	Yes	A	A	
Cook Islands			Yes						
Fiji	Yes		Yes	State Armouries modernised					
French Polynesia									
Marshall Islands	Yes	Yes					B	A	Surplus are reportedly destroyed often
Micronesia (Federated States of)	Yes								
New Caledonia									
New Zealand	Yes	Yes			Yes	Yes	A	A	Declared national policy of destruction
Papua New Guinea	Yes	Yes	Yes	State Armouries modernised	Yes	Yes	B	C	Seized crime guns often recirculated
Samoa			Yes						
Solomon Islands	Yes	Yes	Yes	State Armouries modernised	Yes	Yes	A	A	
Tonga			Yes						
Vanuatu			Yes						
Wallis and Futuna									
<b>TOTAL</b>	<b>7</b>	<b>5</b>	<b>7</b>		<b>4</b>	<b>4</b>	<b>3A, 2B=5</b>	<b>4A</b>	
<b>TOTAL</b>	<b>102</b>	<b>69</b>	<b>30</b>		<b>39</b>	<b>55</b>	<b>14A, 16B =30</b>	<b>27A, 11B =38</b>	



Disarmament					Marking, Record Keeping and Tracing					
DDR	WWCP	Amnesty	Forcible Disarmament	Comments	Obligation to Mark all SALW in production, consistent with emerging international standards.	Comments	Other requirements for marking I = all imported arms must be marked. I2= Secondary marking at import E = exported arms must be marked R = all registered civilian arms must be marked	Measures to tackle unmarked or inadequately marked arms C= Criminalisation of possession and/or removal of marking; M= Marking; D = Destruction	Detailed records kept on holdings, transactions and transfers of SALW	Cooperation in tracing (A = actively cooperates in tracing; B = has expressed willingness to cooperate)
		Yes		Firearm buybacks 1996-2004	No		R	C	Some	
					Yes		I	M, D	Yes	A
		No			No		No			
	Yes	Yes		Compulsory firearm collection May 2000						A
					No		No		Some	
					Yes				Some	B
								Some	Some	
		Yes		Ongoing amnesty periodically promoted	No		No		Some	
		Yes			Yes		I	M, D	Some	A
Yes	Yes	Yes		DDR in December 2001 in Bougainville	No		No			B
Yes		Yes		Comprehensive national collection and destruction fo firearms	No		I, R	M		A
							R	M		
					No		No			
					No		No		Some	
<b>2</b>	<b>2</b>	<b>5</b>	<b>0</b>		<b>3</b>			<b>6</b>	<b>8</b>	<b>4A, 2B</b>
<b>20</b>	<b>32</b>	<b>37</b>	<b>13</b>		<b>53</b>			<b>50</b>	<b>81</b>	<b>40A, 14B</b>

Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION		
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol	
Angola			SADC Protocol, Bamako Declaration	No	
Benin			ECOWAS Moratorium; Bamako Declaration	Ratified	
Botswana	No		SADC Protocol; Bamako Declaration	No	
Burkina Faso			ECOWAS Moratorium; Bamako Declaration	Ratified	
Burundi			Nairobi Protocol; Nairobi Declaration; Bamako Declaration; Co-ordinated Agenda for Action.	No	
Cameroon			Bamako Declaration	No	
Cape Verde			ECOWAS Moratorium; Bamako Declaration	Ratified	
Central African Republic			Bamako Declaration	No	
Chad			Bamako Declaration	No	
Congo (Republic of)			Bamako Declaration	No	
Cote d'Ivoire			ECOWAS Moratorium; Bamako Declaration	No	
Democratic Republic of Congo			Nairobi Protocol, Nairobi Declaration, Bamako Declaration, Coordinated Agenda for Action	Acceded	
Djibouti			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	No	
Equatorial Guinea			Bamako Declaration	No	
Eritrea			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	No	
Ethiopia			Nairobi Protocol; Bamako Declaration	No	
Gabon			Bamako Declaration	No	
Gambia			Bamako Declaration	No	
Ghana			ECOWAS Moratorium; Bamako Declaration	No	
Guinea			ECOWAS Moratorium; Bamako Declaration	No	
Guinea Bissau			ECOWAS Moratorium; Bamako Declaration	No	
Kenya			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	Ratified	
Lesotho			SADC Protocol, Bamako Declaration	Ratified	
Liberia			ECOWAS Moratorium; Bamako Declaration	Ratified	
Madagascar			Bamako Declaration	Ratified	
Malawi			SADC Protocol; Bamako Declaration	Ratified	
Mali	No		ECOWAS Moratorium; Bamako Declaration	Ratified	
Mauritius			SADC Protocol, Bamako Declaration	Ratified	
Mozambique			SADC Protocol, Bamako Declaration	No	
Namibia			SADC Protocol, Bamako Declaration	No	
Niger			ECOWAS Moratorium; Bamako Declaration	No	
Nigeria			ECOWAS Moratorium; Bamako Declaration	Ratified	
Rwanda			Nairobi Protocol; Nairobi Declaration; Bamako Declaration; Co-ordinated Agenda for Action;	No	
Sao Tome and Principe			Bamako Declaration	Acceded	
Senegal			ECOWAS Moratorium; Bamako Declaration	Ratified	
Seychelles			Nairobi Protocol; Bamako Declaration	Signed	
Sierra Leone			ECOWAS Moratorium;	Signed	
Somalia			Nairobi Protocol		
South Africa	Yes	To neighbouring states	SADC Protocol; Bamako Declaration	Ratified	
Sudan			Nairobi Protocol; Bamako Declaration.		
Swaziland			SADC Protocol, Bamako Declaration	No	



Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION		
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol	
Tanzania			Nairobi Protocol, Nairobi Declaration, SADC Protocol; Bamako Declaration	Acceded	
Togo			ECOWAS Moratorium; Bamako Declaration	No	
Uganda			Nairobi Protocol, Nairobi Declaration;	Ratified	
Zambia			SADC Protocol and Bamako Declaration; Bamako Declaration	Ratified	
Zimbabwe			SADC Protocol and Bamako Declaration	No	
<b>TOTAL</b>	<b>1</b>				

## AMERICA

Antigua and Barbuda				No	
Argentina			CIFTA; CICAD Model Regulations, MERCOSUR	Signed	
Barbados				Signed	
Belize				No	
Bolivia			CIFTA, CICAD Model Regulations MERCOSUR, Andean Community	No	
Brazil			CIFTA; CICAD Model Regulations, MERCOSUR	Ratified	
Canada	Yes		CIFTA; OSCE Document.	Signed	
Chile			CIFTA, CICAD Model Regulations, MERCOSUR mechanisms	No	
Colombia			CIFTA; CICAD model regulations; Andean Community Decision 552	No	
Costa Rica		Arias foundation provided support	CIFTA, CICAD Model Regulations, Central American Integration System	Ratified	
Cuba				No	
Dominican Republic	No	No	CIFTA, CICAD Model Regulations	Signed	
Ecuador			CIFTA, CICAD Model Regulations, and Andean Plan of Action	Signed	
El Salvador			CIFTA, CICAD Model Regulations, incipient Central American Integration System	Ratified	
Grenada				Ratified	
Guatemala	No		CIFTA, CICAD Model Regulations, Central American Integration System	Ratified	
Guyana				No	
Haiti				No	
Honduras			CIFTA (in October 2004); in process of adopting CICAD regulations. Central American Integration System	No	
Jamaica	No		CIFTA, CICAD	Ratified	
Mexico			CIFTA, CICAD	Ratified	
Nicaragua	No		CIFTA; CICAD model regulations, Central American Integration System	No	
Panama			CIFTA	Ratified	
Paraguay			CIFTA; CICAD; MERCOSUR	No	
Peru	No		CIFTA; CICAD, Andean Community Decision 552;	Ratified	
Saint Kitts and Nevis				Ratified	
Trinidad and Tobago			CIFTA	No	
United States of America	Yes		CIFTA, OSCE Document	No	
Uruguay	No		CIFTA; CICAD model regulations, MERCOSUR	No	



Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION	
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol
Venezuela	No		CIFTA, CICAD, Andean Community Decision 552 Bamako Declaration	No
<b>TOTAL</b>	<b>2</b>			

## EUROPE

Albania			OSCE Document. Stability Pact RIP	No
Andorra			OSCE Document.	No
Armenia	No		OSCE Document.	No
Austria	Yes	OSCE, EAPC	OSCE Document. EU Code of Conduct, Joint Action	Signed
Azerbaijan			OSCE Document	Ratified
Belarus	No		OSCE Document. Has Acceded to the EU Code of Conduct	Ratified
Belgium	Yes	NGO research DDDRR in DRC	OSCE Document. EU Code of Conduct and Joint Action.	Ratified
Bosnia and Herzegovina			OSCE Document. Stability Pact RIP	No
Bulgaria			OSCE Document. Formally Aligned with EU COC and Joint Action, Stability Pact RIP	Ratified
Croatia			OSCE Document; Stability Pact RIP	Ratified
Cyprus			OSCE Document. EU Code of Conduct, Joint Action	Ratified
Czech Republic	Yes	Financial support for DDA in 2004: USD 102,207.69 (CZK 2.5 million)	OSCE Document, EU Code of Conduct and Joint Action	No
Denmark	Yes	Numerous DDR programmes supported	OSCE Document, EU Code of Conduct, Joint Action	Signed
Estonia	No		OSCE Document. EU Code of Conduct, Joint Action	Ratified
Finland	Yes	Significant	OSCE Document, EU Code of Conduct, Joint Action	Signed
France	Yes		OSCE Document. EU Code of Conduct and Joint Action	No
Georgia			OSCE Document.	No
Germany	Yes		OSCE Document. and EU Code of Conduct and Joint Action	Signed not ratified
Greece	Yes		OSCE Document. EU Code of Conduct, Joint Action	Signed
Holy See			OSCE Document.	No
Hungary	No		OSCE Document. EU Code of Conduct, Joint Action	Yes
Iceland			OSCE Document.	Signed
Ireland	Yes		OSCE Document. EU Code of Conduct, Joint Action	Not signed. Claim to expect to ratify in 2006
Italy	Yes		OSCE Document. EU Joint Action, Code of Conduct	Signed. Ratification process ongoing
Kazakhstan (Republic of)			OSCE Document	No
Kosovo (entity)				No
Kyrgyz Republic			OSCE Document	No
Latvia			OSCE Document, EU Joint Action and Code of Conduct	Ratified
Liechtenstein			OSCE Document.	No

		CO-OPERATION WITH CIVIL SOCIETY		TRANSPARENCY AND INFORMATION EXCHANGE		
Member of other multilateral agreement (e.g. Wassenaar)	Bilateral cooperation	Co-operation with civil society Yes/No A = Substantial and Systematic; B= Modest/Partial but improving; C= Modest/Partial and no evidence of improvement; D= Ad hoc/occasional openness; E =Weak	Annual Report on Exports	Other transparency	Participation in information exchange under regional agreement	
		<b>18</b>	<b>4</b>			
					OSCE and Stability Pact	
No Wassenaar		None Yes B	No		OSCE Wassenaar, OSCE, EU	
	Russia	Yes C Yes C	Yes	Import, Ownership	OSCE	
Wassenaar		Yes C	Regional reports	Import	Wassenaar	
Wassenaar	Yes	Yes Yes B	Yes	Ownership ammunition stocks	OSCE, SEESAC Wassenaar	
Wassenaar	Germany	D	No	No	Wassenaar, OSCE	
Wassenaar	Germany	Yes E	Yes		Wassenaar, EU	
Wassenaar	Yes	Yes			Wassenaar, OSCE	
Nordic-Baltic Export Control initiatives Wassenaar	No	Yes Yes A	Yes	Yes	Wassenaar	
Wassenaar		No	Yes		Wassenaar OSCE, EU	
Wassenaar		Yes C Yes A	Yes		OSCE Wassenaar EU, OSCE,	
Wassenaar					Wassenaar	
Wassenaar	No	No			Wassenaar, OSCE	
Wassenaar					Wassenaar Yes	
Wassenaar			Yes		Wassenaar OSCE, EU	
		Yes D	No		OSCE	
		No E	No		OSCE	
Wassenaar, Nodic - Baltic export control initiatives		Yes B	Yes		Wassenaar OSCE, EU	

Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION		
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol	
Lithuania	Yes	To Belarus in OSCE framework	OSCE Document, EU Code of Conduct, Joint Action	Ratified	
Luxembourg	Yes		OSCE Document, EU Code of Conduct, Joint Action	Signed	
Macedonia (FYRoM)	No		OSCE Document, Stability Pact RIP	No	
Malta	No		OSCE Document, EU Code of Conduct, Joint Action	No	
Moldova	No		OSCE Document, Stability Pact RIP	Acceded	
Monaco			OSCE Document.	Signed	
Netherlands	Yes	Substantial: 3 million euro in 2005 dedicated to SALW programs	OSCE Document, EU Code of Conduct; EU Joint Action	Ratified	
Norway	Yes	For surplus destruction US\$2 million per year.	OSCE Document	Ratified	
Poland	Yes		OSCE Document, EU Code of Conduct and Joint Action	Ratified	
Portugal			OSCE Document, EU Code of Conduct, Joint Action	Signed	
Romania			OSCE Document, Stability Pact RIP	Ratified	
Russian Federation	No		OSCE Document, CIS agreement on MANPADS	Ratified	
San Marino			OSCE Document.	No	
Serbia and Montenegro			OSCE Document, Stability Pact RIP	Acceded	
Slovakia			OSCE Document, Aligned with EU Joint Action	Ratified	
Slovenia			OSCE Document, EU Code of Conduct, Joint Action	Ratified	
Spain	Yes		OSCE Document, EU Code of Conduct and Joint Action	No	
Sweden	Yes	Projects on legislation, destruction, capacity building and border controls	OSCE Document, EU Code of Conduct, Joint Action	Signed	
Switzerland	Yes		OSCE Document	No	
Tajikistan			OSCE Document	No	
Turkey			OSCE Document	Ratified	
Turkmenistan				Acceded	
Ukraine			OSCE Document.	No	
United Kingdom	Yes	Very substantial programme of support (over £13 million from 2004 to 2007)	OSCE Documents, EU Code of Conduct and Joint Action;	Signed	
Uzbekistan			OSCE Document.		
<b>TOTAL</b>	<b>19</b>				
<b>MENA</b>					
Algeria				Ratified	
Egypt				No	
Iran	No		No	No	
Israel			No	No	
Jordan	No		No	Signed	





Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION	
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol
Lebanon			No	Signed
Libya				Ratified
Morocco			No	No
Oman			No	Ratified
Qatar, State of			No	No
Saudi Arabia				No
Syria				No
Tunisia				Signed
Yemen				No
<b>TOTAL</b>	<b>0</b>			

## ASIA

Afghanistan				No
Bangladesh			No	No
Cambodia			No. Acting as ASEAN spokesperson on SALW	Acceded
China	Yes		No	Signed, claims to be making preparations for ratification
<i>Hong Kong (Entity)</i>			NA	NA
India			No	Signed
Indonesia			No	No
Japan	Yes	Substantial	No	Signed
Laos			No	Ratified
Malaysia	No		No	No
Maldives			No	No
Mongolia			No	No
Myanmar			No	No
Nepal			No	No
Pakistan			No	No
Philippines	No		No	No
Republic of Korea			No	Signed
Singapore			No	No
Sri Lanka				No
<i>Taiwan (entity)</i>				NA

		CO-OPERATION WITH CIVIL SOCIETY		TRANSPARENCY AND INFORMATION EXCHANGE		
Member of other multilateral agreement (e.g. Wassenaar)	Bilateral cooperation	Co-operation with civil society Yes/No A = Substantial and Systematic; B= Modest/Partial but improving; C= Modest/Partial and no evidence of improvement; D= Ad hoc/occasional openness; E =Weak	Annual Report on Exports	Other transparency	Participation in information exchange under regional agreement	
		No				
		0	0			
	Laos, Myanmar Malaysia and Thailand cooperation to prevent cross-border arms trafficking	Yes A				
	Yes Philippines	Yes				
Wassenaar		Yes C	No		Wassenaar	
Cambodia,, Myanmar Malaysia and Thailand operation to prevent cross-border arms trafficking						
	Cambodia, Laos, Myanmar and Thailand operation to prevent cross-border arms trafficking					
Cambodia,, Laos Malaysia and Thailand cross-border arms trafficking						
		E				
	Indonesia	Yes		Ownership		
Wassenaar					Wassenaar	
		Yes B				

Global  
Table

## 4

International Assistance,  
Co-operation, and Transparency

COUNTRY	DONOR ASSISTANCE		OTHER AGREEMENTS AND REGIONAL AND INTERNATIONAL COOPERATION		
	Provision of Donor assistance	Comments	Member of Regional Agreement on Small Arms	Firearms Protocol	
Thailand				No	
Vietnam				No	
<b>TOTAL</b>	<b>2</b>				

## OCEANIA/PACIFIC

American Samoa			No	No	
Australia	Yes	Substantial	Nadi Framework	Signed	
Cook Islands			Nadi Framework	No	
Fiji	No		Nadi Framework	No	
French Polynesia			No	No	
Kiribati			Nadi Framework	No	
Marshall Islands			Nadi Framework	No	
Micronesia (Federated States of)			Nadi Framework	No	
Nauru			Nadi Framework	Signed	
New Caledonia			No	No	
New Zealand	Yes	Substantial	Nadi Framework	Working towards becoming a party	
Niue			Nadi Framework	No	
Palau			Nadi Framework	No	
Papua New Guinea			Nadi Framework	No	
Samoa			Nadi Framework	No	
Solomon Islands	No		Nadi Framework	No	
Tonga			Nadi Framework	No	
Tuvalu			Nadi Framework	No	
Vanuatu			Nadi Framework	No	
Wallis and Futuna			No	No	
<b>TOTAL</b>	<b>2</b>				
<b>TOTAL</b>	<b>26</b>				



## 3.3 REGIONAL IMPLEMENTATION

### 3.3.1 AFRICA

Small arms proliferation in Africa has sustained violent conflicts, contributed to rising levels of armed crime and undermined broad-based and equitable development on the continent. The long history of internal and regional armed conflicts in Africa some of which are ongoing, the tendency in many countries towards undemocratic political and security systems, weak government capacity and underdevelopment have all posed significant challenges to efforts to establish effective controls on small arms in the region.

Despite these challenges, African states have demonstrated leadership in international efforts to address the proliferation of small arms and important advances have been made since 2001. A strong collective commitment to address the problems associated with small arms was demonstrated with the adoption of the Bamako Declaration in December 2000. This Declaration was important in articulating African priorities on small arms control at the first UN Conference in 2001, and influential in framing discussions of the PoA. However, since 2001, African states have made most progress on small arms control through the sub-regional agreements and processes described in the following sections, rather than through continent-wide initiatives.

#### The African Union

The African Union (AU) is playing an increasingly important role in peace and security issues in Africa. The AU Peace and Security Council (PSC), launched in May 2004, has a specific mandate to promote and encourage the implementation of international agreements on arms control and disarmament. However, the AU's peace and security architecture has focused primarily on peace support operations and crisis management and, despite its mandate, has yet to develop significant capacity to prevent conflict or to co-ordinate action on small arms control.

The AU has pledged political support to the PoA but, to date, its leadership in promoting PoA implementation has been limited. It convened a meeting of over 50 African states in Windhoek, Namibia on 14-16 December 2005, at which states adopted an 'African Common Position' to the UN Review Conference on progress made in implementing the PoA. The Position, which was endorsed by the Executive Council of the AU in January 2006, reaffirms the AU's support for the PoA and highlights a number of areas for support by African states. However, a number of African governments were disappointed with this Position, as the agenda that it articulates is in many respects less progressive than previous African initiatives, including the Bamako Declaration and existing sub-regional agreements on small arms control.

Progress in implementing the PoA since 2001 has varied considerably between different African sub-regions and countries. While some countries have taken significant steps to address small arms and to implement the PoA, others have lagged behind or made little, if any, progress. One approach that many African states have taken on and that has proven useful has been to formulate National Action Plans that enhance implementation by clearly identifying needs and strategies. Such plans have now been developed in Botswana, Guinea and Namibia and are now being implemented in Kenya, Tanzania and Uganda. In addition, a growing number of African countries (for example, Ethiopia and Malawi) have established national co-ordination agencies on small arms control. However, despite these positive trends, many of these agencies lack the requisite political support and technical and financial resources required to take meaningful action to implement the PoA.

## The Great Lakes Region and Horn of Africa

The Great Lakes Region and Horn of Africa are severely affected by the proliferation of small arms. A number of countries such as Sudan have recently emerged from protracted armed conflicts and face particular challenges associated with disarming, demobilising and reintegrating combatants and addressing the widespread availability of small arms in divided societies. Demand for small arms continues to be fuelled by ongoing conflicts, such as that in the Democratic Republic of Congo (DRC). Furthermore, the widespread availability of small arms is an important factor driving increasing levels of armed crime, in both urban and rural areas.

There have been significant challenges to implementing effective small arms controls in the sub-region, including, for example, weak systems for controlling and managing state-owned arms and for managing and policing border areas. However, a number of states have recognised the severity of small arms-related problems in the sub-region and demonstrated their seriousness about promoting regional and international approaches to addressing them. As a result, a number of states in the Great Lakes and Horn of Africa have made considerable progress in implementing the PoA since 2001.

### Sub-regional developments

The Nairobi Declaration on the Proliferation of Small Arms in the Great Lakes Region and the Horn of Africa (Nairobi Declaration), signed in March 2000, was one of the first sub-regional small arms agreements and demonstrated the political commitment of states in the sub-region to address small arms proliferation. In April 2004, states transformed this political commitment into a more detailed and legally binding agreement by signing the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol). The Protocol has been signed by 12 states and entered into force on 5 May 2006, following ratification by two-thirds of signatory states.<sup>2</sup>

The Nairobi Protocol expands upon the provisions of the PoA, the Nairobi Declaration, and other agreements and is widely recognised as one of the most progressive sub-regional small arms agreements. It requires that states introduce controls across a wide range of issues including illicit manufacturing; import, export and transit; civilian possession; controls on state-owned small arms; marking; recordkeeping; brokering; enforcement of arms embargoes; destruction; capacity-building; public education and awareness-raising; information sharing and co-operation. The Nairobi Protocol also contains commitments relating to the harmonisation of legislation and requires states to incorporate specific provisions into their national laws.

In June 2005, states in the sub-region adopted Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons, which build upon the commitments contained in the Nairobi Protocol, elaborate on these provisions and contain detailed recommendations on policy and practice that provide states with a comprehensive guide on how best to implement the Nairobi Protocol. The Guidelines are very significant in that they set high common standards and elaborate detailed provisions that go beyond PoA commitments in a number of areas, providing a progressive model that other regions can draw upon. In particular, the criteria for small arms transfer controls are extremely comprehensive and elaborate on how states' existing responsibilities under international law should inform SALW export licensing decisions.

<sup>2</sup> The signatories to the Nairobi Protocol are: Burundi, DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania and Uganda.

Another significant step forward towards strengthening the regional institutional framework for small arms control was made in June 2005 when states agreed to transform the Nairobi Secretariat - the sub-regional co-ordination body for SALW - into the Regional Centre on Small Arms (RECSA). RECSA is a fully recognised sub-regional body with an independent legal status and a legal mandate to co-ordinate action by member states on small arms control. The presence of a regional body to co-ordinate and share information on the implementation of the Nairobi Declaration and Protocol has been crucial to the progress achieved across the sub-region.

Progress has also been made in harmonising small arms legislation across the sub-region in line with agreed standards at sub-regional and international levels and as elaborated upon by the Best Practice Guidelines. RECSA is playing an important role in co-ordinating this harmonisation. In September 2005 it hosted a regional workshop at which each Member State agreed to establish a legal drafting team by April 2006 to review its national small arms legislation, and it will continue to hold annual meetings to review progress in this regard.

The small arms issue is also being addressed within the International Conference on the Great Lakes Region, a process under the auspices of the AU and the UN. As part of this process, states have made a number of commitments to tackle the proliferation of SALW, prevent the supply of arms to armed groups, implement disarmament, demobilisation and reintegration (DDR) programmes, enhance border security, and to co-operate in combating transnational crime and terrorism. A number of practical projects were prioritised in September 2005 with a view to implementing these commitments; however at the time of writing, approval has been postponed until the latter part of 2006.

### **National implementation**

The implementation of the PoA (and the Nairobi Protocol) at the national level has been uneven, and in some instances states have lagged behind somewhat. However, some countries have made significant progress towards implementation. All the signatories to the Nairobi Protocol have now established national co-ordination agencies, known as National Focal Points (NFPs), however, some of these are not yet fully functional. Significant progress has been made in Kenya, Tanzania and Uganda, where National Action Plans (NAPs) for Arms Management and Disarmament have been developed and approved. These countries are taking forward implementation of their National Action Plans, and have established Provincial or Regional Task Forces that are leading on implementation at the regional and local levels.

Kenya has developed a new draft small arms policy, and has begun to review its small arms legislation. In Uganda, a new small arms policy is also under development and a national stocktaking exercise to review records and procedures relating to the management of civilian and state-owned arms began in February 2006. Significantly, Uganda has also taken important steps to integrate strategies to control SALW into the country's national development programmes and the NAP is now included within Uganda's Poverty Eradication Action Plan.

DDR initiatives have also been fairly comprehensive in some parts of the sub-region. For example, under the terms of the Comprehensive Peace Agreement of January 2005, DDR Commissions have been established for both North and South Sudan. The DDR programme aims to enhance the capacity of Sudanese institutions to implement a larger scale DDR programme that addresses the safety, security and recovery needs of communities that will be absorbing and reintegrating ex-combatants. The programme also provides for the review and development of SALW legislation, including for the South. The signing of the Comprehensive Peace Agreement and the development of DDR programmes in DRC and Burundi represent important progress towards addressing small arms proliferation in the sub-region.



### Civil society

Civil society organisations are playing an active role in promoting improved controls on SALW, both nationally, within their governments and also at the sub-regional level. Many NFPs in the sub-region include civil society representatives as well as actively consulting with civil society and seeking to involve it in the development and implementation of National Action Plans. Civil society organisations in Kenya, Tanzania and Uganda were also involved in the development of National Action Plans and are now working with their governments to support their implementation. For instance, the Uganda Joint Christian Council (UJCC) and the National Council of Churches of Kenya (NCCK) have been involved in organising and running training workshops for civil society organisations from the grassroots to the national levels so that they have the knowledge and skills to effectively monitor and support the implementation of National Action Plans.

The members of the East African Action Network on Small Arms (EAANSA), the sub-regional grouping of IANSA, are involved in a number of activities to address small arms, including public awareness-raising campaigns, lobbying governments to implement their commitments relating to SALW control and working directly with communities to tackle SALW-related problems. EAANSA has established a co-operative working relationship with RECSA and is actively involved in monitoring and encouraging the implementation of the Nairobi Protocol. It has active national chapters in a number of countries in the region, including Burundi, DRC, Kenya, Rwanda, Tanzania and Uganda.

### Central Africa

The Central African sub-region includes many states with severe SALW-related problems, particularly in relation to conflict and post-conflict situations. For instance, illicit SALW flows have fuelled the recent conflict in Chad, while poor border controls between Chad and the Darfur region of Sudan have affected the crisis. Although Sudan is a member of the Nairobi Protocol, Chad, like most other Central African States, is not part of any of the specific sub-regional SALW agreements.

In spite of this, there appears to be some (albeit limited) PoA implementation in the sub-region. The Central African Republic, Chad, DRC, Equatorial Guinea and Gabon have all submitted reports to the United Nations Department for Disarmament Affairs (DDA) and Chad, DRC and Gabon have all established national points of contact. Several states claim to have national co-ordination mechanisms, such as the Equatorial Guinea and the Central African Republic's mechanism for co-ordinating DDR. Although there have been some SALW disarmament programmes, they have been few and far between. Gabon, for example, has recorded SALW collection programmes between 2002 and 2004 and the DRC initiated a disarmament and demobilisation programme in 2002. The Central African Republic initiated a national Programme for Disarmament and Reintegration in 2002-2003 in which approximately 1,100 weapons were recovered; and training was offered between August and December 2003, with a reintegration package valued at \$500 for each trainee. Two destruction ceremonies also took place in 2002 and 2003 although the actual number of destroyed SALW is questionable.<sup>3</sup>

### West Africa

West Africa is a sub-region highly affected by the proliferation and misuse of SALW. Each of the 15 countries in West Africa has been affected by armed violence and/or conflict, most notably Cote D'Ivoire, Guinea, Guinea-Bissau, Liberia, Nigeria, Senegal and Sierra Leone. The sub-region is presently struggling to overcome the ongoing conflicts that have been residual in the sub-region for the past two decades. Addressing the destabilising role played by SALW is critical. Recognising this, a number of governments in West Africa have

<sup>3</sup> Small Arms Survey, *Small Arms Survey 2004: Rights at Risk*, Oxford and Geneva, Oxford University Press, 2004, p. 325-327.

been proactive in engaging with civil society to develop mechanisms to counter the widespread proliferation of SALW in the region, most notably with regard to the forthcoming ECOWAS Convention (see below).

### Sub-regional developments

The cross-border nature of the conflicts and violence in West Africa reflects the importance of sub-regional security and a sub-regional approach to the arms problem. Several arms control initiatives have been undertaken in West Africa over the past two decades. One of the key drivers of SALW controls is the Economic Community of West African States (ECOWAS), a sub-regional grouping of 15 states.<sup>4</sup>

The 1998 ECOWAS Moratorium, which prohibits the import, export and production of SALW on the part of states' parties is the primary means through which the PoA has been implemented in the West Africa sub-region. Although a positive and pioneering step, the Moratorium faced challenges and criticisms due to weak language, the scope for misinterpretation and lack of enforceability. However, given that it has the support of all 15 ECOWAS heads of state, it does act as a sub-regional framework for implementation of the PoA.

Support for the implementation of the Moratorium was originally provided by the Programme for Coordination and Assistance on Security and Development (PCASED), a body set up by the United Nations Development Programme (UNDP). However, a lack of adequate capacity to address the broad and highly technical areas that it was established to tackle, which included issues as diverse as the establishment of National Commissions and the training of security forces, together with political difficulties between PCASED and ECOWAS, led to PCASED being disbanded in 2004. A new organisation was established in its place - the Economic Community of West African States Small Arms Project (ECOSAP), which was intended to concentrate on providing technical advice on the implementation of small arms controls, while a new Small Arms Unit was created within the Abuja-based ECOWAS Secretariat, which was intended to address the political aspects of the agreement. By separating the technical advisory and political aspects, as well as overhauling the pay structures and organisational configurations in line with ECOWAS structures rather than those of UNDP (as was the case with PCASED), it is hoped that ECOSAP and the Small Arms Unit will avoid the pitfalls of PCASED.

In 2005, acknowledging the limited success of the Moratorium and its lack of enforceability, the ECOWAS Secretariat began to draft a legally binding and enforceable ECOWAS Convention on Small Arms and Light Weapons. The salient features of the Draft Convention, which builds on the components of the ECOWAS Moratorium, are that it also includes ammunition, draws attention to gender perspectives and addresses brokering and local manufacture of SALW. At the time of writing, building on the recommendations of an independent experts meeting held in March 2006 to review the draft text, the ECOWAS Secretariat has adopted the Draft Convention and is awaiting feedback from ECOWAS heads of state and legal advisors before the draft Convention is submitted to the ECOWAS Authority of Heads of State and Government Summit in June 2006. It is hoped that this new direction is moving towards stronger commitments and better-managed and organised support for implementation of the PoA.

### National implementation

The ECOWAS Moratorium focuses on international flows of SALW. In regard to this and to implementation of the PoA, the majority of states (13 out of 15) have created a national point of contact that function for both agreements. However, most practical action on SALW in the region has focused on issues outside of the scope of the PoA, in particular DDR and destruction, most notably the Arms for Development initiatives in Sierra Leone and Liberia. DDR initiatives are of particular relevance to the sub-

<sup>4</sup> Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Nigeria, Mali, Togo, Senegal and Sierra Leone.

region, given the high numbers and mobility of armed youths following conflicts in various states in the region and the associated problems that this brings to security and development. As such, while not explicitly within the purview of the PoA, DDR efforts should be encouraged, as their impacts complement the objectives and implementation of the PoA.

With regard to explicit PoA commitments, most progress has been made on establishing the foundations for implementation, for example, 12 out of 15 states in the region have established a National Commission and 13 have drawn up a National Strategy. The political will of governments and the extent to which they engage with civil society are crucial factors in ensuring that implementation goes beyond window dressing. In Liberia, for example, the Presidential election of the peace activist Ellen Johnson-Sirleaf in 2005 has been heralded as a positive step for arms control initiatives. Under her administration, with the support of UNDP and through co-operation with civil society,<sup>5</sup> a National Commission is being established and a new law on firearms is being drafted to replace the previous law dating from 1956.

There is also significant support amongst national governments for greater control of arms transfers. Although West Africa displays relatively strong political will on SALW issues, progress needs to be made on transforming this into concrete action and implementing national strategies. For example, Nigeria and Senegal have both signed the UN Firearms Protocol but have yet to ratify it.

### **Civil society**

West Africa has a relatively dynamic level of civil society participation in arms control initiatives. As well as a regional action network on small arms controls, the West Africa Action Network on Small Arms (WAANSA), there are a number of national networks, many of which are positively engaged with their respective governments and National Commissions, for example the Ghanaian Action Network on Small Arms and the Nigerian Action Network on Small Arms.

### **Southern Africa**

Southern Africa has enjoyed a period of relative stability in recent years, following the cessation of conflict in Mozambique (1992) and Angola (2002), and a peace deal and the formation of a transitional government in the Democratic Republic of Congo (2003). However, a huge number of small arms transferred to the sub-region during the Cold War continues to circulate within and between countries, particularly across the porous borders of Angola, the DRC and Mozambique and a significant number of weapons are also produced within the sub-region itself. The proliferation of SALW is contributing to very high levels of crime in some places and simultaneously driving the demand for more weapons.

Despite these problems, there has been some significant progress towards the strengthening of small arms controls in Southern Africa since the signing of the PoA in 2001. It is clear, however, that an urgent redoubling of efforts is required across a wide range of areas, including DDR and weapons collection and destruction initiatives, the tightening of controls over the transfer of weapons within the sub-region, and an increase in co-operation and political will, in order to seriously tackle the problem at the sub-regional level.

### **Sub-regional developments**

The SADC (Southern Africa Development Community) Protocol on the Control of Firearms, Ammunition and Other Related Materials<sup>6</sup> covers a comprehensive range of issues under the PoA. The SADC

<sup>5</sup> Inter alia the Liberia Action Network on Small Arms (LANSA) and Centre for Democratic Empowerment (CEDE).

<sup>6</sup> The signatory states to the SADC Protocol are: Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. For details relating to the development and signing of the SADC Protocol, see the 2003 version of this report.

Protocol entered into force in November 2004, following ratification by two-thirds of signatory states. However, despite its legally binding nature, progress towards the effective and co-ordinated implementation of the Protocol had until recently been slow. The lack of a sub-regional body whose primary function is to co-ordinate implementation, similar to that of RECSA in Great Lakes Region and Horn of Africa, has been an important factor hindering progress. However, the sub-regional process has recently been reinvigorated, under the leadership of the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO).

In May 2005, a Sub-Regional Consultative Meeting of Governmental Experts on the Implementation of the UN PoA met in Windhoek, Namibia to discuss greater sub-regional co-operation on small arms control and ways in which to support the capacities of member states to take effective action. Following this meeting, a Task Team chaired by Tanzania and also comprising Botswana, Namibia, South Africa and the SARPCCO Secretariat was mandated to lead a sub-regional process focusing on the following elements:

- Developing Best Practice Guidelines on a range of small arms control issues
- Promoting the harmonisation of national legislation on small arms control
- Finalising standard operating procedures for National Focal Points in the sub-region
- Developing a common sub-regional position prior to the UN Review Conference on issues including transfer controls, marking and tracing, and brokering

In May 2006, National Focal Points from the sub-region met in Tanzania to further develop the functions and workplan of the Task Team and to review progress in the implementation of the SADC Protocol and the UN PoA. At this meeting, NFPs noted the significant advances achieved in the implementation of the Nairobi Protocol, and the advantages of having a single body (such as RECSA) to co-ordinate action on small arms, and resolved to investigate means of achieving similar results in the SADC region.

### **National implementation**

Whilst implementation of the PoA and the SADC Protocol has proceeded at a disappointing pace at the sub-regional level, there have been positive initiatives and developments at the national level within some countries. Eight countries have established a national co-ordination agency and five countries have developed national strategies.

In Botswana, Namibia and Tanzania, the national SALW co-ordination mechanisms (National Focal Points or NFPs) have led a process of developing National Action Plans (NAPs). In Tanzania, the NAP is already in its fifth year of implementation and progress to date has included the establishment of Regional and District Task Forces to oversee implementation of the NAP at the local level, the recovery and destruction of illicit small arms across the country and computerisation of the Central Firearms Database.

In March 2006, the Mauritius parliament passed a new law on small arms control to replace the previous national legislation dating from 1940. The new legislation brings Mauritius into line with many of the commitments of the SADC Protocol, including the prohibition of civilian possession of light weapons and of brokering activities. South Africa has made good progress in meeting its commitments under the PoA. In particular, a new Firearms Control Act came into effect on 1 July 2004, containing strict controls over the possession, sale and manufacture of small arms. As a result, South Africa now has very stringent legislation on the control of civilian small arms possession and there has been a significant decrease in the number of small arms licences being granted.

In the area of weapons collection and destruction, the South African Police Service has been working in collaboration with the Mozambican Police on Operation Rachel, a bilateral programme initiated in 1995

to locate and destroy weapons caches in Mozambique. To date, this has resulted in the destruction of over 43,000 arms and over 24 millions of rounds of ammunition. In addition, SARPCCO is running a training course in weapons recovery and destruction for police who will take part in the next round of Operation Rachel this year.

### Civil society

Civil society organisations have played an important role in promoting greater awareness and action on small arms control in Southern Africa. A small arms researchers' network has been established and has undertaken extensive research on the trade, use and control of small arms in nine Southern African countries, resulting in the publication *Hide and Seek: Taking Account of Small Arms in Southern Africa*.<sup>7</sup> A Southern African Action Network on Small Arms (SAANSA) has also been established, although it is yet to become fully functional.

Civil society has formed an informal communication network called the African Forum on Small Arms, which covers three African sub-regions and is co-ordinated by the Institute for Security Studies. In some countries, such as South Africa, NGOs working on small arms meet several times a year to share information. It is now important that civil society organisations from across the region maintain this momentum and co-ordinate their activities effectively, so as to ensure that they can unite in addressing the cross-border and multi-faceted nature of the small arms problem in the sub-region.

### Challenges for African States

Despite the scale and diversity of the wider Africa region there are a number of challenges for the implementation of the PoA that affect the entire region. These challenges include:

**Providing support for African sub-regional organisations to co-ordinate implementation of their own agreements:** Creating a fully recognised sub-regional body such as RECSA, with an independent legal status and a legal mandate to co-ordinate action on small arms control has been instrumental in strengthening the Nairobi Protocol. SADC and ECOWAS would benefit by creating their own regional centres on small arms, allowing them the capacity to co-ordinate implementation of their own agreements.

**The development of a legally binding international instrument to control arms brokers and transport agents:** Arms brokers and transport agents play a major role in supplying weapons to African conflict zones. A succession of UN reports into sanctions busting has highlighted the role of these middlemen, who often buy weapons cheaply in Eastern Europe or the FSU and organise their transfer to Africa. Few states currently have effective controls on brokers and an international agreement on this is therefore an important priority.

**Providing full support to UN arms embargo monitoring mechanisms, including the management and policing of border areas:** The breaching of UN arms embargoes is a particular problem in those parts of Africa that are engulfed in conflict. Those states that share a border with an embargoed state or entity must fully co-operate with UN missions and groups of experts that are tasked with assessing the effectiveness of UN arms embargoes. Such states should also take steps to ensure that border areas are not routinely breached by arms traffickers in contravention of UN arms embargoes.

**Supporting the development of national capacities to implement the PoA:** Lack of technical and financial assistance, and of the skills and resources to implement effective arms control is a major

<sup>7</sup> Chandré Gould and Guy Lamb, *Hide and Seek: Taking Account of Small Arms in Southern Africa*, Pretoria, ISS, 2004.

challenge for the region. Assistance is required to establish national points of contact and national co-ordination agencies and for the creation and implementation of comprehensive national action plans for small arms control in African countries.

**Supporting the development of National Commissions:** The establishment of National Commissions in the majority of states in Africa is encouraging. However, the actual efficacy of these National Commissions is hampered by different levels of commitment from governments to small arms issues, reflected in the varying levels of financial and human resources and degrees of autonomy provided to National Commissions. PoA commitments need to be backed up with the adequate levels of staffing, expertise and funding.

**Supporting the development of comprehensive National Action Plans for small arms control in African countries:** The countries where most progress has been made towards tackling small arms proliferation are those which have conducted an assessment of the local problem and developed national plans to implement the commitments they have made in regional and international agreements. A commitment by all African countries to develop such plans and of international donors to support them is an important priority for the region.

**Supporting civil society involvement in efforts to tackle SALW proliferation:** While civil society involvement in some countries has been progressive, for example its participation in National Commissions in Ghana and Senegal, civil society involvement within the region as a whole has been patchy. There is a need for greater awareness of the PoA and other international agreements amongst civil society and greater sharing of information between governments and civil society to enable positive civil society participation, as well as capacity strengthening of those civil society organisations who work within the issues.

**Initiating the collection of illegal and surplus SALW and dedicated disarmament programmes across the wider spectrum of the region:** Huge challenges still remain to ensuring that peace agreements in, for example, Burundi, DRC and Sudan are sustainable and that DDR programmes are successfully implemented at the same time as integrating measures to reduce and control small arms among the civilian population. One such priority is the weak systems for controlling and managing state-owned SALW stockpiles.

### 3.3.2 THE AMERICAS

The SALW problem in the Americas is largely characterised by arms trafficking and urban armed violence involving organised crime, drug traffickers and increasing numbers of youth gangs. Countries such as Brazil, Colombia, El Salvador, Guatemala and Jamaica report some of the highest firearm homicide rates in the world and the United States has the highest firearm homicide rate among industrialised countries, often attributed to relatively high levels of firearm ownership, while other forms of homicide are closer to the norm.

These factors, combined with the weak capacity of the public security and judicial sectors in most countries of the region have led civilians to obtain small arms for their own personal protection or outsource such tasks to a growing number of private security agencies. These private security firms fuel demand in the legal market, but are also, via theft and diversion, a source of weapons for the illicit market. In most countries of the Americas, public policy debate on small arms control focuses on the control of civilian possession and public carrying of small arms in the context of national legislative reform.

At least half a dozen countries in the Americas have a mix of public and private small arms manufacture for both domestic and export markets. The United States and Brazil (in that order) are the most important



participants from the region in the international market, with Argentina in a distant third place. While the US and Brazil dominate the regional market, other important sources of legal imports are the countries of the European Union, Israel and, increasingly, Asia. The illegal market is fuelled by porous borders among many of the region's countries and corruption at border crossings and customs posts.

While Colombia and Haiti experience the same problems of urban armed violence, organised crime and drug trafficking that plague the Americas region, they are also dealing with different stages of political armed conflict. Colombia has begun the process of demobilising and disarming more than 20,000 members of right-wing paramilitary forces, although their full integration into society is set to remain elusive in the near term and some experts argue that this process could set a difficult precedent for future negotiations with the two remaining left-wing guerrilla organisations. International peacekeepers and civilian police personnel in the United Nations Stabilisation Mission in Haiti (MINUSTAH) under Brazilian command continue to maintain stability in a country that is experiencing political fragility and high levels of armed banditry. Both countries would benefit greatly from improved regional efforts to prevent the flow of illicit small arms and ammunition to armed actors.

Progress on combating the illicit trade in SALW, small arms control and disarmament in the Americas can be primarily attributed to national policy debates and legislative reforms and appear to have much less to do with the PoA than they do with some regional and sub-regional agreements. However, much of the implementation of these regional initiatives can assist in the promotion of PoA principles, and as such should be highlighted within this PoA context.

Civil society organisations in the Americas are very active on SALW issues. There are at least 103 members of the International Action Network on Small Arms (IANSA) in the region and many more if one includes other civil society collaborators and local sections of international NGOs such as Amnesty International.

### **Regional Implementation**

Through the Organization of American States (OAS), the Americas region has a range of strong and overlapping instruments that are increasingly augmented through a growing number of complementary sub-regional frameworks. The most important regional small arms control agreement is the legally binding 1997 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, and Other Related Materials (CIFTA). The Inter-American Drug Abuse Control Commission (CICAD), a technical office of the OAS Secretariat, has developed a set of voluntary Model Regulations to assist in the implementation of CIFTA. At present, 26 of the 33 OAS member states have ratified CIFTA, and several of those that have not ratified it have begun some form of implementation. In addition, there are other OAS agreements and resolutions dealing with terrorism, money laundering, mutual legal assistance and hemispheric security that make reference to the importance of combating the illicit trade in SALW.

Implementation of CIFTA is encouraged in the PoA (Section II, Paras 24–31) and also reinforces the implementation of the PoA. However, the technical, legal and bureaucratic requirements (e.g. National Commissions) of CIFTA, the Model Regulations, the PoA and the Firearms Protocol, in addition to sub-regional mechanisms in the MERCOSUR countries, Central America and more recently the Andean Community, have made systematically meeting all these requirements difficult, especially for poorer countries experiencing conflict or general political and social instability. As a result, CIFTA, as a legally binding instrument, is generally given implementation priority over the PoA by OAS member states.

It is interesting to note that ammunition is already included in the definition of firearms, ammunition and explosives within the legally binding CIFTA; therefore in essence, states that have signed and/or ratified

CIFTA should not oppose the inclusion of ammunition within the mandate of the PoA. The issue of marking and tracing of ammunition was taken up in early 2006 by a group of OAS experts exploring the adoption of additional Model Regulations. In the initial drafting of the OAS Model Legislation on marking and tracing there was no reference to the International Instrument for the Identification and Tracing of Illicit Small Arms and Light Weapons: a non-legally binding instrument developed by an open-ended working group at the UN. However, this was partially remedied during further OAS consultations on the subject held in Washington DC in February 2006. Unfortunately, consensus was blocked on the inclusion of measures for marking ammunition in this meeting, even though this revised Model Legislation will not be legally binding, but rather will provide additional common standards and guidance for further CIFTA implementation.

The United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) has been the most active supporter of regional consultation and capacity-building on small arms issues, while UNDP has been most active in facilitating national small arms control processes at the national levels. UN-LiREC has collaborated intensely with OAS CICAD on building the capacity of government officials to engage on small arms issues. In recent years, UN-LiREC has supported SALW collection and destruction in Argentina, Brazil, Costa Rica, Guatemala, Paraguay, Peru and Uruguay (see Chapter 7). UN-LiREC has also joined forces with the UK government to promote the discussion of transfers controls in governmental forums convened in the Caribbean, Central American, Andean and MERCOSUR sub-regions.

### North America

In contrast to the rest of the Western Hemisphere, there is no sub-regional mechanism for dealing with SALW control through North American countries. In North America, foreign policy on SALW is generally regarded as separate to domestic, internal, firearms control and the PoA is not used as a tool for improving policy on the latter. In all three states (Canada, USA and Mexico) this can partially be explained by the fact that their police forces are decentralised in provinces, states and municipalities and are thus one or more steps removed from the national governments that negotiated and agreed the PoA. However, federal authorities in each country collaborate in relation to cases of cross-border illicit arms trafficking.

In addition, particularly in Canada and the US, police forces and other authorities have high levels of capacity to deal with SALW issues. Canada and the US are also providers of substantial economic and technical assistance to countries affected by SALW proliferation and misuse. The Canadian government runs a variety of programmes through its Departments of Foreign Affairs and International Development Assistance while the US channels support for the destruction of surpluses and stockpile management capacity-building through the Department of State's Office for Weapons Removal and Abatement. Regardless, the three countries would benefit from the formulation of a sub-regional framework for combating the illicit trade in small arms in a more comprehensive manner.

### National implementation

Charting progress on national implementation in North America is particularly difficult, due to the high level of decentralisation of small arms control duties to local law enforcement authorities. In the US, each state has its own laws governing firearms and some municipalities have additional laws. Some states have stricter laws, such as California, which has renewed a ban on assault rifles, the US Congress having recently failed to renew a nationwide ban on them, and in the case of the city of San Francisco, California, a popular referendum has prohibited the sale and possession of handguns within city limits. Other states such as Florida have gone in the opposite direction, strengthening the ability of civilians to carry weapons in public and broadening the legal threshold for shooting a firearm in self-defence. With Congressional



elections in 2006 and a presidential election in 2008, it is unlikely that the US federal government will take any broad steps to strengthen national small arms control laws, because of the politics involved.

In Mexico, since 2004, there have been a series of voluntary weapons collection programmes run by local state authorities that exchange money and goods (e.g. computers) for weapons. In April 2005, the former Law of Firearms and Explosives passed in 1972 was updated, with more lenient rules on civilian weapons possession. Mexican citizens are now permitted possession of up to two weapons per person for purposes of self-defence.

National implementation within the Americas region is often based on the sub-regional and regional agreements as detailed above, rather than PoA commitments. However, much of the implementation of these regional initiatives can assist in the promotion of PoA principles, and as such should be highlighted within this PoA context.

3

### Civil Society

In both Canada and the United States there are groups that work on domestic violence at the national and local levels and others, primarily based in Washington DC and New York, that work on international arms control and disarmament. Bridging the gaps in agendas and approaches between these communities has been a challenge that has been ameliorated through the participation of both the Canadian and US Small Arms Working Groups (SAWG), which co-ordinate IANSA members in their respective countries. While US IANSA members have been successful in lobbying specific members of Congress and maintaining open dialogue with the US Department of State, their Canadian counterparts have been more successful in ultimately influencing national government policy, as evidenced by the presence of members of the Canadian SAWG on the official government delegations for all UN PoA meetings. In contrast, the US government allows for a retired member of Congress with close ties to the National Rifle Association to sit on its official delegation but at the time of writing had not allowed a representative of the US SAWG equal opportunity.

Mexican civil society has only become active on issues related to small arms control and the PoA at the time of the 2003 BMS. To date, Mexican IANSA members represent organisations focused on international affairs rather than on internal matters of armed violence. Mexican civil society could learn from its neighbours to the north in developing a coalition and a strategy that addresses the diverse audiences that need to be involved in comprehensive small arms control advocacy.

### Caribbean

The Caribbean has been the least active sub-region in promoting and implementing SALW controls. Part of this can be explained by the fact that many of the French and English-speaking Caribbean countries are small and have limited institutional capacity and personnel to integrate new issues or broaden the attention given to any one issue in particular. Many Caribbean countries have small arms problems to varying degrees, largely related to drugs trafficking. Two of the largest countries, Jamaica and Haiti, have substantial small arms problems related to gang fighting and, in the case of Haiti, long-term political instability. The UNDP provided support for DDR efforts in Haiti in 2004. Between March and October 2004 UNDP succeeded in collecting little more than 200 SALW.<sup>8</sup>

The Caribbean Security Secretariat (CARICOM) has acknowledged the issue of small arms proliferation through its Security Task Force and has assigned the primary leadership role in this area to the

<sup>8</sup> Muggah, Robert, *Securing Haiti's Transition: Reviewing Human Insecurity and Prospects for Disarmament, Demobilization and Reintegration*, Geneva, Small Arms Survey, 2005.

Government of Trinidad and Tobago. While concrete actions have been slow to materialise, this task force has developed working groups to further the development of an integrated regional security plan, formalise measures that will facilitate increased intelligence and information sharing across borders, and co-ordinate legal reform, the harmonisation of firearms legislation, and the adoption of a formal maritime co-operation framework.

While it is geographically located in the Caribbean, for linguistic reasons the Dominican Republic is more closely aligned with Central American countries, although it does not participate in Central American efforts on small arms. US territories such as Puerto Rico and the US Virgin Islands are subject to a combination of OAS agreements, US and local law. British colonies such as Bermuda and the Cayman Islands are Associate Member of CARICOM, but the remaining French and Dutch colonies in the sub-region are not. In theory, the EU Code of Conduct and other EU standards would apply to colonies in the Caribbean and further synergy between the EU and OAS for more co-ordinated approaches to combating the illicit trade in small arms would be advisable in the Caribbean context.

UN-LiREC has facilitated support to CARICOM governments and their engagement in several international processes. In May 2005 in Nassau, Bahamas, UN-LiREC and the Government of the UK gathered CARICOM Member States for the first time to discuss the issues related to transfer controls. In December 2004, UN-LiREC in co-ordination with the OAS and INTERPOL concluded training for 60 CARICOM government security officials on a range of firearms issues such as legislation, identification and tracing and intelligence operations.

### **National implementation**

National implementation in the Caribbean countries has been less visible than in other sub-regions of the Americas. Jamaica has improved its capacity to monitor incoming and outgoing ship containers in its ports in order to be able to increase the detection of illicit shipments of small arms and ammunition. In addition, the Jamaican government has initiated a review of its national legislation with the intention of adopting comprehensive transfer controls and increasing criminal penalties for illicit trafficking and possession of small arms. In 2005, the government of Trinidad and Tobago established the Strategic Services Agency, which has been charged, among other things, with serving as a focal point for all small arms-related matters in international, regional and sub-regional fora. In 2004, the government of Trinidad and Tobago reformed its national legislation to increase criminal penalties for firearms crimes and created databases for both legally registered and confiscated weapons from the illicit market.

In Haiti, PoA implementation priorities remain focused on disarming bands of armed individuals, largely youths involved in a variety of political violence and banditry, and beginning to establish a minimum level of security in the country's capital, Port au Prince. In this context, the UNDP has developed a programme of support to the government of Haiti in its efforts to review and implement the country's firearms legislation and train lawyers and judges on its enforcement, as well as backing the development of a national small arms action plan, to include a policy and framework for negotiating disarmament with armed groups.

### **Civil society**

There has been little civil observed civil society action on small arms control and the PoA to date. Trinidad has had the most active civil society participation in the UN process and been allocated a slot as a national member of IANSA to the official government delegation before the Review Conference. The growing support provided by the UNDP for small arms control to Haiti and Jamaica could possibly spark the engagement of additional civil society actors in the future.

## Central America

Central America – particularly El Salvador, Guatemala and Honduras - has one of the highest crime rates in the world with some countries experiencing armed violence and insecurity levels of epidemic proportions. The sub-region is also one of the most active on SALW control issues. The UNDP is playing a supporting and facilitating role via several national programmes to develop baseline assessments, propose institutional and legislative reforms and seek to improve national capacities (Guatemala, Costa Rica, Honduras and El Salvador), as well as working with the Central American Small Arms Control Project (CASAC).

The CASAC regional initiative, which will be executed by the Central American Integration System's (SICA) General Secretariat, has just begun its implementation. Its main objectives are to contribute to the elimination of illicit trafficking and the control of small arms in Central America, with the aim of reducing armed violence and strengthening conditions for security, stability and development. One of its first achievements was the universal adoption, in December 2005, of a politically binding code of conduct on transfers in small arms, ammunition and explosives among Central American countries, closely tied to the principles of four emerging global transfer principles.<sup>9</sup>

For almost a decade, Central American governments have demonstrated the political will to continue discussing the way forward on small arms control and, because of this, have been able to attract the support of the international community for the sub-region and its member countries. However, the results of meetings, resolutions and codes of conduct have not yet translated into an effective and practical regime for sub-regional co-operation. Demonstrating concrete reductions in the proliferation and misuse of small arms will be the key challenge for the Central American countries in the coming years.

### National implementation

The UNDP in Central America has also been an important facilitator of the implementation of small arms controls, primarily through national programmes in El Salvador, Guatemala and Honduras. In El Salvador, almost five years of support for the government and civil society have resulted in the establishment of two 'Weapons-Free Cities' where national police, municipalities, the private sector and local community associations work together towards a robust interpretation of the national law prohibiting the carrying of firearms in public spaces, accompanied by public awareness campaigns. In Guatemala, the UNDP has supported the development of a national small arms control commission and a national action plan.

In Honduras, small arms control efforts have been located within a broader framework for justice and security reform. This has included establishing an efficient and computerised national arms registry with private sector support, creating an Observatory on Armed Violence where hospitals, police and forensic authorities can triangulate data on armed violence, and investing resources in the rehabilitation of youth gang members held in prison for crimes associated with armed violence.

### Civil society

As a sub-regional bloc, Central American IANSA members have traditionally been the most active civil society organisations, particularly in relation to research, public awareness and promoting legislative proposals. The Arias Foundation of Costa Rica has been the primary regional advocate for an Arms Trade Treaty and another group of Central American NGOs is currently implementing a project on small arms and border zones, supported by the Finnish government.

<sup>9</sup> Secretary General of the Central American Integration System, Código de Conducta de los Estados Centroamericanos en Materia de Transferencia de Armas, Municiones, Explosivos y Otros Materiales Relacionados, Managua, 2 December 2005. Text available in Spanish at: [http://www.sgsica.org/busqueda/busqueda\\_archivo.aspx?Archivo=odoc\\_5035\\_1\\_05122005.pdf](http://www.sgsica.org/busqueda/busqueda_archivo.aspx?Archivo=odoc_5035_1_05122005.pdf)

The presence of IEPADES, one of the Guatemalan members of IANSA, on the national small arms commission also represents a major achievement for civil society, demonstrating that even in difficult political contexts, governments can include civil society actors in policy formulation and implementation.

In El Salvador, through the good offices of the UNDP, several IANSA members from the Central American University, medical associations and the legal aid NGO, FESPAD, have participated in an ongoing working group to improve small arms control mechanisms, which also includes the national police and the National Public Security Council. One key achievement of this effort was the modernisation of crime reporting data through computerisation, which now allows for much more detailed reporting on the presence and incidence of firearms in crime.

### **Andean Community**

The Andean Community of Nations (Bolivia, Colombia, Ecuador, Peru and Venezuela) has placed itself at the forefront of international efforts to respond effectively to the illicit proliferation of SALW. With the adoption of Decision 552, a legally binding agreement for all member states, on 25 January 2003, member states the Andean Community put in motion The Andean Plan to Prevent, Combat and Eradicate the Illicit Trafficking in SALW in All its Aspects, providing an additional instrument for combating the illicit trade in SALW. Before the adoption of Decision 552, progress on the issue of illicit arms trafficking within the Andean Community was confined to a series of important, but limited, measures contained within the Andean Plan for Combating Illicit Drugs and Related Crimes, in which SALW trafficking was linked to money laundering.

Electoral cycles in the sub-region and armed conflict in Colombia, combined with the removal of sitting presidents in both Bolivia and Ecuador in 2005 have created a vacuum in political leadership for building momentum on Decision 552 and other priorities for combating the illicit trade in small arms. As increasing numbers of combatants disarm in Colombia, particular attention will have to be paid to cross-border co-operation among Andean countries in order to prevent a potential increase in trafficking from Colombia to neighbouring countries as well as the adaptation of the illicit market in the region as the illicit market in Colombia changes in nature. As mentioned above, the Andean Community has begun discussions on the development of small arms export, import and transfer controls but this has not yet resulted in any concrete actions.

### **National implementation**

Over the past year, the Colombian government has been involved in the process of disarming right-wing paramilitaries through a law on 'Justice and Peace' with monitoring of the process carried out by the OAS, to which some members of the left-wing guerrillas have also acceded on an individual basis. To date, approximately 17,000 weapons have been collected from the more than 20,000 demobilised combatants. Critics of this process say that there is insufficient transparency over the disarmament process and that the armed groups are holding onto their best weaponry. At the same time, the Colombian government has been working towards the establishment of a national committee for small arms control to attend to international, regional and national commitments; however, legally constituting such an entity has not been possible to date.

Peru and Ecuador have also tried to establish national commissions or committees to fulfil their commitments at the UN, OAS and Andean Community levels but have found it difficult to obtain legal status for such bodies, even if they continue to meet on an ad-hoc basis. In the case of Ecuador, this co-ordinating body includes the Armed Forces, Police, Ministry of Foreign Affairs, academia and civil society.

## MERCOSUR

The regional context of armed violence in MERCOSUR countries (Argentina, Brazil, Paraguay, Uruguay, associate members Bolivia and Chile and more recently Peru and Venezuela) includes the following general characteristics:

- An emphasis on urban violence and criminality
- Increasing privatisation of security agencies and a lack of effective control over their operations
- An increase in armed violence related to drug trafficking
- Problems with corruption in security and justice institutions
- Legislative loopholes and lack of operational mechanisms to enforce compliance

MERCOSUR's own Joint Firearms Registration Mechanism, created in 1998, has not yet coalesced into a functional system, for a variety of bureaucratic and political reasons. However, a more ad-hoc forum known as the Firearms Working Group has met periodically over the years and has made some progress in agreeing ways of co-ordinating the regional implementation of CIFTA, the harmonisation of national legislations and the tracing of weapons and explosives. A point of contact has been established with the foreign ministry of each Member State to serve as liaison for requests for information exchange and to co-ordinate further efforts to advance specific areas contemplated in the Joint Firearms Registration Mechanism on a case-by-case basis.

### National implementation

Within MERCOSUR, Brazil - and increasingly Argentina - are the only countries where SALW control is truly on the national public agenda. Recent social and political violence in Bolivia (also a member of the Andean Community) has highlighted issues of armed violence in that country and stigmatisation as a key triangulation point in the illicit arms trade has brought the issue to the attention of the government of Paraguay. In Chile, the problem is subsumed into the context of public security, while in Uruguay, firearms suicide is proportionally more widespread than homicide. Argentina, both at the national level as well as at the provincial level, has made substantial progress in destroying surplus and confiscated weaponry and civil society has organised into a national NGO network (see Chapter 7).

Brazil has gone further than almost any other developing country in implementing comprehensive small arms controls as part of a national disarmament law. The voluntary surrender of over 450,000 small arms by Brazilians in 2004 and 2005, as part of the application of the National Disarmament Campaign co-ordinated with civil society through 27 state campaign commissions is an impressive achievement. The national referendum to ban civilian weapons possession in October 2005 did not succeed in gaining majority support, but did forge a national debate on firearms and public security. In addition, Brazil's policy of placing export tariffs on small arms sales to neighbouring countries in South America has reduced opportunities for diversion from the legal to illegal market.

Paraguay has also made major progress in reducing its territory as a triangulation point for legal small arms imports that were then illegally exported. Thanks to collaborative efforts with the governments of Brazil and the United States, annual imports in terms of total small arms have dropped from the tens of thousands to the low hundreds. The Paraguayan government supported this process by adopting a law that prevents foreigners from buying small arms from Paraguayan dealers. This represents major progress in reducing the grey market in small arms through triangulation, although Paraguay still faces major challenges with regard to regulating pawnshop sales. The issue of illegal ammunition re-exports from Paraguay may require similar action to that taken against weapons.

### Civil society

IANSA members in Argentina (Argentina sin Armas) and Brazil (Brasil sem Armas) have formed national civil society networks that have combined aggressive action-oriented research and advocacy campaigns. Collaboration between the Argentine and Brazilian networks have resulted in the development of alliances with legislators and journalists from both countries that have resulted in legislative inquiries into the trafficking of weapons from Argentine military stockpiles to organised crime networks in Rio de Janeiro. The MERCOSUR NGOS have also created a bilingual Spanish/Portuguese website ([www.desarme.org](http://www.desarme.org)) that serves as an important resource on small arms control and disarmament for the entire sub-region.

Through evidence-based advocacy, civil society in Brazil, in particular the NGOs Sou da Paz from Sao Paulo and Viva Rio from Rio de Janeiro, was instrumental in lobbying for a 2003 Disarmament Statute that restricted public carrying of weapons, called for the marking of government-held ammunition and resulted in the voluntary collection and destruction of more than 450,000 small arms (see Chapter 7). While a national referendum supported by IANSA members to prohibit small arms commerce in Brazil failed to pass in October 2005, it succeeded in uniting more than 36 million Brazilians on a public security agenda that focuses on prevention rather than repression and more violence.

### Challenges for continued progress in the Americas

With several notable exceptions, the primary challenge facing most countries in the Americas in coming years will be preventing further increases in rate of armed criminal, youth and interpersonal violence. This will have to be addressed through a combination of policing, reform and aggressive small arms control to prevent legal weapons from entering the illicit market and/or being misused. With this in mind, nearly all countries of the region will have to look at strengthening the laws that govern the civilian possession and public carrying of small arms. Other areas directly related to the PoA that present challenges for future implementation include:

**Systematic adoption of PoA institutional requirements:** Only 20 of the 34 governments of the Americas have designated official points of contact for communication regarding PoA implementation and even fewer have established national co-ordinating bodies. More robust implementation of the PoA will require a solid administrative foundation, even if points of contact and co-ordinating bodies must serve multiple roles of meeting commitments at the UN, OAS, sub-regional and national levels.

**Harmonisation of legislation on SALW:** Throughout the region of the Americas, particularly in sub-regional fora, there is discussion of harmonising national small arms legislation. This agenda turns out to be difficult to implement in practice, due to a combination of factors including politics, entrenched national interests and electoral cycles. While harmonisation over the medium term should be encouraged, in the near term, government efforts should focus on closing loopholes, ensuring the criminalisation of illicit weapons trafficking in each country and developing effective mechanisms for intelligence and information exchange.

**Controlling SALW ammunition:** In many parts of the Americas there have been substantive reductions in illicit small arms trafficking (e.g. in Paraguay) however, the trade in illegal ammunition continues largely unchecked. The failure of the PoA to include ammunition in its mandate in a robust manner, as well as the lack of agreement on minimum marking standards for ammunition in the open-ended working group hampers international efforts to tackle the illicit trade in ammunition in a more robust way.

**Supporting civil society involvement in efforts to tackle SALW proliferation:** Civil society organisations in Canada, Guatemala and Trinidad and Tobago have been embraced by their



governments as partners in the formulation and implementation of policy to prevent small arms proliferation and use. This means that there are more than 30 countries in the region where governments are not taking full advantage of the multiple capacities that civil society can offer for more effective PoA implementation.

### 3.3.3 EUROPE

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

The OSCE is the world's largest regional organisation for security and co-operation, encompassing 55 countries in Europe, Central Asia and North America. Combating SALW proliferation is an important issue for the OSCE and almost all member states are confronted with different aspects of the SALW problem, be they countries of SALW origin, destination or transit. Some OSCE countries, notably those in the Caucasus, and Moldova, continue to face the challenge posed by unresolved or 'frozen' conflicts, which have been exacerbated by the easy availability of SALW.

3

#### OSCE Document on Small Arms and Light Weapons

The OSCE Document on Small Arms and Light Weapons (SALW), which was adopted in November 2000, is one of the strongest international agreements to tackle the uncontrolled spread of SALW and has provided a substantial contribution to the UN SALW process. The Document provides a comprehensive framework for multilateral action<sup>10</sup> to develop norms, principles and measures covering different SALW areas. These include: manufacture; marking and record-keeping; export control criteria; management of stockpiles; reduction of surpluses; and transparency. Through this initiative, OSCE members also agreed that tackling SALW should be an integral part of action in the field of early warning, conflict prevention, crisis management and post-conflict rehabilitation.

Over the past five years, OSCE participating states and the OSCE Conflict Prevention Centre (CPC) have focused their attention on developing additional instruments and conducting specific activities in order to ensure the implementation of the OSCE Document. This has involved the development of the OSCE Handbook of Best Practices on Small Arms and Light Weapons<sup>11</sup> covering the principle aspects of SALW control including: controls over manufacture of SALW; marking, tracing and record-keeping; SALW export controls; SALW brokering controls; indicators of surplus SALW; stockpile management and security; destruction of SALW; and SALW and disarmament, demobilisation and reintegration processes.

#### The OSCE and SALW transfer controls

The OSCE's Forum for Security Co-operation (FSC) has made a number of important decisions regarding the field of common export criteria and export controls, which complement and reinforce the commitments that already exist in the OSCE Document. These include Decision No. 3/04 of May 2004, aimed at strengthening controls over exports of MANPADS, a further Decision No. 5/04 of November 2004, setting out a list of common standard elements for end-user certification and, in the same month, Decision No. 8/04, which commits participating states to establish controls on SALW brokering, including systems of licensing and registration, record keeping and information exchange.

<sup>10</sup> The OSCE unites all countries belonging to NATO and the former Warsaw Pact, as well as others.

<sup>11</sup> The Handbook on Best Practices on SALW can be found at [http://www.osce.org/fsc/item\\_11\\_13550.html](http://www.osce.org/fsc/item_11_13550.html)

### Border control and law enforcement

Co-operation in the field of border control and law enforcement has been an important component in the implementation of the OSCE Document on SALW. Workshops, seminars and training programmes in this regard have been held in the Caucasus and South Eastern Europe whilst Central Asia has been a specific target region for anti-trafficking and border control projects. In 2003, the OSCE conducted a training programme on 'Combating illicit trafficking of SALW through border management assistance' for Uzbek and Afghan officials. In 2004, the training programme was extended to three checkpoints along the Uzbek-Kyrgyz and Uzbek-Tajik borders.

### Management of stockpiles, reduction of surpluses and destruction

The issue of how to dispose of surplus SALW is dealt with in detail by the OSCE Document and over the past few years, OSCE states have made significant progress in this area. According to the OSCE internal information exchange mechanisms, during the period 2001-2004 OSCE states destroyed 4,319,681 units of SALW, of which 3,547,805 belonged to surplus stocks and 771,876 had been seized from illegal possession and trafficking.<sup>12</sup>

There have also been good examples of close co-operation on the implementation of stockpile management and security and destruction provisions contained in the OSCE Document. Following official requests for assistance from Belarus, Tajikistan and Kazakhstan, several OSCE states sent experts to evaluate the real situation, identify the scope of assistance required and develop project plans on that basis.

### Information exchange

Since 2001, as part of the OSCE Document's operative provisions, OSCE states have shared information on several different issues related to SALW, such as: national marking systems; national procedures for the control of manufacturing; national legislation and practice in export policy, including brokering; small arms destruction techniques; and stockpile security and management programmes. In addition, participating states have exchanged data annually on exports and imports within the OSCE region, as well as on surpluses and on SALW that have been seized and destroyed on their territory in the previous calendar year.

### The European Union

The EU has taken a leading position on SALW policy and action since before the UN Conference. It has developed several EU-wide instruments that tackle various aspects of SALW. These include the 1998 EU Code of Conduct on Arms Exports (EU Code) which covers all arms,<sup>13</sup> the 2003 Common Position on Arms Brokering,<sup>14</sup> the 1999 & 2002 EU Joint Actions on Small Arms,<sup>15</sup> and the 2006 EU Small Arms Strategy. In addition to the agreements that have been concluded since 2001, those instruments that pre-dated the PoA have undergone significant strengthening and development since 2001. They have all been of critical importance to EU-wide action on SALW. Further, as the EU expanded in May 2004, these commitments now cover 25 member states. Despite this progress, much remains to be done in each area.

<sup>12</sup> FSC Chairperson's Progress Report to the Ministerial Council on Implementation of the OSCE Document on Small Arms and Light Weapons, 30 November 2005.

<sup>13</sup> EU Council, EU Code of Conduct on Arms Exports, DGE-PESC IV, see <http://ue.eu.int/uedocs/cmsUpload/08675r2en8.pdf>

<sup>14</sup> Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering, see [http://europa.eu.int/eur-lex/pr/en/oj/dat/2003/L\\_156/L\\_15620030625en00790080.pdf](http://europa.eu.int/eur-lex/pr/en/oj/dat/2003/L_156/L_15620030625en00790080.pdf)

<sup>15</sup> EU Council, EU Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of SALW and repealing Joint Action 1999/34/CFSP. 2002/589/CFSP.



## EU agreements on arms transfer controls

The EU Code is one of the most established regional mechanisms for arms transfer controls in the world. Introduced in 1998, it lays out eight criteria governing national arms export licensing decisions and 12 operative provisions that set parameters for the implementation of the EU Code and provide provisions for information exchange and review. Both of these aspects of the Code have been further developed since 2001 and a formal Review of the Code undertaken. These processes all contribute to the Code as a dynamic instrument.

Efforts to harmonise export controls within the EU have strengthened the Code of Conduct. In 2004, member states established a User's Guide,<sup>16</sup> which provides detailed procedures for implementation of EU Code requirements, including procedures for issuing denials and the conduct of consultations, requirements for submission of information to the EU Annual Report and best practice in end-user certificates. The User's Guide is regularly updated and has played an important role in systematising information exchange between member states. One particular area of improvement is the denial notification and consultation mechanism of the EU Code.<sup>17</sup> In 2004, a centralised database of denials was established, which is accessible to all member states. The database facilitates consultations between member states on reasons for denying an export licence, including, significantly, consultations on EU Code interpretation and application. These consultations are expected to take place within three weeks of a denial being issued.

At the heart of the EU Code are the eight common criteria for export controls. In 2003, member states began the process of elaborating the EU Code criteria and in September 2005 COARM, the EU member states Working Group on Conventional Arms Exports, completed the elaboration of Criterion 8 (sustainable development), which can now be found in the User's Guide. Producing guidelines for Criterion 8 was the first step in a process of elaborating on the language of all of the criteria, with the aim of ultimately facilitating common interpretation thereof, and as of April 2005 efforts to elaborate Criterion 2 (human rights) and Criterion 7 (diversion) were underway.

Implementation of the EU Code has improved transparency within the region, but this requires further development. Since 1999, member states have annually produced an EU Consolidated Report on the implementation of the EU Code. This is a public document despite it not being an EU Code requirement. While the Report has improved over the years, it is noticeably lacking in terms of the quality of data on member states' arms licensing decisions and arms transfers. As of early 2006, discussions concerning improvements to the Report have taken place within COARM.

While most developments have been positive, if slow and incomplete, some developments on arms transfers in the region have raised concerns. For example, in 2004, member states agreed on a set of guidelines specifically to cover cases of incorporation (which involves the export of components to a second country to be incorporated into products for re-export to a third country or final destination).<sup>18</sup> These guidelines effectively allow member states to relinquish, to the country of incorporation, responsibility for assessing the ultimate end-user of the equipment. This has raised concerns from the EU arms transfer control community, who have argued that member states should apply the same standards to the export of components for incorporation as they do to exports of complete weapons systems.

<sup>16</sup> Council of the European Union, Users Guide to the EU Code of Conduct on Arms Exports. DGE/WMD, see <http://ue.eu.int/showPage.asp?id=408&lang=en&mode=g>

<sup>17</sup> Before any member state grants a licence that has been denied by another member state for an essentially identical transaction, it must first 'consult' the member state that issued the denial.

<sup>18</sup> EU Council, Sixth Annual Report according to operative provision 8 of the EU Code of Conduct on Arms Exports, DG E WMD, see [http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/c\\_316/c\\_31620041221en00010215.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/c_316/c_31620041221en00010215.pdf)

The EU Code of Conduct has also been augmented with the agreement of other transfer control related measures within the EU framework. Thus, on 23 June 2003, the EU adopted a Common Position on the control of arms brokering. Under this instrument EU member states have committed themselves to establish a clear legal framework and to take all the necessary measures to control brokering activities taking place within their territory. However there are a number of key provisions such as those relating to the registration of brokers and the extraterritorial scope of controls which states are recommended, rather than required, to adopt, whilst the Common Position also lacks a timeframe for implementing the required brokering controls. Five years on, five of the 25 EU member states are not in compliance with the requirements of the Common Position.

Significantly, it is understood that once the ongoing EU Code Review is finalised, member states will transform the EU Code into a legally binding EU Council Common Position, bringing it together with the EU Common Position on Arms Brokering under one instrument that member states will be required to adopt within their national systems. This is likely to be a positive development, but as of April 2006, the Review had still not been completed, despite the fact that substantive discussions seem to have been concluded in mid-2005.

### **Broader action on SALW**

Beyond the issue of arms transfer controls, the EU also has a number of instruments that have a bearing on member states' implementation of the PoA. In 1999, the EU agreed a Joint Action on the EU's Contribution to Combat the Destabilising Accumulation and Spread of SALW. This instrument was replaced in July 2002 with a new version that incorporated the word 'ammunition' within its remit, thereby recognising the role of ammunition in conflicts affected by SALW. Under the Joint Action, EU member states are committed to three broad objectives aimed at contributing effectively to the control of SALW proliferation in various parts of the world. Despite the evident potential of the Joint Action, the contents of the Joint Action Annual Reports point to the lack of a focused strategy for implementing activities under these objectives.

More recently, EU-wide action on SALW received a new impetus with the agreement of an EU Small Arms Strategy. The EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition<sup>19</sup> (EU Strategy) was adopted in January 2006 and provides a basis for further action against SALW proliferation and misuse. It outlines a number of key directions against which progress will be reviewed and assessed every six months. For instance, the EU Strategy highlights the need for EU 'outreach' to Accession and Candidate Countries to be systematically co-ordinated through, for example, border/customs/police/intelligence services training, in order to tackle the problem of SALW trafficking and illicit exports. Importantly, the EU Strategy also calls for the EU to "ensure consistency and complementarity between Council decisions in the CFSP framework and actions implemented by the Commission in the field of development aid in order to promote a consistent approach for all EU activities in the SALW area."

Overall, therefore, regional frameworks for action on SALW by EU member states have continued to develop since 2001. The complex nature of EU politics means that the pace of this development has been slower than that in some regions. Nevertheless, the EU is starting from a position whereby few member states are seriously affected by the proliferation of SALW and most have well developed policy and capacity for SALW control. This has been reflected in good levels of PoA implementation at the national level.

<sup>19</sup> EU Council, EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their ammunition, DG E WMD 5319/06, see <http://register.consilium.eu.int/pdf/en/06/st05/st05319.en06.pdf>

### National implementation

Overall, there is a good level of implementation of the UN PoA on the part of EU states; however it is important to note that most EU states were in compliance with many of the PoA's provisions from the outset of the agreement. As of March 2006, 24 EU states had established a national point of contact under the PoA; 9 had established a national SALW co-ordination mechanism; but no EU states had developed national SALW strategies. Furthermore:

- 20 of the 25 member states have legislation in place that will meet their obligations under the Common Position on Arms Brokering. States such as Germany and Lithuania are currently amending their legislation to meet EU brokering requirements
- 16 of the 25 member states in the EU now publish national reports on arms exports. Significantly, this includes new member states such as Czech Republic, Lithuania, Slovakia and Slovenia publishing national reports for the first time since their accession in 2004

Beyond the establishment of the basic PoA infrastructure, many member states have adopted a range of measures and undertaken a range of activities that have contributed to their implementation of the PoA. For example, efforts to destroy surplus SALW have been undertaken inter alia in Belgium and Germany. The government of Belgium destroys an average of 12,000 to 13,000 SALW annually. Almost 95% of these weapons are illicitly owned or used in crimes and have been seized in operations by the police. The Federal Armed Forces in Germany destroyed over 1.7 million surplus SALW between 1990 and 2004. Moreover, since 2001, many individual member states have introduced, amended and reviewed arms control legislation in their countries. For example, in 2002, Belgium set a precedent by incorporating the EU Code into domestic law, while the UK Government passed the Export Control Act, which significantly revised export control legislation. In 2004, the governments of Hungary, Latvia, Poland, Slovakia and Slovenia updated national legislation to bring it in line with EU standards and the government of Finland introduced a permanent gun amnesty for the purpose of collecting unregistered firearms. Most recently, the Hungarian government has introduced legislation on weapons production to ensure that marking of weapons is in line with the UN instrument on marking and tracing.

Many EU countries also continue to provide donor assistance for SALW control work (see Chapter 9).

### Civil society

Parliamentarians, NGOs, academics and researchers remain active in all issues relating to the PoA, including SALW transfer controls and conflict prevention measures. For example:

- National groupings of NGOs, for example in the UK, Sweden and Austria, have undertaken work on issues of PoA implementation. Most recently, Austrian NGOs have influenced the outcome of a new Foreign Trade Act (May 2005) dealing with transfer controls.
- EU NGOs have been active participants in the Control Arms Campaign introduced in 2003. The campaign, which is active on a range of SALW control issues, has been pursued in over 70 countries and will culminate at the UN Review Conference in 2006.

### South Eastern Europe

In recent years, South Eastern Europe (SEE) has been gradually making its way towards greater stability, economic development and closer association with the EU, although progress has been far from even across the sub-region. The circumstances of individual countries vary significantly and range from the

preparation for EU accession on the part of Bulgaria and Romania to the continuing unresolved status of Kosovo. The proliferation and misuse of SALW, following the end of the Bosnia and Kosovo conflicts in particular, continues to fuel crime and insecurity, prolong and deepen conflicts and frustrate peacebuilding and development.

Since 2001 sub-regional action in South Eastern Europe (SEE) has solidified significantly and national and sub-regional action on SALW has progressed relatively well.

### Sub-regional developments

## 3

### The Regional Implementation Plan (RIP) and SEESAC

At the sub-regional level, the most comprehensive initiative to tackle SALW is the Regional Implementation Plan of November 2001,<sup>20</sup> which was adopted under the framework of the Stability Pact for South Eastern Europe.<sup>21</sup> Many of the measures to combat SALW proliferation outlined in the RIP closely correspond with those contained in the PoA, such as the need for strengthened national legislative and regulatory frameworks governing SALW production, storage, and transfers. However, the RIP's major shortcoming is its lack of clarity and specificity on how it is to be implemented. The RIP has therefore actually achieved much less in practice at the national level, than envisaged at its inception.

The most significant institutional development resulting from the agreement of the RIP, was the establishment of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). Established by the Stability Pact in co-operation with the UNDP, SEESAC was launched in May 2002 in Belgrade. SEESAC works to support the RIP by providing technical input, information exchange, co-ordination of activities and fundraising assistance for specific SALW control projects. In 2005, SEESAC gave support for national legislative and regulatory processes, SALW awareness raising, stockpile management, collection and destruction efforts, as well as the commissioning of national SALW surveys.<sup>22</sup>

The presence of SEESAC as a key resource and facilitator of assistance has bolstered implementation in the region. It has been a major forum for co-operation and learning lessons between the states of the sub-region. SEESAC has also played an important role in resource mobilisation within the sub-region, for example by bringing bi-lateral donors to support the destruction of surplus SALW. As the capacity of governments and civil society across the region to fully implement the RIP and some sections of the PoA varies widely, building capacity for sustainable progress is an essential task for SEESAC and other international agencies engaged in the sub-region.

Developments have taken place in SEE with regard to cross-border co-operation among law enforcement, border and customs control agencies. In April 2002, the South Eastern Europe Co-operative Initiative (SECI) Regional Centre for Combating Transborder Crime established a sub-group on anti-terrorism that looks at SALW issues. Police and customs officers from SEE use this mechanism to share information on SALW trafficking. This information exchange became more detailed in 2005 when it began to include broader data on illicit trade, transfer and possession of

<sup>20</sup> The RIP was adopted following consultations with the NGO-driven Szeged Small Arms Process.

<sup>21</sup> The Stability Pact regional country partners are: Albania, Bosnia Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania and Serbia and Montenegro. Others include EU member states, the European Commission, international organisations and institutions (such as the UN, OSCE and the IMF) and regional bodies.

<sup>22</sup> To date, SALW surveys have been conducted in Bosnia-Herzegovina (2004), Bulgaria (2005), Kosovo (2003 and 2006), FYR of Macedonia (2004), Moldova (2006), Montenegro (2004) and Serbia (2005), published by SEESAC; and in Albania (2005), published by Saferworld.

SALW rather than just seizures. However, this framework suffers from limited financial and operational resources.

### National implementation

Since 2001, SEE states have made steady, if unspectacular progress in implementing the PoA. As of 2006, seven countries<sup>23</sup> have established a national point of contact under the PoA, as well as providing at least one report on PoA implementation to UN DDA. There has been some progress within the sub-region on the development of national co-ordination agencies. Bosnia and Herzegovina (BiH), Croatia and the Former Yugoslav Republic of Macedonia (FYRoM) and Serbia and Montenegro have all established a co-ordination mechanism; however, the nature of these mechanisms and their level of functionality varies significantly. For example, in the year following its establishment in March 2005, the Croatian National Commission met only once – in March 2006.

A number of states, including BiH, FYRoM and Serbia and Montenegro have also developed national strategies for addressing SALW. In the case of Serbia and Montenegro, this was based on a comprehensive survey of the SALW problem carried out in late 2004. Steps have also been taken within the sub-region to strengthen SALW control legislation. BiH, Bulgaria, Croatia and FYRoM have all amended SALW-related legislation since 2001. In the case of FYRoM, the new Law on Weapons of 2005 covers all aspects of SALW control, including civilian possession, import, export, transit and brokering, bringing provisions into line with EU standards.

Weapons collection and destruction efforts have also been successfully undertaken by several SEE states. Programmes in this regard have been undertaken in BiH and FYRoM whilst successive weapons collection initiatives in Albania, co-ordinated by the Ministry of Interior, have led to the surrender of more than 200,000 illicit SALW by the public. Albania has also made good progress with the destruction of SALW and ammunition, having destroyed more than 140,000 SALW and 22,000 tonnes of ammunition since 2001.

### Civil society

In recent years, civil society in SEE has become increasingly able and engaged in dealing with various aspects of the SALW problem, and has begun to develop its capacity for policy input and advocacy, through the formation of National Arms Control Working Groups in BiH, Kosovo, Macedonia and Serbia.<sup>24</sup> Furthermore, the creation of the South Eastern Europe Network on the Control of Arms (SEENCA) has facilitated information exchange and sub-regional advocacy throughout the sub-region; the network launched its online portal ([www.seenca.org](http://www.seenca.org)) in May 2005. However, the ability of civil society organisations to fully engage in addressing the SALW problem has been severely limited because of the lack of financial resources available within the SEE region.

Civil society organisations within SEE states have carried out a number of awareness raising projects, which range from preparing SALW material for national curricula in schools to support for wider SALW collection initiatives. These include the ‘Say No! to Weapons!’ campaign organised by IANSA members in Macedonia in June 2005, (to be repeated in May 2006) and campaigns against celebratory gunfire such as that carried out by the Centre for Security Studies in BiH.

<sup>23</sup> Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia & Montenegro.

<sup>24</sup> The National Arms Control Working Group comprises Civil (Macedonia), Centre for Security Studies (BiH), Forum for Civil Initiatives (Kosovo) and Balkan Youth Union (Serbia).

## Eastern Europe

The Eastern Europe sub-region spans four countries (Belarus, Moldova, Russia and Ukraine), which, albeit in different measures, are still coping with the painful political, social and economic transitions caused by the break-up of the Soviet Union. The region has long been a major source of SALW and, as in the case of Russia, it also faces serious internal problems relating to low-intensity conflicts, such as those in Chechnya and Dagestan, or frozen conflicts as in the case of Moldova-Transnistria. Across the region, there remain huge stockpiles of SALW left behind from the dissolution of the Soviet system. The problem is compounded by the storage of weapons and ammunition, which often falls below international standards and poses the risk of arms entering the black market.

### Sub-regional developments

There is no sub-regional agreement or co-operative framework that binds Belarus, Moldova, Russia and Ukraine in joint efforts to tackle the proliferation of SALW. Rather, multilateral frameworks for SALW control are provided by the OSCE and NATO's Partnership for Peace (PfP) programmes. For example, in response to Ukraine's request for assistance in reducing its SALW stockpiles, a PfP Trust Fund was established, whilst the OSCE is also responding to a request from Belarus for assistance in tackling SALW stockpiles.

### National implementation

Across the Eastern European sub-region, progress on the implementation of the PoA, while unspectacular, has produced some tangible results since 2001. National capacity to implement the PoA has not been comprehensively developed although all four states within the sub-region have established a national point of contact and have submitted reports to the UN DDA. However not one state has a national commission or a National Action Plan.

Belarus, Russia and Ukraine have made some progress towards improving national and international norms and policies regulating SALW. In Ukraine a new law on State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods was adopted in February 2003. In Russia, the Federal Law on Arms, which regulates the production of SALW, has been amended eight times since 2001 and new provisions have been introduced in the fields of licensed production. In Belarus, the most important legal and policy changes include Decree 133 of 2003, which introduced a unified procedure for licensing imports and exports of armaments. Furthermore, in a significant development in its efforts to promote co-operation with EU countries on arms export controls, Belarus declared adherence to the EU Code of Conduct on Arms Exports in April 2004.

Destruction of surplus SALW has also been a major priority among Eastern European states. All four states have conducted substantial destructions. For example, Ukraine is at the beginning of what will be "the largest single demilitarisation effort in the world".<sup>25</sup> Supported by the its NATO PfP Trust Fund, a 12-year project will be implemented to eliminate an estimated 133,000 tonnes of munitions and 1.5 million SALW.

### Civil society

Outside of Russia, civil society interest in SALW issues in Eastern Europe is fairly limited. A two-year project in Russia funded by the European Commission that started in April 2005 has resulted in the delivery of training programmes for civil society representatives on SALW control issues, the

<sup>25</sup> NATO/PfP Trust Fund project to destroy surplus weapons and ammunition in Ukraine, see <http://www.nato.int/docu/pr/2005/p05-021e.htm>



development of a SALW Resource Centre in Moscow and close co-operation with local partners. The level of public debate and critical analysis of the small arms problem in Russia has increased through public awareness meetings, the publication of policy papers on SALW and the delivery of university lectures. Particular attention has been given to raising awareness of small arms proliferation issues among university students. A number of lectures have taken place at the Universities of Novosibirsk and St Petersburg and more are planned during 2006 in Moscow and Vladivostok. Once refined and tested, the lecture course will be developed as a module that can be included in the higher education curricula.

### South Caucasus

The large quantities of SALW in the South Caucasus are the result of a number of conflicts within the sub-region that broke out in the early 1990s, including the territorial conflicts over Abkhazia, South Ossetia and Nagorno Karabakh in Armenia and Azerbaijan. Many of these weapons originated from the army of the former Soviet Union and were acquired by the state authorities in Georgia, Armenia and Azerbaijan. However, large numbers of SALW also ended up in civilian hands. While the aforementioned conflicts are now dormant, continuing tension in the sub-region means that all initiatives to improve security, including in the sphere of SALW controls remain tentative and have yet to yield concrete results. Given these problems, it is perhaps unsurprising that implementation of the PoA since 2001 has taken place at a very slow rate.

### Sub-regional developments

Although the governments of Armenia, Azerbaijan and Georgia have all expressed their commitment to combating illicit SALW proliferation at the national, sub-regional and international level, there is a distinct lack of sub-regional co-operation in the South Caucasus. Although information exchange takes place at the macro levels of the OSCE and UN, there appears to be no institutionalised forum for co-operation between states at either the bilateral or sub-regional level. One notable success under the OSCE has been the implementation of a Training Assistance Programme (TAP) for Georgian border guards, which was created at the request of the Government of Georgia in April 2005.<sup>26</sup> The TAP addresses the short and medium-term needs of the Georgian State Border Defence Department, aiming to strengthen its border management capabilities. Further assistance has also been provided by the EU and the USA with regard to border guard training, stockpile management and weapons destruction.

### National implementation

National implementation of PoA commitments within the South Caucasus region has been disappointingly slow. Not one of the South Caucasus states has a national action plan or specific national co-ordination agency. Armenia and Georgia have a national point of contact, and all three states have submitted at least one UN DDA report on national implementation of the PoA. In Georgia a new Inter-Agency Group on Small Arms was established in 2005 under the National Security Council, with the objective of implementing a number of reforms in SALW legislation and procedures. However, at the time of writing, the Inter-Agency Group has been disbanded, following structural changes within the National Security Council.

There have been some small changes to national legislation in the South Caucasus, although these have often been limited in scope and implementation. For example, in Armenia, the Criminal Code was amended in August 2003 to expand the scope of the existing legislation on illicit trafficking,<sup>27</sup> and criminalise the illegal manufacture, possession, stockpiling, acquisition, sales, transportation and theft of

<sup>26</sup> OSCE Permanent Council Decision No. 668.

<sup>27</sup> Articles 235, 236 & 238.

arms and ammunition.<sup>28</sup> Attempts to improve stockpile management and security within the sub-region have also been limited, and those procedures that are in place have not been reviewed since 2001, with implementation being reportedly poor. Disarmament and destruction programmes have also been few and far between, with initiatives undertaken in Georgia in 2002 (South Ossetia) and 2004 (Ajara). However, the continuing threat of renewed violence has meant that governments in the sub-region are unwilling to identify weapons as surplus. Thus in Georgia, for example, while seized weapons are occasionally destroyed, it is believed that most weapons are re-registered as government weapons.<sup>29</sup>

### Civil society

Civil society organisations in the South Caucasus have not yet made SALW control a major part of their work, either because it is not perceived as a priority or because they are not sufficiently informed about the issue. In addition, governmental attitudes towards civil society involvement in SALW issues have been variable, with no consistent policy. In Georgia there has been some civil society involvement in the past, however, this has been very dependent upon the efforts of individuals concerned. For example, the government was willing to work with civil society to develop the new Inter-Agency Group on Small Arms before the Group was disbanded. Encouragingly, the Government of Georgia commissioned a SALW survey from the Caucasus Institute for Peace, Democracy and Development (CIPDD) and Saferworld in mid-2005.

### Central Asia

Concerns relating to SALW in Central Asia centre on the large caches of weapons left over from the Cold War, the potential flow of arms into the region from Afghanistan and its geographic location as a major transit route between Europe, South Asia and North Asia. Since the start of the US-led Coalition's war that ousted the Taliban from power in Afghanistan, international attention to Central Asia has significantly increased. Authoritarian governance, lack of transparency, ethnic tensions and corruption in the region have all been seen to contribute to the misuse of small arms by state authorities in the region, most notably during the uprising in Uzbekistan in June 2005. However, the popular revolution in 2005 in Kyrgyzstan, which led to the appointment of Kurmanbek Bakiev was encouraging in that no small arms use was documented during protests. Despite its new strategic importance, the sub-region has received relatively little attention in terms of SALW control and its overall engagement in SALW control processes in general and the PoA in particular has been weak.

### Sub-regional initiatives

The sub-regional nature of SALW problems in Central Asia is gradually being reflected in the tentative development of sub-regional approaches to SALW control, although implementation of these initiatives remains slow. All states in the sub-region are party to the relevant OSCE SALW agreements and have been a particular focus for support provided for action on SALW in the context of the OSCE commitments. Further, the OSCE and the UN have been actively promoting increased awareness of the PoA within the sub-region. However, there are still ongoing problems in this area with officials responsible for implementing both the PoA and other regional and international SALW agreements lacking a good knowledge of the commitments and, in some cases, not even knowing that they exist.

The OSCE hosted a regional follow-up meeting on combating illicit trafficking in the sub-region, as well as offering to fund weapons destruction programmes in Kazakhstan in 2002. In March 2004, the UN DDA conducted the first Regional Conference on the illicit trade in SALW in Almaty, Kazakhstan. The

<sup>28</sup> Articles 237 & 239.

<sup>29</sup> For example, see the weapons collection programme in Ajara in May 2004.



Conference highlighted the cross-border nature of the SALW issue in the sub-region, and the need therefore for increased regional co-operation, especially on issues such as blocking channels for trafficking and exchanges of relevant information on the illegal SALW trade in the region. This was a promising start, but momentum must be sustained and promoted by the international community.

In terms of specific efforts towards sub-regional co-operation and joint action, in 2000, under the framework of the Shanghai Organisation for Co-operation, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan along with Russia and China signed a communiqué agreeing to develop a joint strategy to take effective measures to fight against international terrorism, drug trafficking, arms smuggling and other forms of cross-border crimes. In addition, Kazakhstan is currently examining the feasibility of establishing a joint mechanism with neighbouring states for controlling the circulation of SALW.

### **National implementation**

Despite the serious nature of SALW problems in the sub-region, Central Asian states have not treated the implementation of the PoA as a priority. Only two countries, Tajikistan and Kazakhstan, have taken any steps to establish the basic foundations for implementation by identifying NPCs and they are also the only two countries to have submitted national reports to UN DDA.

While all states in the region, with the exception of Turkmenistan, have laws and procedures controlling exports of SALW, lack of transparency around exports coupled with very weak monitoring means that allegations of misconduct are difficult to investigate. Furthermore, only Tajikistan has regulations covering transit of SALW and none of these include regulations or procedures on brokering.

Large numbers of weapons are believed to leak from military stockpiles in the sub-region into the hands of criminal gangs or arms traders and consequently into the domestic or international black market. The PoA requirements on stockpile management and security and weapons destruction are thus of major importance in the region. However, only Kazakhstan and Tajikistan have any procedures on stockpile management and the extent to which these are enforced are questionable. In addition, neither country has reviewed its standards and procedures for the management of stockpiles since 2001. The large caches of residual weapons from the Cold War in Central Asia are not comprehensively marked and stockpile security is a major concern.

### **Civil society**

There are three members of IANSA from the Central Asia sub-region. Due to the covert approach to dealing with SALW issues in the sub-region, there is a lack of communication between NGOs and the state on 'security' issues, including SALW control. This means that there is very little independent monitoring of state activities by civil society groups. In February 2004, a sub-regional grouping of civil society and government officials was organised by civil society to discuss small arms issues at a meeting in Bishkek, Kyrgyzstan. The meeting highlighted the need for improved research on the nature of the sub-region's SALW problems, as well as the links between SALW and drug trafficking and the rise of militant Islamic groups. The general view was that SALW was not a key issue in the sub-region. As such, the group has not been very active since its establishment.

### **Challenges for Europe**

The scale and diversity of the wider Europe region means that there are a number of challenges to the implementation of effective measures aimed at tackling and reducing SALW proliferation. Throughout the wider European context there is a need to ensure sustained political momentum on

all aspects of SALW control. Those states faced with pressing SALW problems should take more responsibility for driving their national SALW control agenda rather than relying on the ability of external agencies to assist in setting priorities. This should include ensuring that national action plans and strategies are developed and speedily implemented. For those European states that regard SALW control as mainly a foreign policy issue, sustained leadership is required for the development of international standards across a range of SALW issues from stockpile management to transfer controls.

Perhaps the greatest challenge facing the wider Europe region emanates from the latent conflicts within the region that inhibit sub-regional co-operation and fuel the continuing demand for firearms. As such, SALW proliferation in the region has to be regarded as an integral part of conflict resolution efforts. Until greater sub-regional stability is achieved in parts of Eastern Europe, South East Europe, the South Caucasus and Central Asia over the longer term it will be difficult for co-ordinated initiatives on the PoA to be comprehensively implemented

In addition to these wider challenges there are a significant number of further challenges. Several of these, such as the need for more effective controls over exports, transit and brokering and improving information exchange and transparency, are important for all OSCE member states. Additionally, many others are especially important for particular states and sub-regions, depending on their particular national circumstances.

These challenges include:

**The implementation of effective SALW export controls:** All states in the wider Europe region have, through the OSCE, agreed to control SALW transfers in accordance with a comprehensive set of guidelines that take into account the potential use of the SALW for export. Furthermore, the majority of European states are either party to, or have declared adherence to the principles of, the EU Code of Conduct on Arms Exports. Despite this, question-marks remain over the implementation of controls on SALW transfers, with evidence that European countries are continuing to supply SALW to countries in regions of conflict and in human rights crisis zones. Much more rigorous application of the OSCE, EU and other multilateral transfer control criteria is thus required on the part of virtually all European states.

**The development and implementation of controls on SALW transit and brokering:** Through the OSCE Document on Small Arms and the Handbook on Best Practices on SALW, all states in the wider Europe have agreed on the importance of developing and implementing effective controls on SALW transit and brokering. Despite the PoA further reinforcing the need for states to adopt controls on SALW transit and brokering this has yet to occur in a significant minority of OSCE states.

**Improved transparency and information exchange:** Developing public transparency remains a key challenge for many OSCE countries, particularly as the exchange of information on the implementation of the OSCE Document only applies between OSCE states. The problem is compounded by the fact that some states, particularly those lying further to the east of the region, are concerned that increased transparency with respect to their production, transfer and national stocks of SALW may compromise their defence and security capabilities and/or undermine the legitimate defence business. Despite advances amongst EU member states, much remains to be done in order to increase the level of transparency and public debate around all aspects of SALW proliferation and control.

**Management of state-controlled stocks of SALW:** As part of the process of improving stockpile management, many OSCE states – particularly those in Eastern and South Eastern Europe, the South

Caucasus and Central Asia – need to build their national capacities to securely store and manage state SALW stockpiles. In addition, states also need to be more proactive in the identification of surplus stocks of SALW and in the development and implementation of national systems for the destruction of these stocks, as well as those that are seized and/or confiscated. Significant external technical and financial assistance will be required in order to build these capacities.

**EU states' outsourcing of SALW production:** Despite question-marks over the implementation of effective SALW export controls in the EU, there is a developing trend whereby the manufacture of SALW is being outsourced to producers outside the 25 member states. This is being undertaken in order to avoid the generally stricter levels of controls over SALW export that apply in the EU. If they are to avoid contributing to SALW proliferation around the world, EU member states need to take full responsibility for the transfer of SALW production capacity outside the EU, as acknowledged in the EU SALW strategy of January 2006.

**The need for coherence in EU policies and instruments relating to SALW:** EU trade, development and foreign/security policies all have an impact on the implementation of measures to control SALW proliferation. However, the responsibility for these policies falls to different EU institutions – with the European Commission and Community instruments (Pillar I) having competence with regard to trade and development policy and the Council of Ministers (member states – Pillar II) having responsibility for foreign and security policy. This split in competencies and its implications for work on SALW is the subject of an ongoing (as of May 2006) court case. Overcoming this dispute and ensuring full coherence between policies conceived and implemented under the two Pillars is a major challenge for the EU.

**Integrating SALW control into wider programmes:** In many states within Eastern and South Eastern Europe, South Caucasus and Central Asia, the proliferation and misuse of SALW is linked closely to the existence of an unreformed and poorly regulated security sector. In order to ensure that state and civilian ownership and use of SALW is responsibly managed, SALW control initiatives need to be integrated into wider security and justice sector reform programmes.

**Greater international involvement in SALW initiatives:** In the South Caucasus and Central Asia in particular, international engagement on SALW issues is lagging well behind that in other parts of Europe. The limited extent to which the PoA has been implemented is mirrored in low levels of engagement on the part of the international donor community. Increased international assistance, including that for capacity-building and training for state officials and agencies on SALW control measures is thus a key priority.

**The development of effective export control apparatus:** A number of EU near-neighbouring states have pledged adherence to the EU Code of Conduct on Arms Exports. However many such states lack the technical and administrative capacity to fully implement such controls. The effective implementation of SALW transfer controls across much of Eastern and South Eastern Europe thus requires the establishment of new administrative structures so as to enable complex case-by-case criteria-based assessments of export licence applications to be effectively undertaken.

**Recognising the important role of civil society:** Despite the PoA clearly stating the key role that civil society can play in efforts to prevent and combat the illicit trade in SALW, there is an apparent lack of appreciation of this in a significant number of governments throughout Eastern and South Eastern Europe, the South Caucasus and Central Asia. Governments across large parts of Europe need to recognise civil society as a legitimate partner in SALW control processes and to take steps to improve communication and co-operation with civil society.

### 3.3.4 ASIA

In Asia, concerns about SALW relate to major armed conflict, armed violent crime, transnational organised crime, terrorism, separatism, and other issues. The framing of these issues, the amount of national implementation of the PoA, and the development of sub-regional co-operation, vary considerably between sub-regions. Several states in the region have undergone large-scale armed conflict in the period since the PoA was agreed, and many have seen considerable challenges to law enforcement, economic development, and governance posed by SALW. The illicit trade and misuse of SALW are persistent features of conflict and crime in the region.

In Asia there is no overarching regional agreement on SALW for the region. Sub-regional organisations have tended not to engage with SALW issues comprehensively, although there are some signs of increasing co-operation in some parts of the region, and so there are few strong sub-regional agreements on SALW. Although Asia Pacific Economic Cooperation (APEC) agreed Guidelines on Controls and Security of MANPADS in 2003, and some sub-regional instruments on broader issues, such as transnational crime, make reference to SALW, no comprehensive regional or sub-regional framework or agenda for action on small arms exists. This largely reflects the lack of overarching regional organisation and the wide range of ways in which SALW issues are framed.

There have been a number of meetings on SALW issues since the UN Conference, most notably, a PoA follow-up meeting in Japan in 2002; a regional seminar in Bali, Indonesia in February 2003; a regional meeting in Almaty, Kazakhstan in March 2004; and a regional workshop in Beijing, China in April 2005. Many of these have had a varying but relatively broad regional scope. In spite of these meetings, however, attention to SALW issues in Asia has not been as strong or sustained as in other regions. Action on SALW has reflected this uneven attention.

#### South Asia

SALW proliferation in South Asia is the consequence of a combination of factors including internal conflicts in several of the countries in the region, such as Sri Lanka and Nepal, a lack of effective law enforcement capabilities, expanding insurgent networks such as in Bangladesh, India and Pakistan and the existence of long and porous borders with poor border controls to tackle illegal arms transits. Since 2001, important progress has been made in quelling some of region's most protracted conflicts, with a fragile ceasefire in Sri Lanka, and some progress being made between India and Pakistan over Kashmir. This progress has, however, been stifled by continuing conflicts elsewhere in the sub-region, with insurgencies in India, the resumption of violence between the government of Nepal and Maoist rebels, deteriorating law and order in Baluchistan and continued violence in Afghanistan in spite of the official end, in 2001, of two decades of conflict.

#### Sub- regional developments

Since the 2001 UN Conference there has been no co-ordinated sub-regional initiative taken by governments in South Asia to tackle the problem of SALW proliferation. The South Asian Association for Regional Cooperation (SAARC) is the only sub-regional arrangement, covering Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka. To date, SAARC has avoided engaging in any security issues, viewing them as falling exclusively within national sovereignty and not within their mandate. The lack of sub-regional co-operation on issues relating to security, including on small arms proliferation, means that these issues are not being sufficiently addressed and the cross-border dimensions of the problem in the Indian sub-continent are compounding the effects.

### National implementation

Implementation of the PoA has been very slow at the national level. Some limited basic foundations have been put into place, for instance, Bangladesh, India, Pakistan and Sri Lanka have all established national points of contact and provided at least one report on PoA implementation to the UN DDA. Sri Lanka, however, has made good progress and has established a National Commission to co-ordinate and monitor all SALW control activities in the country. This is the first and only Commission of its kind in the sub-region. In 2005, a public weapons destruction event was co-ordinated to mark International Arms Destruction Day on 8 July 2005, and 17,000 weapons were destroyed at the event. Sri Lanka aside, none of the countries within the sub-region have made any substantive progress in establishing national capacity to implement the PoA. Furthermore none of the countries have reviewed their legislation since the PoA was agreed in 2001. Some minor changes have occurred in states for example, in 2005, the government of Pakistan imposed a ban on displaying a firearm in public (except in Federally Administered Tribal Areas (FATA)), however these changes do not fulfil the substantive requirements of the PoA.

The most substantial SALW-related project in the region is the disarmament programme in Afghanistan. Afghanistan has long been a major challenge to action on SALW in the region, as both a key source and route for illicit flows and the site of large-scale violent conflict. Encouragingly, however, as of March 2006, more than 60,000 former combatants in Afghanistan had been disarmed under the UN-led disarmament, demobilisation and reintegration initiative (Afghan New Beginnings Program). Furthermore, the UN-backed Disbandment of Illegal Armed Groups (DIAG) process in Afghanistan, launched in June 2005 had collected 17,900 weapons as of February 2006. However, thousands of ex-combatants remain attached to the 2000-odd militia groups that still operate in different parts of the country.

India has recently been involved in promoting several international initiatives on SALW. It has been a strong advocate for comprehensive controls on marking and tracing and has sought a legally binding instrument in this regard which includes controls on ammunition. India is also closely examining the possibility of developing a legal instrument to prohibit the transfer of weapons to non-state actors.

### Civil society

South Asian civil society has become increasingly active in taking up initiatives to tackle the problem of small arms by working on a diverse range of SALW projects. In the run-up to the 2003 Biennial Meeting of States a group of South Asian civil society organizations formed the South Asia Small Arms Network (SASA-Net). This small arms network has since developed strong national chapters in Bangladesh, India, Nepal, Pakistan and Sri Lanka, providing an excellent structure to co-ordinate activities from district to national level. Although the network mainly operates at district and national level, at the sub-regional level the members of the network have participated in a 'training of trainers' in Colombo in 2003 and a workshop on developing strong international arms transfer controls in 2004.

### South East Asia

The governments of South-East Asia have only recently begun to take steps to combat the proliferation of SALW, and have viewed the problem exclusively in terms of transnational crime and terrorism as opposed to conflict. A number of ongoing conflicts and insurgencies in the sub-region, including in Indonesia and the Philippines, have fuelled the demand for weapons, specifically in countries where wars have ended but where disarmament programmes have only been partially carried out. While there have been some initiatives to implement the PoA in the region, these have been few and far between, and the SALW situation continues to hamper development throughout the sub-region.

### Sub-regional developments

The Association of South East Asian Nations (ASEAN) has framed its SALW policy within its Plan of Action to combat trans-national crimes, which includes, inter alia, arms smuggling. States have been willing to co-operate on issues of arms trafficking and cross-border controls under the auspices of ASEAN, however due to its non-binding character, the measures adopted have never had a truly regional impact, and informal co-operation and networking between neighbouring countries has become more developed. For example, a Transboundary Cooperation Programme has been developed between Thailand, Laos, Cambodia, Myanmar and Malaysia who are working together to prevent arms trafficking along their common borders. Indonesia and the Philippines have agreed a Memorandum of Understanding (MoU) to prevent the illicit trade in SALW, which includes provisions for information, intelligence and expert exchange.<sup>30</sup>

However, the recent ASEAN Regional Forum Seminar of SALW Issues, held in November 2005, saw a breakthrough in how states responded to the SALW problem. Cambodia was able to demonstrate the success of its approach to dealing with its internal SALW problems, which led other ASEAN countries to admit that they required assistance in this context too. This raises the prospect of the development of a revised approach to the SALW problem in South East Asia.

### National implementation

National implementation of the PoA within South East Asia has been fairly patchy, however there have been some valuable initiatives within the sub-region. All states have a national point of contact, and five states (Cambodia, Indonesia, Malaysia, Philippines, and Thailand) have submitted at least one SALW report to UN DDA. Cambodia, Indonesia and Malaysia have established national co-ordinating agencies for SALW issues, although Thailand has an established working group/inter-agency body which co-ordinates matters relative to SALW.

Since 2001 there have been some steps taken in the region to implement or revise legislation on SALW. The most significant amendment to national legislation has been the new Arms Law in Cambodia which was approved by the National Assembly in April 2005. This new law marks a move towards stricter restrictions by forbidding the private ownership of SALW, as well as by providing severe punishment for those who misuse weapons. Legislation in Indonesia is also currently under review. The National Law No. 8 1948 is being amended to include provisions relating to the definition of SALW and sanctions for offenders. Despite these developments, much remains to be done at the national level to regulate SALW in South East Asia. For example, despite PoA commitments, Thailand and Malaysia reported to the UN DDA in 2005 that they had no legislation to control arms brokering.

Implementation of disarmament and destruction programmes has been fairly comprehensive and successful in some South East Asian states. For example, a weapons for development programme was implemented in Cambodia where there was direct participation at the community level, and assistance provided by the EU's Assistance on Curbing Small Arms and Light Weapons in Cambodia programme (EU-ASAC) and Japan's Assistance Team for Small Arms Management in Cambodia (JSAC). Since May 1999, around 188,398 small arms have been destroyed. There have also been disarmament and destruction programmes in Indonesia which have been synonymous with the 2005 peace initiative between the Government of Indonesia (GoI) and the Free Aceh Movement (GAM). With EU assistance the destruction of 846 weapons was completed at the end of 2005 and 3,000 GAM members have been demobilised.

<sup>30</sup> Inter-Parliamentary Union – First Standing Committee Peace and International Security, 'The Role of Parliamentarians in Strengthening the Control of Trafficking in Small Arms and Light Weapons and their Ammunition', 13 January 2006, see <http://www.ipu.org/conf-e/114/1Cmt-dr-rpt.doc>



Weapons registration and safe storage has also been implemented in Cambodia under the auspices of EU-ASAC. Recent agreements<sup>31</sup> with the Ministry of Defence (MoD) means that all small arms belonging to the MoD will now be securely stored and registered in a centralised computer database. In the Philippines, a Firearms Ballistics Information System (FBIS) has been established, including a state-of-the-art system of gun ‘fingerprinting’ which is now widely used for tracing as it allows identification of illicit SALW.

### Civil society

There has been very little NGO activity on small arms within most of the South East Asian countries in the period since 2001. The few exceptions to this include the work undertaken by NGOs such as the Working Group for Weapons Destruction (WGWR) in Cambodia; Non-Violence International Southeast Asia (NISEA) in Thailand; and the Philippines Action Network on Small Arms (PHILANSA).

Examples of recent success include:

- WGWR in their co-operation with the Cambodian government, by assisting with public education and awareness-raising initiatives at the grass-roots level. WGWR is also working to build support for a NAP for Cambodia.
- PHILANSA has hosted and participated in several forums in which SALW issues were explored. For example, in 2004 it launched a roving exhibition entitled ‘Making Communities Safer’ which shows the extent of the arms problem as well as calling for communities to generate responses addressing the arms issue.
- In December 2005, an internal Indonesian workshop on disarmament education was held in Bali. The workshop targeted representatives from both civil society and the government and provided a forum for civil society to exchange information on models for public awareness-raising.
- At the end of March 2006 a sub-regional workshop on small arms and security was held in Manila, which examined the UN Programme of Action and the need for an international Arms Trade Treaty. The workshop brought civil society organisations from across the region together to develop co-ordinated strategies and activities in the run up to the Review Conference.

### North East Asia

North East Asia experiences a range of SALW related problems, but has not focussed significant attention to sub-regional action on SALW. Concerns about SALW within North East Asia are primarily framed as being related to transnational organised crime and terrorism. While not beset by large scale armed conflict, in recent years some parts of the region have experienced notable SALW problems. Taiwan, for instance, has experienced significant growth in illicit SALW, with seizures of illegal home-made guns and trafficked firearms rising by almost 65% between 2003 and 2004.<sup>32</sup>

### Sub-regional developments

There is no sub-regional agreement on SALW in North East Asia. Some North East Asian States work closely with ASEAN, and ASEAN action on SALW. In particular China, Japan, and the Republic of Korea are committed to working with ASEAN to strengthen co-operation in a range of ‘non-traditional’ security issues, and participated in an “ASEAN Plus Three Summit” in Bali in October 2003. Most progress at the sub-regional level consists primarily of workshops and meetings and some bilateral initiatives. Further, the UN Workshop on Small Arms and Light Weapons held in Beijing in April 2005, and co-sponsored by the governments of China, Japan, and Switzerland, included participants from throughout Asia and beyond.

<sup>31</sup> January 2006.

<sup>32</sup> Taipei Times, ‘Taiwan Quick Take’, March 21 2005, see <http://www.taipetimes.com/News/taiwan/archives/2005/03/21/2003247169>

### National Implementation

National implementation in North East Asia has been mixed, but overall is relatively limited. Some states in the region, most notably Japan and increasingly China, have concentrated on playing a role at the global level in SALW processes including processes such as the GGE and OEWG on Marking and Tracing. Japan also provided the chair for the first Biennial Meeting of States. Further, Japan has been a significant provider of support to SALW projects in several countries particularly within Asia, such as in Cambodia (JSAC) and Afghanistan (DDR in the Afghan New Beginnings Programme), but also extra-regionally.

Action in the sub-region to implement commitments at the national level, however, have been relatively limited. Four states have established national points of contact but none have formal national co-ordination mechanisms. While both China and Japan show evidence of significant informal co-ordination on SALW-related matters, no state in the region has developed a specific framework for national action on SALW.

Reviews and amendments to legislative and administrative frameworks and procedures have been uncommon: China amended its export control regulations in 2002 and added an Export Control List, however, China's arms exports continue to raise concerns, and the criteria it applies in authorisations appear to remain basic and do not fulfil their obligations to ensure that authorised transfers are consistent with their responsibilities under international law. The Hong Kong special administrative region of China also reviewed its export, import and transit licensing requirements in 2004, though this appears to have entailed only minor procedural changes. In 2004 Japan began to consider loosening its ban on arms exports, but this was not related to SALW issues, or the PoA. No changes to laws and procedures concerning SALW appear to have occurred in other UN member states in the region, though in 2004 Taiwan did amend its controls on civilian possession of firearms to impose stronger penalties for illicit manufacture and trade and has recently announced an intention to increase the scale of its small arms exports.<sup>33</sup>

Notably, in contrast to many other sub-regions, a very low priority has been given to conducting weapons collections and destruction. In the Republic of Korea, gun amnesties are conducted regularly and some confiscated and collected weapons are destroyed, and in Taiwan a crackdown on illegal guns in 2004 was accompanied by an amnesty. Beyond that, however, there have not been voluntary weapons collections, DDR, or related destruction processes in North East Asia. China has confiscated large quantities of SALW, at least some of which have been destroyed. China reports that between 1996 and 2004 such seizures included over 4 million arms, 30,000 of which were military-type firearms. In relation to marking, tracing and record keeping, China has revised its marking system, in particular to include a clearer marking identifying China as the country of manufacture. It has developed an Information System for Firearms Regulation developed by China's law enforcement authorities has been piloted and is now reportedly ready for broader application.

No information is available on the Democratic People's Republic of Korea which remains unengaged in the UN SALW process.

### Civil Society

Civil society engagement with SALW issues throughout North East Asia has been extremely limited. With the exception of Japan, in which several interested NGOs have formed a national network, the Japan Action Network on Small Arms (JANSA), civil society organisations have lacked the capacity to engage on

<sup>33</sup> Taipei Times, 'MND to increase exports of small arms,' May 2nd 2006, see <http://www.taipeitimes.com/News/front/archives/2006/05/02/2003305685>



SALW issues. In part this is because opportunities for civil society to engage with security-related issues are limited in many countries, and also because of low prioritisation and awareness of SALW issues.

### Challenges for Asia

Overall, Asian implementation of the PoA has been poor. There are several notable and commendable exceptions to this, including in Cambodia, and more recently Sri Lanka, as well as some strong progress in particular areas, such as Japan's provision of assistance to SALW activities. Nevertheless, Asia still lags behind other regions with similar challenges.

The diversity of the region and, notably, the lack of an overarching regional body, in addition to the limited attention and capacity of sub-regional organisations to tackle SALW issues militate against co-ordinated action throughout the region. However, it is clear that greater regional and sub-regional level action is required. The range of ways in which SALW issues are framed has, in this context, militated against raising the profile of SALW. The framing of the issue exclusively in terms of arms trafficking as part of transnational organised crime, for instance, rather than adopting and building upon the more comprehensive national agendas developed in some states (such as Cambodia) has contributed to the failure of sub-regional bodies to make significant progress on these issues. There is, therefore, a need for awareness-raising and capacity-building among states.

Key challenges, for Asia, therefore are:

**Raising the profile of SALW issues on sub-regional agendas:** SALW control has not been a prominent part of regional and sub-regional interactions throughout Asia, although there are signs that this could be changing. Enhanced political will to address the SALW issue at sub-regional levels will need to be supported through efforts to build the capacity of states and sub-regional organisations to address the issue.

**Supporting the development of new comprehensive sub-regional and regional agreements on SALW:** Experience from other regions shows that the development of comprehensive agreements on SALW is key to effective action on SALW. The development of sub-regional and regional arrangements that reflect Asian priorities for tackling SALW proliferation could greatly assist Asian states in tackling SALW proliferation and implementing the PoA.

**Building upon existing frameworks in order to further SALW control efforts:** First steps need to be taken to ensure that the Plan of Action to combat transnational crime is fully implemented, for example, including small arms proliferation on the agenda of SAARC, encouraging ASEAN co-operation and networking, and making a recommendation on the establishment of an ASEAN SALW co-ordination office. Further regional meetings could be used to consolidate and capitalise on regional experiences of the challenges and opportunities of action on SALW.

**Promoting increased engagement on the part of the donor community.** There is a need for enhanced levels of assistance (both financial and technical) from international donors to assist all states in the Asian region in tackling their SALW problem.

**The development of national strategies for SALW control:** States within the region should give greater priority to SALW issues and, where appropriate, should consider developing comprehensive national strategies or approaches to tackling them, as approaches such as these have enjoyed success in states such as Cambodia.

**Supporting civil society involvement in efforts to tackle SALW proliferation:** Civil society engagement in many parts of the region has been relatively lacking and undeveloped. Unfortunately

there are very few NGOs in the region that deal specifically with SALW, thus capacity-building, and financial and technical assistance are much needed.

These challenges are key foundations for strengthened action on SALW at the regional and sub-regional levels. Most importantly, and supported by such action at the regional level, all states in the region should engage in the enhanced implementation of the PoA's national level commitments including the full range of PoA commitments.

### 3.3.5 MIDDLE EAST AND NORTH AFRICA (MENA)

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Past and ongoing conflicts in the Middle East and North Africa (MENA) region fuel both the supply of and demand for small arms in the region. Its geographic placement as a trading hub and the significant numbers of weapons left over from the Cold War account for the high level of arms flowing through the region. Smuggling, particularly from Iran to Iraq, and over the long and porous Saudi-Yemeni border presents a major SALW challenge in MENA. Illicit transfers are often connected to support for armed groups in the Arab-Israeli conflict and many other countries are engaged in cross-border disputes, which fuel demand for arms.

Implementation of the PoA at the national and regional level in MENA has tended to be ad-hoc and slow. With regional challenges such as the war and insurgency in Iraq, diplomatic tensions over Iraq and the Arab-Israeli issue, the focus of security policy and practice has been on the threat of larger conventional and nuclear weapons. As such, governments in the region have also been slow to consider the human impact of small arms. Those governments that have paid attention to SALW issues have tended to do so on a national basis rather than through regional co-operation, which is made difficult by ongoing conflicts and regional hostilities.

#### Regional implementation

Regional collaboration on implementation of the PoA within the MENA region has been limited and no formal regional instrument or agreement has yet been established. Key impediments to regional co-operation include the ongoing Arab-Israeli conflict and the differing local significance of SALW. Furthermore, it is likely that the victory of Hamas in the Palestinian legislative elections on 25 January 2005 will have some implications for the future progress of regional co-operation on small arms control among MENA states in terms of fuelling further Israel-Palestine sectarianism. Other challenges to regional security and tackling SALW problems are posed by diplomatic tensions over Iran and the insurgency in Iraq.

There have, however, been some small steps towards greater regional co-operation on general SALW issues. For example, a meeting organised by the UN and the Arab League in December 2003 marked the start of a dialogue on SALW between the UN DDA, Arab states and civil society. The outcome of the meeting was a slow but marked increase in regional co-operation. A regional symposium on the implementation of the PoA by Arab States was organised by the UN DDA in April 2005. Eighteen states from the MENA region participated in the symposium including Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen.

The League of Arab States is the primary regional mechanism for co-ordination on the implementation of the PoA, although to date its achievements have been more rhetorical than practical. In 2004, the Arab League issued a resolution (Resolution 6447) on Arab co-ordination for combating the illicit trade in SALW. Articles of significance to PoA implementation include Article 2 which encourages Arab states and the General Secretariat to increase co-ordination in order to combat the illicit trade in SALW and

Article 3 which establishes the General Secretariat's role as the regional focal point to co-ordinate the activities of the Arab States and to support national capacity-building programmes in key SALW control areas including border control and information exchange. A further role of the General Secretariat as regional focal point is to provide technical assistance to assist Arab states to establish national commissions with national focal points and to prepare national reports on the implementation of the PoA.

In line with this commitment the Arab League held the First Meeting of Arab Focal Points on Small Arms and Light Weapons in December 2005 and in March 2006 issued a further resolution (Resolution 6625) on Arab Co-ordination on Combating the Illicit Trade in SALW. This seeks to build on the 2004 Resolution and enhance regional co-operation on sharing information and experiences relating to SALW control by establishing a regional database. However, no specific regional agreement or instrument has yet been established on the issue of SALW in general and the implementation of the PoA in particular and it remains to be seen whether the implications of the 2006 Arab League Resolution will have any concrete impact on national or regional small arms control.

Porous borders mean that smuggling is a major problem in the region. A particular problem in MENA is cross border trafficking for political ends, that is the transfer or retransfer of arms from state to state or from state to non-state actors to consolidate alliances between the state and certain interest groups. The political gains that are currently possible because of this trafficking mean that the political will to establish and implement national legislation to curb trafficking is questionable. A better option in this context would be regional action. Although the PoA does not explicitly call for the harmonisation of national legislation within regions, the lack of regional engagement and co-ordinated SALW regulation among neighbouring states renders progress on curbing smuggling difficult, especially where individual states may not have an incentive to curb the practice at the national level.

### **National implementation**

In spite of a slow start after the 2001 UN Conference, some progress is beginning to be made on national implementation of the PoA. Although the Arab-Israeli conflict, the conflict in Iraq and the renewed focus on nuclear weapons in Iran have diverted some political attention from SALW to other security issues, the number of states taking specific steps to implement, or to build the foundations on which to implement the PoA has increased since the last Biennial Meeting of States in 2005.

As of January 2006, Algeria, Egypt, Israel, Iran, Jordan, Lebanon, Morocco, Oman, Sudan and Syria have notified the UN DAA of a designated point of contact on small arms issues. Of these states, Iran, Israel, Morocco, Oman, Qatar, Sudan and Syria have designated individual/s with contact details provided. The other states give details of a pre-existing government department or agency. Lack of regional monitoring means that the capacity and efficacy of these national focal points to implement the PoA is unknown. There has been an encouraging trend in the number of states submitting national reports on the PoA to the UN DDA, with submissions made in 2005 by Algeria, Egypt, Iran, Jordan, Morocco, Oman, Qatar and Syria and in 2006 by Yemen and Oman. It should be noted however that the comprehensiveness and quality of national reports varies significantly among states.

While national controls of illicit manufacture, trade and use are of considerable significance in the MENA region, reviews of laws and procedures are scarce. To date, no state in the region has carried out a review of its national legislation on SALW production and transfers since 2001. Measures to control weapons and ammunition stockpiles are also weak: only three states have standards and procedures for the management and security of stockpiles, and none of these have reviewed their standards and procedures for the management of stockpiles since 2001. Implementation of PoA recommendations on the destruction of surplus, collected and confiscated weapons and ammunition

are virtually non-existent in the region, with no states reporting any weapons collections or destructions since 2001, nor any policies on destroying surplus or collected weapons or ammunition. Despite the particular importance of the issue in the MENA region, disarmament has also received very little attention there, with only one recorded weapons amnesty and disarmament programme – by Iran in 2003-2004. There has been no post-conflict DDR programme nor any voluntary weapons collection programme.

Despite the lack of progress on many aspects of the PoA, it is worth noting the positive progress made by some states in addressing some specific SALW issues, namely illegal civilian possession and misuse of arms. For example, in Yemen, public demonstrations against arms possession lead to renewed political attention on the issue and a new law to better govern arms possession and the carrying of arms by civilians. Jordan has also successfully brought about legislation to curb the practice of celebratory shootings.

### Civil society

Although no states in the MENA region currently co-operate with civil society on implementing the PoA there has been a notable increase in civil society activity on SALW control initiatives over the past three years. The Middle East and North Africa Action Network on Small Arms (MENAANSA) was launched in 2003 and has active members in Jordan, Lebanon, Palestine, Syria, Sudan and Yemen. The network is an active forum for ongoing dialogue between network members and an encouraging means for interested governments to establish partnerships to address issues surrounding illicit proliferation and use of SALW as well as inadequate laws and procedures. From September to December 2005, MENAANSA conducted a preliminary research project on perceptions among local communities about SALW and security in the Middle East in Gaza, West Bank, Lebanon and Sudan. Findings revealed that, contrary to expectations, civilians were open to dialogue on the issue of possession and expressed a broad interest in reducing the number of arms in circulation. This study is an encouraging first step towards a greater understanding of small arms issues in the region, which is currently under-researched, thus hindering the development of effective policies to control their proliferation and misuse. The research findings appear to suggest that the time may be right for voluntary weapons collection programmes, arms amnesties and disarmament initiatives as a means to curb the supply of arms.

However, overall, civil society engagement with national governments on sensitive issues such as stockpile security and weapons destruction is extremely limited. As such, most civil society work in the region focuses on less contentious SALW issues such as community violence.

### Challenges for continued progress in MENA

**Enhanced co-operation on issues such as border controls:** Increased regional collaboration on border controls, along with monitoring and joint policing of borders is imperative to stem the flow of illicit SALW in the region. However, in order to achieve this, the incentives for states to use informal border transfers to consolidate alliance amongst cross-border networks must be removed.

**Removing illicit arms from circulation:** Given the vast levels of arms in circulation, and the apparent willingness amongst civilians to be rid of weapons, greater emphasis needs to be placed on weapons collection and disarmament initiatives. States in the region should be called upon to address these issues in line with PoA commitments in their national legislation where they do not already do so, and to review their legislation where it already exists.

**Building trust through dialogue:** Increased information and experience sharing between states in the region should be promoted in order to overcome hostilities between states in the region, enhance national legislation and encourage greater regional co-operation.

### 3.3.6 PACIFIC

SALW problems are a low priority for most states in the Pacific. Since the PoA was agreed in 2001, low-level armed conflict and armed crime have continued, particularly in the Solomon Islands and Bougainville, Papua New Guinea. However, levels of firearm-related crime in many countries remain fairly low and armed conflicts in the region are now largely dormant, although in April 2006 the Regional Assistance Mission to the Solomon Islands (RAMSI) was strengthened after the rioting that surrounded the Prime Ministerial elections. The region is not characterised by large scale arms trafficking but rather by the damage that relatively small quantities of arms can do.<sup>34</sup> Many of the arms that are in illicit hands or misused in gun-violence originate from state stocks or are related to legally authorised civilian owned firearms ownership.

#### Regional initiatives

The main regional body, the Pacific Islands Forum (PIF) has a reasonable level of declared commitment to tackling SALW proliferation. Within the PIF a regional agreement on SALW called the Nadi Framework was produced by the South Pacific Chiefs of Police Conference and the Oceania Customs Organization in a March 2000 document called 'Towards a Common Approach to Weapons Control'. In October of that year the PIF approved the development of model legislation to facilitate the implementation of the principles enshrined in the Nadi Framework and in the Honiara Initiative (the 1998 in-principle agreement on SALW that began the process of developing the Nadi Framework). The first draft of this legislation was produced in May 2001 but it remained under review for considerable time. Urged on by Australia and New Zealand, the Nadi Framework Model Weapons Control Bill was finally endorsed by Pacific leaders at the August 2003 PIF meeting in Auckland.

The Nadi Framework process emphasises harmonisation of regulations and good basic standards therein. The Model Weapons Control Bill formalises, improves and harmonises standards in the following areas:

- Establishing controls over civilian possession, trade, and manufacturing
- Establishing registration and licensing systems for possession and trade
- Establishing the need for a “genuine reason for possessing and using a weapon” and outlining what such reasons include
- Criminalising illicit trafficking
- Controlling import and export of arms
- Containing standards on marking and record keeping and storage for civilian weapons
- Dealing with border control issues

Further frameworks for relevant co-operation in the region are being enhanced. The Oceanic Customs Organisation, which is developing a permanent base, and the Pacific Island Forum Regional Security Committee both play a role in co-ordinating customs and police intelligence in the region. While not SALW-oriented processes, both of these bodies include SALW trafficking issues within their remit. They include reporting on arms trafficking, among other issues, to central databases that can be used by all members. While current reporting through these mechanisms could be further improved, these frameworks combine with the Nadi Framework and its model regulations to provide a strong framework for future action in the region.

<sup>34</sup> Alpers, Philip, Gunrunning in Papua New Guinea: From Arrows to Assault Weapons in the Southern Highlands, Geneva, Small Arms Survey, 2005, p 32.

### National implementation

Overall implementation of the PoA in the region has been very uneven and given a low priority. Most states in the region lack a national point of contact, with only nine states having officially appointed one. However, the pace of implementation even of this basic foundation has been slow, with some points of contact created only within the last year. Many of these remain largely difficult to contact and appear inactive. National co-ordination mechanisms are rare in the region, and few states have developed strong national strategies for action on SALW. While the Australian government developed a national framework on SALW in 1999 and both Australia and New Zealand have a range of strategies on SALW issues, no state in the region has a comprehensive national action plan for tackling SALW. Many states in the region might benefit from the development of more comprehensive action plans but priorities and capacities are low. With the notable exceptions of Australia and New Zealand, few states in the region have been particularly engaged in the UN small arms process. Only six states have submitted reports on national implementation of the PoA to the UN DDA. Further action is thus required to build strong foundations for PoA implementation, and to act effectively on priority issues such as implementation of the Nadi Framework Model Regulations.

Many countries' controls over SALW in the region are outdated, and in many cases are not codified in law but rather are governed by common practice. The laws of Australia, Fiji and New Zealand are largely in line with the Model Weapons Law.<sup>35</sup> In addition, and encouragingly, Papua New Guinea has engaged in an in-depth consultation on its gun laws in preparation for their revision: its 2005 Gun Summit received considerable attention and attracted donor support from Australia, New Zealand, and the UNDP. While this process is widely seen as constructive and useful, it is yet to be translated into practical action to reduce armed violence. Indeed, throughout the region, implementation of the model harmonised weapons legislation has been slow.

Nevertheless, some effective action has been taken on priority areas, such as stockpile management and security, controls on civilian possession, and disarmament programmes.

Most illicit firearms in the Pacific (except craft manufactured versions) began as legal weapons in the hands of local civilians, the military, and police. In all Pacific nations, domestic leakage of legally imported and legally held guns into illicit hands reportedly greatly exceeds the volume of firearms smuggled into the region.<sup>36</sup> Thus, the safety and security of weapons stockpiles has been a priority for the region and much practical progress on tackling SALW within PIF states has focused upon this. Half of all Pacific Island states have received some assistance from either or both Australia and New Zealand. New armouries have been built in Papua New Guinea, Fiji, Samoa, the Cook Islands and Tonga, and facilities have been upgraded in the Solomon Islands and in Vanuatu. In addition to enhancing physical security measures, the two donors have also provided expert training in stockpile management and disposal.

Several countries in the region have conducted some form of disarmament since the 2001 UN Conference. These have predominantly been amnesties, voluntary weapons collection and DDR-type processes. Both Australia and New Zealand have conducted firearms amnesties, as did Fiji prior to the UN Conference. In the Bougainville 'Weapons Disposal' from late 2001 to early 2003, 1,920 weapons were collected and, later on in 2003, a decision was taken to destroy them. In the Solomon Islands, the Regional Assistance Mission to the Solomon Islands (RAMSI), led by Australia with a significant New Zealand contingent and smaller contingents from other states in the region, has collected and destroyed over 3,700 weapons and over 300,000 rounds of ammunition since July 2003.

<sup>35</sup> See 2005 version of this report for in-depth discussion

<sup>36</sup> Alpers, Philip, Twyford, Conor, and Muggah, Robert, 'Trouble in Paradise: Small Arms in the Pacific', pp 277 – 307, in *Small Arms Survey 2004: Rights at Risk*, Oxford, Oxford University Press, 2004.



Most significant action on SALW in the Pacific has been supported by donors. Australia and New Zealand are the primary donors to states in the region. There is a degree of co-operation and co-ordination in the support of projects, with some joint projects undertaken and an avoidance of duplication of efforts. Without the continued support of these donors, action on SALW in the region would undoubtedly grind to a halt. Much remains to be done, particularly in relation to the implementation of the Nadi Framework Model Regulations. Many of the concrete projects and programmes of action on small arms in the region have drawn to a close. They have been largely constructive and helpful and represent a useful foundation for further action. The Review Conference and its outcomes therefore represent an opportunity to reinvigorate action on SALW in the region.

### Civil society

Civil society action on SALW in the region has been relatively limited. Few NGOs in the Pacific are focussed on SALW problems. There are notable exceptions of organisations concerned with civilian firearms laws and some other issues, such as the Fijian IANSA member, the Pacific Concerns Resource Centre, and gun control and peace movements in Australia and New Zealand. There are signs of improved co-operation between government and civil society in the region. Both Australia and New Zealand co-operate with domestic and international NGOs and have included civil society organisations (both pro-gun lobby and IANSA members) on their delegations to one or both Biennial Meetings of States. However, throughout the region, there remains greater scope for civil society action and co-operation.

### Challenges and priorities for continued progress in the Pacific

The main challenge to effective action in the region is the low level of priority given to many SALW issues by states. This is augmented by significant challenges to the capacity of states to take action.

**Implementation of existing SALW commitments:** A key priority for the region is the implementation of the Nadi Framework, including the Model Regulations. Thus far, these remain largely unimplemented.

**Continuing leadership from Australia and New Zealand:** The role of Australia and New Zealand as the primary providers of support for action on SALW within the region should continue with renewed impetus taken from the Review Conference.

**Supporting civil society involvement in efforts to tackle SALW proliferation:** There is a need for greater civil society action on SALW within the region. Greater awareness-raising and capacity-building should be encouraged, and NGOs should be included in national co-ordination processes.

## 3.4 KEY ASPECTS OF REGIONAL IMPLEMENTATION

Overall, progress in implementing the Programme of Action has varied considerably within and between regions. The nature and experiences of implementation of particular types of PoA commitments are explored in much greater depth throughout the other chapters. However, here it is useful to note that some priorities and challenges are common to all regions, others tend to cluster around particular groups of regions, and still others tend to be relatively unique.

Regional action has tended to correlate with the presence of significant regional and sub-regional agreements. While there has been considerable variation in implementation within each of these regions, as noted in the sections above, overall action in states that are part of a significant SALW agreement at

the regional or sub-regional level tends to be broader and stronger than in most countries that are not part of such agreements. Most sub-regions of Asia, as well as the Middle East and North Africa, and Central Africa lack significant sub-regional action. In these regions national action has tended to be less common and less comprehensive.

Similarly, those states that have gone beyond basic PoA foundation commitments and have established national action plans or similar national strategies or sets of strategies, have often taken early steps towards more wide-ranging and comprehensive implementation of the PoA than those that have not (see Chapter 4). In relation to these basic foundations of PoA implementation, it seems that most regions reflect the global average for Points of Contact of just under 80% of countries. However, the Middle East and North Africa, and Oceania/Pacific both fall below this (with approximately 60% and 45% respectively), whereas just under 90% of European states have appointed points of contact. In relation to more substantial foundations such as national co-ordination mechanisms or processes, however, there is considerably greater variation between regions. Approximately 70% of African states have some form of national co-ordination mechanism or process, largely as a result of the number of sub-regional agreements that also require them. In contrast other regions vary widely between just over 10% and 50% of countries having some form of significant national co-ordination.

Some aspects of PoA implementation have tended to be concentrated in particular regions. Thus, for instance, almost one-third of countries to have conducted disarmament efforts have been in Africa, and half of those have included DDR (and almost half of DDR has occurred in Africa). In contrast, other forms of disarmament appear equally common in other regions. The majority of donors continue to be in Europe and North America, though this is beginning to change (see Chapter 9).

Other aspects of PoA implementation have been more evenly spread across regions. In relation to the destruction of surplus and/or collected and confiscated weapons, for example, the proportion of states in a region that have carried out some destruction falls in to the range between 35 and 50% of states for Africa, Americas, Asia, and Europe, though the scale of the challenges of surplus disposal, for instance, vary considerably more.

Some regional distributions of national action have tended to reflect traditional priorities, but not to the degree that might be expected. Indeed it is striking that differences between regions on the basis of traditional distinctions between ‘suppliers’ and ‘affected states’ have been reduced since 2001 as all states have confronted shared challenges and responsibilities. This is shown, for example, in the way in which the revision of laws and procedures follows complex regional patterns. While in 2001 indications of action on this front might have been expected to be concentrated in Europe and North America, this distinction is less marked in 2005. 50% of reviews of legislation on production and transfer controls occurred in Europe, rising to 66% if one includes all of Europe and the Americas. While this represents a majority it is not as strong as might have been seen in 2001. Action on transfer controls appears to increasingly being taken on by traditional “importer” states and often includes not just export controls, but production, import, and increasingly transit and brokering. Action on transfer controls is increasingly taken on in regional agreements, though many of these are yet to bear fruit in terms of implemented revised transfer control systems (see Chapter 5). Importantly, reviews of laws and procedures covering civilian possession and associated trade do not appear to have varied widely with the presence of strong regional or sub-regional commitments on these issues. A large number of states have made reviews of these areas of legislation, particularly in the Americas and Europe in which approximately 40% of states have reviewed controls. In Africa, Asia and the Pacific reviews of such laws have only been undertaken by around 20% of countries, but this does not reflect a low priority of this area of action on SALW: in many sub-regions of Africa and in the Pacific such laws are a key focus of regional agreements. Rather, the challenges of conducting such reviews, including limited national capacity, and the length of time required for strong review processes appear significant.



Each region has its own particular priorities and challenges for future action on SALW. These were drawn out above. However, it is important here to note that many regions share common challenges and priorities. In particular these relate to:

- The need to build national co-ordinated approaches and national capacities
- The challenges of limited political will, ongoing conflict, poverty and crime
- The need for stronger and broader international co-operation and support
- The need for enhanced regional action and capacity
- The clear benefits developing strong partnerships with civil society and the need to develop them further and more systematically
- The need for enhanced action in harmonising key areas of legislation and enforcement
- The need for stronger global level action to provide a framework for action on key issues such as transfer controls, arms embargo enforcement, stockpile management and security and many other areas

# 4: PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

## 4.1 INTRODUCTION

One of the major barriers to effective national implementation of the PoA has been the lack of effective co-ordination between the numerous government departments and agencies that play a role in small arms control. In order to fully implement the PoA states must have a basic level of institutional infrastructure in place that allows for the development and implementation of SALW policy and procedures. In this regard, Section II, Para 4 of the PoA requires states to:

“...establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons”.

In order to ensure that states are in a position to communicate with other states and multilateral agencies on the development and implementation of SALW policy, Section II Para 5 of the PoA requires states to:

“... establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action”.

Beyond this, an increasing number of states have taken these commitments a step further and, recognising the benefits of a coherent and inclusive national approach to the SALW issue, have established a comprehensive National Strategy or National Action Plan (NAP) to tackle SALW.

Significant progress has also been achieved within some regions and sub-regions in the development of institutions and capacity, thereby providing a valuable supporting and co-ordinating function for national action on SALW. The impact of regional agreements and regional capacity on SALW action is explored below.

Furthermore, it is clear that a great many initiatives on SALW are implemented by means of a variety of partnerships between governments and government agencies, donor agencies and civil society. Accordingly this section aims to give an overview of the different partnerships that exist and the ends to which they are employed.

## 4.2 NATIONAL CAPACITIES

### 4.2.1 NATIONAL POINTS OF CONTACT (NPC) AND REPORTING ON POA IMPLEMENTATION

#### The establishment of NPCs

In order to make effective progress on implementation of the PoA, a certain minimum level of institutional infrastructure is required. In this regard, the PoA is clear on the need for states to designate a national point of contact (NPC) so as to facilitate liaison with other states on matters relating to the implementation.

To date, a majority of states (150 in total<sup>1</sup> as of May 2006) have established NPCs). In view of the minimal nature of the requirement, however, the fact that at least 42 countries have not yet notified DDA of an NPC is of concern. Progress in establishing NPCs across different regions is variable and can be summarised as follows:

<sup>1</sup> An official list is available on the UN Department for Disarmament Affairs (UN DDA) website (<http://disarmament.un.org/cab/docs/National%20Points%20of%20Contacts%20SALW%202024.03.06.pdf>) however this figure represents the official number as well as those NPCs that are known to exist but which have not submitted details to the UN DDA.

- Nine out of 48 African states have no registered NPC
- Nine out of 35 states in the Americas have no registered NPC
- Five out of 53 European states/entities have no registered NPC
- Nine out of 18 states in the Middle East and North Africa (MENA) have no registered NPC
- Four out of 23 states in Asia has no registered NPC
- Five states out of 14 in Oceania and the Pacific have no registered NPC

The principal factors contributing to this absence of NPCs tend to be a lack of engagement in the UN PoA process, a lack of capacity for addressing SALW issues and/or the perception of the illicit trade in SALW as a low domestic priority.

However, even where a state has designated a NPC, this is not a guarantee that this contact is, in fact, operational. A substantial number of the points of contact listed by UN DDA either do not exist, are out of date or fail to respond to communications. Efforts to procure up-to-date information on national implementation of the PoA serve as a useful illustration in this regard: in the course of compiling this report, *Biting the Bullet* contacted 116 NPCs. Of these, only nine responded. Many NPCs proved to be non-contactable.

While the greatest number of NPCs – 65 in total – is situated within foreign ministries, a significant minority of NPCs, particularly within Africa, are based in ministries of interior/police (17 in total); a reflection of the view that SALW control is primarily an internal and/or operational matter. A further 16 states, spanning all regions, have their NPC situated in the ministry of defence, suggesting that SALW is viewed as a national security concern. In some countries, there are multiple points of contact and it is not always clear that those designated as such are aware of their role; moreover there have been cases where an individual who has been designated as NPC is not suited to the purpose in that they cannot speak any of the UN's six official languages.

It is difficult to say with any certainty whether the location of an NPC has a material impact on how the SALW problem is addressed by states, as so many NPCs appear to be little more than non-responsive email addresses or fax numbers. However, the existence of a national co-ordination agency does appear to have a bearing on the focus of SALW efforts in some states (see below).

### Reporting on PoA implementation

The majority of states – 135 in total - have provided at least one report to UN DDA. Most of these were provided in the period preceding the 2003 and 2005 Biennial Meetings of States (BMS). In the case of those 56 states that have not reported to DDA, this is a clear indication of a lack of real engagement in the UN PoA process. Although it is relatively easy to designate an official as a NPC, producing a report requires devoting time and resources to the issue. In Africa in particular, a significant number of states – 13 out of 48 – have not reported to DDA; in many African states a lack of capacity and national co-ordination difficulties are major contributory factors in states' failure to report on PoA implementation. In this regard, although the UNDP/UN DDA support project has been able to assist 25 states with preparing national reports, a much greater level of assistance is clearly required. Moreover, the quality and extent of national reports varies significantly, with some states taking the opportunity to provide detailed information on their SALW controls and others failing to provide much insight into their SALW related policies, legislation and activities (see Chapter 9).

#### 4.2.2 NATIONAL CO-ORDINATION AGENCIES

While the establishment of an NPC is the most minimal institutional requirement under the PoA, it is not, on its own, a measure of how well equipped a state is for PoA implementation. One indicator of how

seriously states are taking their obligation to implement the PoA is the number that has established national co-ordination mechanisms as required under Section II, Para 4. The number is disappointingly low: globally, just under a half of states – 90 in total – have established national co-ordination mechanisms.

The region with the greatest number of national co-ordination mechanisms is Africa, where over two-thirds of states (34 out of 48) have taken action in this area. The region where the fewest have been established is MENA, where less than one fifth of states (two out of 18) have established a co-ordination agency. Perhaps disappointingly, only a half of countries in Europe (28 out of 53), and less than half in Asia (nine out of 23) and the Americas (14 out of 35) have made progress towards establishing a national co-ordination mechanism.

Considering the fact that the establishment of a national co-ordination agency is a key institutional requirement of the PoA, this low level of implementation is disappointing, as it indicates that only one-third of states have the requisite institutional infrastructure for internal SALW policy co-ordination and full PoA implementation. A further 16 states that have not established a national co-ordination mechanism have been identified by *Biting the Bullet* as having significant levels of national co-ordination on SALW issues. However, it is clear that the majority of states that are making serious efforts to ensure SALW policy co-ordination have done so through the establishment of a specific mechanism for this purpose.

The reasons behind the failure of almost two-thirds of states to take action in this respect depend on the particular internal and regional situations of the states in question. For example, in Europe, SALW proliferation is not a pressing domestic issue for many states, hence there is less onus on these governments to make internal SALW policy co-ordination a major priority. In Asia, the Americas and parts of Africa, capacity issues and/or a lack of substantive engagement with the PoA process are undoubtedly at the root of states' failure to establish national co-ordination mechanisms. At the same time, it is also clear that there is often a link between high levels of donor engagement and the establishment of an effective national co-ordination agency. In this regard, international donors, such as the United Nations Development Programme (UNDP) and governments such as the UK have been closely supportive of the establishment of robust mechanisms in countries such as Bosnia and Herzegovina, Kenya, Serbia and Montenegro, Sri Lanka, Tanzania and Uganda, whilst in Central America a major focus of a UNDP sub-regional project is the building of capacity in each government to officially constitute a national commission and ensure operational links with the Central American Integration System (SICA).

#### **Types of national co-ordination agency**

Whereas the PoA makes it clear that states should establish a national mechanism for the purposes of overseeing and co-ordinating efforts to address all aspects of the illicit trade in SALW, decisions regarding the exact composition and nature of this body are left to individual states. As a consequence, various types of arrangements have been adopted by states in order to promote national co-ordination of action. These range from a relatively minimal or informal type of arrangement, such as the Interdepartmental Committee in the UK (the Small Arms Policy Group), to the more formal 'National Focal Point' which is common in Southern and Eastern Africa, to the constitution of National Commissions, for example, in Ghana and Sri Lanka. There is evidence to suggest that the different types of provision operate differently. On the one hand, informal inter-departmental committees tend typically to address the SALW issue within the existing competencies of the departments or ministries involved. On the other hand, National Commissions clearly involve the establishment of a new institution and additional capacity, often with significant donor support.

### Regional arrangements and national co-ordination agencies

Regionally, the greatest progress in the establishment of national co-ordination agencies has been achieved in Eastern Africa where all states have established a National Focal Point (NFP). This process has been facilitated by significant and concerted action at the sub-regional level to address the SALW issue, notably through the Nairobi Protocol and associated agreements. This sub-regional SALW control apparatus has required substantial engagement in the SALW issue on the part of most Eastern African states and the establishment of the requisite institutional apparatus in the form of National Focal Points. Progress in developing national co-ordination agencies has also been marked in West Africa where the provisions of the ECOWAS Moratorium overlap with those of the PoA and serve as a sub-regional framework for the implementation of the PoA. Provisions of the Moratorium that are echoed in the PoA include the requirement to establish a national co-ordination agency and in this regard 13 out of 15 states have undertaken this task. However question marks remain over the effectiveness of a significant number of national co-ordination agencies (see below).

However, elsewhere, regional and sub-regional agreements have not always yielded progress in the establishment of national co-ordination mechanisms. In Europe, where states are party to a variety of regional, sub-regional and multi-lateral SALW initiatives, progress in this regard has been slow. Even in South Eastern Europe, under the umbrella of the Stability Pact Regional Implementation Plan, there has been limited progress in the establishment of national co-ordination agencies. Although a number of states have considered developing full national commissions, less than half have made concrete strides towards creating them. This is due in part to broader governance problems in some areas (Albania and Kosovo), a lack of priority being afforded to internal SALW control.

Throughout the Americas, most national co-ordinating mechanisms are less focused on PoA implementation and more on fulfilling obligations of the Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) or on dealing with reforms to national legislation. Brazil undoubtedly possesses the most robust national co-ordinating mechanism, its National Disarmament Commission, which is focused on implementing national law rather than the PoA although much of its work is complementary to PoA implementation. Within the Andean Community, Colombia, Ecuador and Peru have formed national co-ordinating mechanisms, although in some cases they still lack official legal status and mandates within government.

In regions where regional SALW agreements are lacking, for example across much of Asia and MENA, progress in establishing national co-ordination mechanisms has also been slow. Contributing factors to this include the absence of regional or sub-regional SALW agreements and a lack of priority on the part of international agencies for financial and technical support to these states.

### Composition of national co-ordination agencies

In terms of their composition, it would appear that the majority of SALW national co-ordination mechanisms include, at a minimum, government ministries and departments relating to foreign affairs and/or international development, home affairs/internal security, trade/economics and defence. A number also includes customs, police agencies and intelligence services. Various European countries have co-ordinating mechanisms, the role of which is to exercise control over the export of SALW and other military equipment, however many have little or no mandate to cover other SALW issues. These bodies generally have a relatively narrow membership, including those ministries or departments with a direct interest in the sale or export of arms.

A number of recently constituted National Commissions/Focal Points in various sub-regions of Africa have, however, through their membership, displayed a more comprehensive approach to the small arms



problem and have acknowledged the need for a wide range of stakeholders to be involved in SALW policy co-ordination. For example, the membership of the Ugandan National Focal Point includes 10 ministries and offices, including the 'usual' members such as the Ministries of Justice and Constitutional Affairs, Internal Affairs, Foreign Affairs, Industry and Trade, Customs, Immigration, Finance Planning, Economic Development, the Presidents Office, the Police and the People's Defence Forces. Notably, however, it also includes the Ministries of Education, Gender, Culture, Disability and Youth Affairs, Disaster Preparedness and Refugees. In Angola, in addition to comprising the Ministries of Foreign Affairs, Defence, Interior, Administration of Territory and Justice, the National Commission, established in July 2004, includes the Ministry for the Promotion of Women and Families and representatives of civil society. In Kenya, the Kenya Wildlife Service, the Department of Mines and Geology and the Ministry of Information and Broadcasting are all included in the membership of the NFP.

One major omission from most existing national co-ordination agencies appears to be ministries of health; this is despite increasing awareness of the public health implications of SALW proliferation and misuse. Health service providers are often in the front line of efforts to address the consequences of the illicit trade and use of SALW and, accordingly, should be an integral part of states' analysis of and response to the SALW problem. Canada and Nicaragua are notable exceptions in this regard, in that they have recognised the necessity of health ministry involvement in their national co-ordination agencies.

Clearly it is beneficial for any national co-ordination agency to include a full range of actors from government and civil society with a stake in preventing and combating the proliferation and misuse of SALW. As well as ensuring that SALW policy development is fully informed by a broad range of concerns, inclusion of all major stakeholders will also help to ensure that policy is conceived and implemented with the support of all sectors of society.

#### **The situation of national co-ordination agencies**

The nature of the government ministry that leads and/or plays host to a national co-ordination agency can have a material impact on the agency's scope and effectiveness. For example, the Sri Lankan National Commission is an initiative of the Ministry of Public Security, Law and Order and its mission is: "To restore a peaceful environment for the citizens of Sri Lanka devoid of fear from weapons related violence thereby enhancing the meaning of safety and freedom, consolidating the efforts of Government Agencies, UN and Civil Society." Clearly, the public security perspective of the lead agency in the Sri Lankan National Commission has played a significant role in ensuring that the humanitarian aspects of SALW control are brought to the fore. The terms of reference for the Sri Lankan National Commission are, however, reflective of the law enforcement concerns of the lead ministry, requiring the formulation of a plan of action to collect illicit arms, an examination of the adequacy of punitive measures in force and the development of an amnesty programme to encourage voluntary surrender of illicit SALW. Unfortunately, during its first year in existence (late 2004 to late 2005) the Sri Lankan National Commission made little progress in taking forward action to tackle SALW. One of the primary reasons for this was the deteriorating security situation within the country, which meant that the attentions of the lead ministry were largely focused elsewhere.

In Uganda, the National Focal Point is situated within the police service and this carries with it a number of advantages such as the ability of the NFP to link to the policing structures at regional (provincial) and community level, thereby enhancing its potential to react to problems on the ground and to have good links to the community. In Malawi, where the police also co-ordinate the NFP, the nation-wide community-based policing programme provides a natural link to the community.

In Senegal, the National Commission is headed by a permanent Secretariat, which is located within the Ministry of Armed Forces. Accordingly, the Commission's mandate indicates that its primary concern is

addressing the security implications of illicit SALW. The Senegal National Commission's responsibilities include identifying effective strategies for fighting against SALW trafficking, undertaking studies that contribute to the prevention of SALW trafficking and gathering intelligence on the importing, exporting and manufacture of SALW. One of the primary tasks of the Senegal National Commission has been to computerise the Army's register on state agency weapons and the Interior Ministry's register on civilian weapons. However the lack of an independent budget and Secretariat Office has had a negative impact on the implementation of this project.

It is clear that the location of the lead agency in a national co-ordination mechanism can have a significant bearing on its outlook and functioning. While benefits and drawbacks can accrue, regardless of the location of a national co-ordination mechanism, governments ought to ensure that the concerns and priorities of particular ministries do not unduly affect the focus or operations of the body. In this regard, ensuring that any agency is jointly chaired by ministries with distinct and differing perspectives could help guard against any accusations of bias.

#### **Civil society and national co-ordination agencies**

Civil society involvement in national co-ordination mechanisms can provide invaluable insight into the SALW problem and support for efforts to prevent, combat and eradicate the illicit trade. For example, in Kenya, the inclusion of civil society in the NFP has helped to dispel previously held feelings of mistrust between the Kenyan Government and civil society while at the same time providing a link to local communities who are directly affected by the proliferation and misuse of SALW. Accordingly, many national co-ordination agencies have found it highly beneficial to include civil society groups within these agencies (either as part of the national commission or as a key partner). This has also been a key means of implementing PoA commitments concerning co-operation with civil society.

Overall, however, civil society involvement in national co-ordination mechanisms is not widespread. The highest level of it is found in the Americas where nine out of 14 agencies involve civil society in some capacity. In Africa, more than half of national co-ordination agencies include a role for civil society. Considering the relatively high level of engagement of European civil society organisations in SALW issues, the figure in Europe is surprisingly low (five out of 28). In Asia, only one out of 9 states with national co-ordination agencies involve civil society in them and in MENA there is no civil society engagement with national co-ordination on SALW. In regions such as MENA the limited civil society involvement in governance issues in general provides an explanation for the lack of civil society involvement in national co-ordination of action on SALW. However, in Europe, where civil society engagement in policy development and implementation is much more established, the relatively low level of civil society representation in national co-ordination efforts can be attributed to the fact that SALW issues are dealt with mainly in the context of foreign and international development policies, the implementation of which falls to government.

#### **Activities of national co-ordination agencies**

As might be expected, the level and nature of activities undertaken by national co-ordination mechanisms varies from state to state and region to region. At a basic level they provide a policy co-ordination function between government departments and agencies responsible for action on SALW. In Malawi, for example, the newly established NFP has developed draft standard operating procedures to guide its day-to-day operations and will develop annual workplans in order to ensure that the NFP becomes fully operational. In many countries, and particularly in those severely affected by SALW, the co-ordination agency has been established as a functional body charged with carrying out or overseeing particular activities. In this regard, one of the primary functions of national co-ordination agencies has



been to facilitate a comprehensive assessment of the SALW problem, leading to the development of an integrated national strategy or national plan of action to tackle SALW. For example, NFPs in Bosnia and Herzegovina, Botswana, Croatia, Kenya, Namibia, Serbia and Montenegro, Tanzania and Uganda have co-ordinated the extensive mapping of the nature of the SALW problem. The information gathered has then been used as a basis for the development by the NFPs of National Action Plans (NAPs) in consultation with government and civil society stakeholders. In Sri Lanka, one of the primary tasks identified for the National Commission was the development of a National Strategy on SALW. To this end a pilot assessment of the SALW problem in the Hambantota district of Colombo was initiated in May 2006.

In the Americas, the Brazilian National Disarmament Commission has played a leading role in the development of the comprehensive National Disarmament Statute, which has included provisions regarding a national weapons collection and destruction campaign, laws and articles on public carrying of firearms, the marking of military and police ammunition, and the October 2005 National Referendum on firearms sales to civilians. The National Disarmament Commission has also created more than 20 local state commissions to oversee implementation of the Statute.

National co-ordination agencies can also fulfil other important roles such as overseeing the review of legislation for the control of SALW. For example, in Colombia, one of the major tasks of the multi-disciplinary Commission on SALW has been to develop proposals for a new national law on arms, ammunition and explosives; in Cambodia the national co-ordination agency has supervised the reform of weapons control policy; and in Senegal a seminar has been held to discuss ways in which the current SALW legislation can be modified in accordance with regional and international programmes.

National co-ordinating mechanisms can also play an important role in activities such as public awareness-raising. The National Commission in Senegal has been tasked with initiating educational projects which inform the population of the dangers caused by SALW proliferation and to this end has organised training workshops and awareness raising campaigns in conjunction with civil society organisations. In Uganda, the NFP organised the destruction of 3000 small arms in a public ceremony in September 2005 to mark the launch of the National Action Plan and to raise public awareness of the small arms problem in the country.

#### **Impact of national co-ordination agencies**

With regard to assessing the impact of national co-ordination mechanisms on the SALW problem in their respective countries, in many cases it is probably too early to make a clear assessment, particularly where interdepartmental committees, NFPs or National Commissions have only recently been established. There have been encouraging developments in East African countries such as Kenya, Tanzania and Uganda, which have enjoyed relative political stability, perceived small arms to be a significant domestic problem, and benefited from technical and financial support. In Uganda, the NFP and members of the Uganda Action Network on Small Arms successfully advocated for the inclusion of the NAP within Uganda's Poverty Eradication Action Plan (PEAP) during its review, and the NFP is also leading the review of Uganda's small arms policy. In Kenya, the NFP has demonstrated a holistic approach to promoting development and security through involvement in a range of activities including the formation of District Peace and Development Committees that work on issues such as voluntary disarmament in conflict-prone regions of Kenya; and the incorporation of small arms issues in training materials on community-based policing.

Progress in West Africa has been more mixed. The weak and transitional nature of a number of governments has meant that their National Commissions are also weak and the capacity of the police



and other key agencies to implement SALW controls is limited. However, countries such as Ghana and Senegal have done substantial work on developing their National Commissions. A lack of financial, physical and personnel resources and training has, however, severely impacted upon the effectiveness of many commissions across the sub-region.

In the Americas the work of the National and State Disarmament Commissions in Brazil has resulted in the first observed reduction in firearms homicides in many years. In most countries throughout Latin America, however, it is too early to pass judgement on the impact of national co-ordination mechanisms, although there is a suspicion that a number are proving to be less than the sum of their parts, owing to the unwillingness of relevant ministries to share the responsibility and political vision for SALW control.

It should be noted, however, that a number of national co-ordination agencies have not achieved as much as might have been expected in the period since their establishment. There are undoubtedly important reasons for these disappointing levels of activity by National Commissions, such as the lack of funds, lack of a clear mandate, and internal political factors. For example, the National Commission established in Croatia met only once in the first year of its existence and, despite significant international support and a clear mandate for action, the Sri Lanka National Commission that was established by Presidential Decree in October 2004 took almost 18 months to begin to make progress in the development of a National Action Plan. The main reason for this inaction lay in the change of government and an interruption in the life of the National Commission when the new government came to power.

If national co-ordination agencies, particularly those in states severely affected by SALW, are to have the desired impact, renewed political commitment for the implementation of measures to address the SALW problem and increased international support for this work will be essential. Moreover, it is vital that any temporary measures that are taken to establish national co-ordination mechanisms, such as the issuing of a Presidential Decree, are swiftly made permanent so as to provide a solid foundation for future work.

### 4.2.3 NATIONAL STRATEGIES

While the development of national strategies is not an explicit requirement of the PoA, experience has shown that, in order to be effective, national co-ordination mechanisms need to develop a clear strategy or action plan for their work. The development of national strategies or action plans can also have significant benefits in terms of increasing dialogue between stakeholders concerned with the problems of SALW proliferation.

However, the development of national strategies in different regions has been at best slow, and at worst non-existent. Africa has shown the greatest rate of progress: eight states (Botswana, Guinea, Kenya, Mozambique, Namibia, South Africa, Tanzania and Uganda) have developed national strategies and in three states (Ethiopia, Ghana and Mali) strategies are under development. Some progress has also been made in the Americas, where five countries (Argentina, Brazil, Costa Rica, Guatemala and Paraguay) have National Strategies and Canada has a set of strategies. In two other states (Colombia and Ecuador) national strategies are reportedly under development. The picture elsewhere is less positive. In Oceania and the Pacific, only Australia and New Zealand have a range of national strategies. In Europe, Macedonia has adopted a national strategy, while those developed in Bosnia and Herzegovina and Serbia and Montenegro are awaiting adoption. In MENA there are no national strategies, and in Asia only the Philippines has a limited national action plan in place, although Sri Lanka has stated its intention to take action in this regard.

The first step in the development of a national strategy has often been to conduct a comprehensive assessment of the national SALW problem. Many of these, such as those undertaken in Albania, Bosnia

and Herzegovina, Bulgaria, Kosovo, Macedonia, Moldova, and Serbia and Montenegro in South East Europe, and in Kenya, Namibia, Uganda and Tanzania in Eastern Africa, have benefited from significant levels of international engagement, including the provision of resources and expertise. These processes can often provide important data to inform the decision-making that is required in the design of a national strategy and can have the additional benefit of building national capacities through information sharing and awareness-raising. In Kenya, the national action plan (NAP) was developed by the NFP and was a joint project between the Kenyan government and Kenyan civil society that followed an extensive 'mapping' of the SALW situation in the country. This mapping process involved consultations with a wide range of stakeholders including government officials, law enforcement agencies and civil society. It provided information on the level of existing resources and capacity available to address the SALW problem and led to the building of capacity at the sub-national level, including that of local law enforcement agencies as well as the development of links between local people and decision makers. Such an approach ensures the development of a national strategy that is fully informed of the realities of the SALW problem on the ground and that can be tailored to addressing the specific problems of each country.

Where they exist, national strategies or action plans tend to be relatively comprehensive. For example, the NAPs in Kenya, Tanzania and Uganda call for action on a wide range of issues including the review and amendment of policy and legislation on SALW, training, public awareness-raising, development initiatives, weapons collection and destruction, and research. Each NAP recognises the need for a broad-based approach to the SALW problem that simultaneously addresses the demand for SALW within society, attempts to reduce the number of SALW in circulation and tackles SALW supply routes.

To date, levels of implementation of national strategies or NAPs have been variable. Implementation is well advanced in Tanzania and is now in its fourth year. Significant progress has also been made in Kenya and Uganda, where provincial or regional Task Forces have been established to lead on implementation at the regional and local levels, civil society trainings are being undertaken, and the review of small arms policy and legislation is underway. Clearly, the implementation of NAPs will take many years and require significant resources and political commitment on the part of the states involved and the international community.

### 4.3 REGIONAL CAPACITIES<sup>2</sup>

It has become clear since 2001 that implementation of the PoA correlates with the presence of a strong regional or sub-regional agreement on SALW. In regions such as South Asia and South East Asia, where no SALW-focused sub-regional agreement exists, implementation of the PoA has, overall, proceeded slowly. In other regions where there is an active SALW focus, sub-regional and regional bodies have assisted implementation of SALW initiatives in a variety of ways.

One example of positive synergy between regional and national action can be found in the Great Lakes and Horn of Africa, where the signature in 2000 of the Nairobi Declaration<sup>3</sup> was crucial in terms of focusing government attention on the need to tackle the SALW problem within the sub-region. The subsequent agreement of the legally binding Nairobi Protocol provided further impetus and encouragement to states *inter alia* to develop the institutional capacity that is required for effective action on SALW. Crucially, national progress on PoA implementation in Eastern Africa has also been facilitated by the development of regional capacity – now in the form of the Regional Centre on Small Arms (RECSA). This body and its predecessor, the Nairobi Secretariat, encouraged the development of national capacity as well as of strengthened SALW controls by supporting the establishment of National Focal Points throughout the sub-region and leading on the harmonisation of legislation and the development of best practice guidelines (see Chapter 3).

<sup>2</sup> For a discussion of international capacity issues see Chapters 3 and 9.

<sup>3</sup> The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 15 March 2000, <http://www.smallarmsnet.org/docs/saaf04.pdf>

Other sub-regional SALW control agreements and associated institutional capacities have also had a positive overall effect on states' implementation of the PoA. For example, in South Eastern Europe the Regional Implementation Plan on Combating the Proliferation of SALW (RIP) has provided a co-ordinated regional approach to the issue. As with the PoA, the onus on implementation is with national governments and many of the aspects of the SALW problem addressed by the RIP closely correspond with those contained in the PoA. These include the need for strengthened legislative and regulatory frameworks governing production, storage and transfer of SALW and the need for strengthened international and sub-regional co-operation. However, while it is comprehensive in scope, the RIP nevertheless lacks clarity and specificity in terms of how it is to be implemented. As a result, its impact has perhaps been less marked than was originally hoped for.

Despite this, significant progress has been made in some countries and on a number of different aspects of the SALW problem, such as: the review of national legislative and regulatory processes; awareness-raising; stockpile management; collection and destruction efforts; and the commissioning of national SALW surveys. In this regard the establishment of regional capacity in the form of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) has played a major role. SEESAC has undertaken important work to develop standards for different aspects of SALW control, including establishing national commissions, undertaking surveys, developing legislation and supporting SALW awareness-raising programmes.

In areas where sub-regional SALW control agreements exist but have lacked the support and encouragement of a strong regional SALW-focused institution, progress on PoA implementation has been less substantive. In West Africa, for example, where a Moratorium on the Import, Export and Production of SALW has been in force since 1998, implementation of the PoA has been inconsistent. The Moratorium has been criticised for its weak language and lack of enforceability. However, the failure of the Programme for Co-ordination of Assistance for Security and Development (PCASED), the original body established by the United Nations Development Programme (UNDP) that was charged with providing sustained levels of assistance to states in the implementation of SALW control measures, has undoubtedly been a contributory factor in the relatively slow rate of progress on PoA implementation in parts of West Africa. However, the establishment of a new sub-regional organisation (the ECOWAS Small Arms Project – ECOSAP) is an encouraging development, along with evidence of increasing levels of commitment to tackling SALW proliferation on the part of a number of governments (see Chapter 3).

In the Americas the Inter-American Drug Abuse Control Commission of the Organization of American States (OAS-CICAD) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLiREC) continue to support national implementation in various ways, primarily through training public officials on international standards and providing assistance to the reform of national legislation in states such as Panama. The Central American Integration System (SICA) and the UNDP have joined efforts to accelerate national implementation of UN, OAS and SICA agreements in Central America. However, neither the Andean Community nor the South American trading bloc MERCOSUR have been able to provide robust support for regional approaches to PoA implementation, despite enabling mandates on paper.

Agreements at the regional level have also provided an important framework for and support to national implementation of SALW control measures. For example, the Organization for Security and Co-operation in Europe (OSCE) has concluded, through its Document on Small Arms, one of the most comprehensive international agreements to tackle the uncontrolled spread of SALW. Since 2001, OSCE participating states and the OSCE Conflict Prevention Centre (CPC) have worked to promote the implementation of the OSCE Document through, for example, the development of its 2003 Handbook of Best Practice Guides on SALW. The Handbook, which covers a broad range of concerns including manufacture,

marking and tracing, weapons collection and destruction and brokering of SALW was made available in the six OSCE official languages as well as in Arabic. Outreach activities were carried out in Central Asia and South Eastern Europe in the year following the publication of the Handbook in order to promote and encourage the adoption of the OSCE Best Practices on SALW. Facilitating co-operation on border control and law enforcement has also been an important part of efforts to encourage implementation of the OSCE Document and workshops, seminars and training programmes have been held in the Caucasus, Central Asia and South-Eastern Europe (see Chapter 3). However, the OSCE has not always delivered the support required by member states. Despite a request in 2003 by Belarus for assistance in the destruction of 300,000 surplus SALW, the project failed to attract donors and, by the end of 2005, the request was withdrawn (see Chapter 9).

Despite the varying impacts of regional and sub-regional SALW agreements and institutions, it is clear that progress on PoA implementation has been slowest in regions where no such agreement or capacity exists. States within regions and sub-regions where little progress has been made can now be in little doubt that action at the regional or sub-regional levels and associated capacity is vital to the overall success of initiatives to tackle SALW. The first step in this regard requires mustering the significant political will necessary for the development of a common regional or sub-regional approach.

## 4.4 PARTNERSHIPS

Within the foundations discussed above, various types of partnership can aid action on SALW. These can be of different sorts and the ways in which they have developed have differed depending on the attitudes, perspectives, abilities and experiences of the actors involved as well as on the nature of the problems that are faced. These partnerships may include government-civil society partnerships and government-donor agency co-operation (including between governments) as described below (a full analysis of the extent of international co-operation and assistance to tackle SALW can be found in Chapter 9).

### 4.4.1 GOVERNMENT-CIVIL SOCIETY PARTNERSHIPS

Government-civil society partnerships to tackle SALW are essential if action on this issue is to be effective. Indeed, the PoA recognises the important role of civil society in activities to address the illicit trade in SALW (Section I, Para 16) and urges governments and regional and international institutions to co-operate with civil society where possible in this regard (Section II, Para 40). Since 2001, civil society has collaborated with governments and related institutions on a wide range of projects to address the spread and misuse of SALW (see Chapters 3 and 9). Indeed, in regions such as Africa, where the effects of SALW proliferation are severe and resources are scarce, governments draw considerably upon the expertise and resourcefulness of civil society to facilitate action on SALW.

At the policy level, partnerships have been developed in a number of ways, for example through the involvement of civil society in national co-ordination agencies (as is the case in, for example, Ghana, Kenya and Sri Lanka) or by regular dialogue with concerned ministries (as occurs in the UK and Finland). Many of these partnerships are based on the recognition in government circles that civil society organisations have an important role to play in the consideration and development of SALW policy.

In terms of practical action, civil society organisations have worked in partnership with governments on the development and implementation of a range of different types of SALW projects. Many of these partnerships have developed where civil society organisations have expertise that can be useful in the execution of particular projects. Examples include:

- The close-co-operation between provincial/local authorities in Angola and the NGO Angola 2000 on raising public awareness of the dangers of SALW proliferation<sup>4</sup>
- The important role that civil society organisations have played in Kenya, Namibia, Tanzania and Uganda in partnering the National Focal Point to carry out the extensive mapping and national assessment to uncover the nature and extent of the SALW problem
- The catalytic role played by the Institute of Education for Sustainable Development (IEPADES) in Guatemala in the development of a comprehensive effort for disarmament and small arms control and the creation of a National Disarmament Commission<sup>5</sup>
- The co-operation between the Cambodian Government and the NGO Working Group on Weapons Reduction on a new Arms Law, which came into effect in April 2005
- The partnership between Sri Lankan civil society and the National Commission to promote gun-free elections in 2005 through the mass media and a national banner campaign

Although less common, civil society collaboration on the development and implementation of SALW projects in partnership with operational agencies, such as the police, is also expanding. For example, Community Based Policing projects have been undertaken in Malawi and Kenya and have involved sensitisation and awareness-raising amongst the police and local communities regarding the dangers of SALW proliferation and misuse as well as building trust between civil society and the police. In Brazil a National Disarmament Campaign which included a voluntary weapons collection drive in 2004 and 2005 involved close co-operation between police and NGOs such as Viva Rio. In order to help overcome some of the mistrust in parts of the local community in Rio the police were provided with a base in Viva Rio's offices where they could receive weapons handed in by members of the public.

An increasing number of governments are now recognising that the development of partnerships between government and civil society organisations (CSOs) on SALW control is likely to yield more positive, sustainable outcomes than when initiatives are conceived and imposed by governments without reference to the concerns or views of civil society. CSOs often have valuable expertise and experience that can be of significant benefit such as in the development of SALW control policy or legislation. Furthermore, involvement of CSOs in implementation of SALW projects can help build trust with communities and, through dialogue, ensures that projects are responsive and produce outcomes with positive impacts over the short and long term. CSOs can also play an important role feeding into SALW policy development processes at national, regional and international level. It is therefore disappointing that CSO involvement in the PoA review process is undervalued by some states that have objected to civil society representatives attending the Preparatory Committee meeting and Biennial Meetings of States.

#### 4.4.2 GOVERNMENT-DONOR AGENCY (INCLUDING GOVERNMENT-GOVERNMENT) CO-OPERATION

There are numerous examples of partnerships between governments of states that are affected by SALW and between such governments and donor agencies on SALW initiatives. However there is little doubt that this co-operation could and should be far more extensive. While there is a profound shortage of funds for SALW projects, donors and partner governments also seem to have difficulty in reaching a shared consensus of how to conceive and implement SALW projects. Donors have their own priorities, as do national governments; in this context, developing common understandings of how best to construct and implement initiatives to tackle SALW proliferation is a major challenge.

Government-donor agency partnerships have nevertheless emerged in relation to an extensive range of initiatives, from the assessment of the SALW problem in particular countries, to the development of

<sup>4</sup> For more information see International Action on *Small Arms 2005: Examining Implementation of the UN PoA*, Biting the Bullet/IANSA 2005, p60.  
<sup>5</sup> For more information see Biting the Bullet/IANSA 2005, *ibid*, p80.

national institutional frameworks for tackling SALW, to the disarmament demobilisation and reintegration of combatants, weapons collection and destruction projects, to stockpile management initiatives and public awareness raising projects. Important examples illustrating the range of such initiatives include:

- The UNDP support for the establishment of National Commissions in Bosnia and Herzegovina, Ghana, Serbia and Montenegro and Sri Lanka
- The National Transitional Government of Liberia and the UN Mission in Liberia (UNMIL) working together on the disarmament, demobilisation and reintegration of combatants in 2003 and 2004 with support from the UNDP, the EU, the United States Agency for International Development (USAID), the United Nations Children's Fund (UNICEF) and the governments of the UK, Sweden and the US
- The 'Arms for Development' programme established by the government of Sierra Leone and UNDP with support from the governments of Norway, Canada, the UK and the Netherlands, in which communities were given incentives to run community arms collection projects
- The 'Arms Control Programme' in Albania including public awareness-raising and information on SALW, development projects, logistic support to a weapons collection team and a pilot database project for weapons control, run by the government of Albania and UNDP with support, inter alia from the government of Finland
- The EU ASAC<sup>6</sup> and JSAC<sup>7</sup> programmes, which have supported weapons collection, stockpile management, awareness-raising and the drafting of a new Arms Law in Cambodia

Beyond the provision of donor assistance, governments have collaborated on a bilateral and multilateral basis in order to tackle specific SALW-related issues of common interest:

- The South African Police Service has worked with police forces in other Southern African countries on the development of various curricula including a firearms identification course and a cross-border firearms recovery and destruction course in 2002-3.
- The OSCE and participating states have implemented several projects aimed at combating cross-border trafficking of SALW and, between 2002 and 2004, training programmes covering all aspects of illegal cross border trafficking were organised for law enforcement officials on the Uzbek-Afghan, Uzbek-Kyrgyz and Uzbek-Tajik borders.
- Since early 2004 there has been increased co-operation between the governments of Yemen and Saudi Arabia on issues including border controls, to reduce the level of weapons smuggling, joint initiatives include running joint border patrols, establishing security checkpoints and erecting observation towers.
- Australia provided seven new armouries in Papua New Guinea through its Defence Co-operation Programme in 2002 and 2003, costing US\$2.3million to build; there have reportedly been no losses from these new secure armouries.

## 4.5 CONCLUSION

Developing the capacity of states to implement the PoA is a fundamental challenge to effective action on SALW. While a majority of states fail to have in place the basic institutional requirements of the PoA there can be little prospect of the same states making effective progress on the full range of SALW concerns addressed within the PoA. Moreover, since it is now widely accepted that the existence of strong regional and sub-regional mechanisms for addressing SALW proliferation is a key stimulus to effective action at national level, the development of regional agreements, institutions and capacity is also critical. Partnerships between governments, between governments and international agencies and between governments and civil society are also an important feature of sustainable and progressive action on SALW and these also need to be developed and supported as widely as possible.

<sup>6</sup> EU Assistance of Curbing Small Arms and Light Weapons to the Kingdom of Cambodia.

<sup>7</sup> Japan Assistance Team for Small Arms Management in the Kingdom of Cambodia.



#### 4.5.1 POA INFRASTRUCTURE

More needs to be done to engage those states that have failed to fulfil the basic requirement of establishing national points of contact (NPCs) in the PoA process. Specific outreach programmes could be developed with a view to bringing on board those states that have yet to show an interest in PoA implementation. With regard to the lack of operationality of a significant number of NPCs, UN DDA could periodically check the functionality of each one that is listed and could follow up on non-responding NPCs. States should also be encouraged to provide a secondary NPC as a backup. In terms of national reporting there is a clear need for improved and more substantial and systematic information to be provided by states, many of which will require the development of increased capacity and expertise. At the same time, more effective use of the information provided by states is also important in order to identify and address weaknesses in PoA implementation (see Chapter 9).

The 2006 Review Conference will provide an important opportunity to reinforce the importance of states establishing and maintaining a fully functioning NPC and also of providing reports on PoA implementation. The Review Conference should reaffirm the necessity of states fulfilling their commitments in these respects and should provide space for the sharing of experiences among states on the issue of establishing these basic foundations for action on the PoA. There is, as yet, also no formal mechanism for checking the accuracy and reliability of information in national reports. There is therefore scope to use the Review Conference to address the issue of the quality of reporting, in order that national reports may be comparable in a way that is useful for monitoring, analysis and informing policy development.

#### 4.5.2 NATIONAL CO-ORDINATION AGENCIES

The need for increased attention to be paid to the issue of developing national co-ordination agencies in order to maximise the potential for national action on SALW is clear, particularly in countries that are most affected by SALW. A widespread drive towards the establishment of National Commissions or the equivalent will require greater engagement of international agencies in countries where there is little institutional capacity. There is a need to raise awareness among the wider donor community and national governments of the need to support institutional capacity and to recognise how SALW impacts upon development, governance, security and justice sector reform, etc. Research into the SALW problem at the national level also needs to be supported, provided that the research and its findings are owned by the government.

In order to be effective, the development of future national co-ordination agencies needs to be based on best practice and lessons learned from existing mechanisms. For example, when established, national SALW co-ordination agencies need to involve all major stakeholders with representation from a full range of relevant ministries and interests, including where appropriate: development; justice; health; refugees; disaster preparedness; gender; youth; culture; disability; women; family; media and civil society. In this regard, SALW national co-ordination mechanisms should also be integrated within national frameworks for addressing development, security and justice, governance and health. The function of national co-ordination agencies also needs to be clear. This may be restricted to information sharing or policy co-ordination amongst competent agencies in states not severely affected by SALW proliferation or it may be to act as a functional agency itself with responsibility for development and implementation of a full range of SALW control measures. Regular meetings ought to be held in order to ensure consistency and sustainability of approach.

International assistance should be available to any state wishing to establish a national co-ordination agency and a mechanism should be established to allow states with experience in this field to share this

with others. Donors should understand that supporting joined-up government on such sensitive issues as SALW proliferation takes a long time to produce results and often commissions work at the same pace as other government machinery. Thus, in states with slow bureaucracies, National Commissions will also be slow. This should be factored into support plans.

The 2006 Review Conference should reassert the importance of states establishing national co-ordination agencies and issue a strong statement regarding the links between SALW and development, governance, security and justice sector reform and how these can be addressed in a holistic fashion through the establishment of a National Commission. A call for donors to fund institutional development as well as practical programmes would also be important. In this regard the 2006 Review Conference should establish a mechanism whereby assistance for this purpose can be requested and received.

#### 4.5.3 NATIONAL STRATEGIES

## 4

Where states are experiencing serious difficulties with regard to the proliferation and misuse of SALW, a significant number of states have recognised that effective progress can be achieved by conducting a national assessment of the nature and extent of the problems faced and by developing a national strategy or action plan on SALW. While it is too early to fully evaluate the positive effects that have accrued from such processes in most states, where national assessment efforts and NAP development process are inclusive and bring together all relevant stakeholders, a broad-based agenda for action will often result. This greatly enhances prospects for the implementation of long-term sustainable solutions to the SALW problem. At the same time, international assistance is of paramount importance since many states with pressing SALW problems do not have the resources or technical capacity to take forward an assessment or to develop a NAP independently. The development by SEESAC of a series of survey protocols that have been employed in the context of national assessments of the SALW problem across South Eastern Europe is significant. Other methodologies have also been adopted elsewhere and the agencies and other actors involved should endeavour to exchange information and share lessons learned with those considering a national SALW assessment and/or development of a NAP.

The Review Conference should make a clear recommendation to states to consider development of a national SALW strategy or action plan. At the same time, the significant technical and financial resources that are required to develop and implement an NAP suggest that this could be a priority area for increased international assistance. The Review Conference should therefore encourage international donors to consider supporting the development of NAPs, including through co-ordinating the comprehensive mapping and surveying of the SALW problem in affected countries.

#### 4.5.4 REGIONAL CAPACITIES

It is clear that where states in a sub-region are in a position to come together and recognise the need for co-ordinated action on SALW, these states tend also to be more proactive at the national level. As well as recognising their common interest in working to tackle the proliferation of SALW, the establishment of regional agreements and capacities to tackle SALW are a demonstration of significant political will. In some sub-regions where conflicts have recently ended this co-operation has overcome significant political and historical barriers. While sub-regional agreements and institutions do not represent a panacea, those sub-regions that have developed a common approach have, almost without exception, a better record of PoA implementation than those sub-regions where SALW agreements are absent.

The Review Conference should provide space for states from different sub-regions to share information on their approaches to the SALW problem, including the imperatives behind the development of specific agreements and institutional mechanisms. The Conference Outcome Document should, moreover, stress



the need for the development of sub-regional dialogue leading to the establishment of comprehensive agreements on tackling SALW proliferation. It should also encourage the provision of assistance for the establishment and support of sub-regional and regional mechanisms that have a specific mandate for addressing the SALW problem.

#### 4.5.5 PARTNERSHIPS

The range and extent of donor agency and government collaboration on small arms initiatives means that there is no shortage of valuable experience or lessons learned from the wide range of partnerships that exist. Nevertheless, the sharing of these lessons has not taken place consistently so as to benefit future alliances and projects. The international community thus needs to find a way of allowing lessons learned and experiences from all types of partnerships to be shared much more systematically to the benefit of all who have an interest in tackling the spread and misuse of SALW.

The Review Conference needs to place much greater emphasis on the importance of partnerships in efforts to tackle SALW. Indeed there is a case for arguing that virtually all SALW initiatives need to be a partnership of some sort. The Review Conference should discuss the benefits of international partnerships on SALW and recommend increased investment in all types of partnership. It should also provide for the establishment of a mechanism whereby states and international institutions can exchange information on lessons learned arising from partnerships on the SALW issue.

# 5: PROGRESS TOWARDS CONTROLLING SALW TRANSFERS

## 5.1 INTRODUCTION

It is now a well-established fact that the illicit trade in SALW is inextricably linked to the government-sanctioned or 'legal' trade, and that effective transfer controls are key to preventing destabilising accumulations and misuse of these weapons. Any effort that seeks to tackle the illicit trade in SALW in a comprehensive manner must therefore also address the 'legal' trade. This premise has been fully acknowledged in the PoA itself, which includes measures to promote the effective regulation of the import, export and transit of SALW alongside those to address guidelines on transfer control, arms brokering, end-use, border controls and the enforcement of UN arms embargoes. Although the nature and type of these commitments vary across the range of issues addressed, the PoA nevertheless recognises implicitly, if not explicitly, that preventing and combating the illicit trade in SALW requires a comprehensive approach to SALW transfers.

The following chapter seeks to examine states' implementation of the various PoA commitments relating to SALW transfer controls. Each sub-section addresses a different aspect of transfer controls and begins by setting out the PoA undertakings that relate to the particular issue in question. These are then contrasted with the principal commitments made in regional and multilateral SALW control fora in order to show where the PoA is out of step with existing standards of good practice, followed by an assessment of the range of types of national practices, which seeks to illustrate the extent to which states are meeting their commitments under the PoA. Potential links between poor levels of national implementation and inadequacies in the PoA are highlighted, leading to conclusions on the need for further progress to be made at the international level. The chapter ends with an examination of measures that could be considered by the Review Conference in order to promote enhanced implementation of international SALW transfer controls.

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## 5.2 QUALITY AND SCOPE OF ASSESSMENT OF TRANSFER APPLICATIONS

### 5.2.1 INTRODUCTION

The quality and scope of national SALW transfer control provisions will have a significant bearing upon efforts to prevent and combat the illicit trade in SALW. As well as being comprehensive in scope, i.e. involving all types of SALW transfer activities including export, import, retransfer, transit/transshipment, brokering and transportation, such controls must be sufficiently detailed and applied with enough consistency and rigour to prevent the exploitation of loopholes by unscrupulous actors and to close opportunities for the illicit trade and misuse of SALW.

### 5.2.2 THE UN POA AND THE QUALITY AND SCOPE OF NATIONAL TRANSFER CONTROL PROVISIONS

The PoA makes a number of references to the need for effective SALW transfer control provisions at the national level. The basic requirements in this regard are set out in Section II, Para 2, which requires that states:

"...put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients."

Particular provisions relating to the export and transit of SALW are also elaborated within Section II, Para 11 (see relevant sub-sections in this chapter) and are restated in Section II, Para 12, along with the

requirement for states to employ “the use of authenticated end-user certificates and effective legal and enforcement measures.”

The issue of retransfer is addressed in Section II, Para 13, which requires states to:

“...make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.”

Finally, the need for adequate controls relating to SALW brokering is addressed in Section II, Para 14 (see section 5.6).

The range of commitments covered by the PoA is thus relatively extensive, covering most aspects of national SALW transfer controls, although it fails to address issues such as licensed production overseas. At the same time, the detail of what is required in each case is often lacking and there is a complete lack of elaboration of any key elements of a SALW import control system and inadequate elaboration of provisions relating to export control. These shortcomings, with regard to brokering, end-use controls, transit controls, and transfer control principles are discussed in distinct sub-sections of this Chapter. Issues relating to the quality and scope of export and import assessment, including in particular the issues of the retransfer of SALW and assessing the risk of diversion are discussed below.

### 5.2.3 OTHER REGIONAL/INTERNATIONAL AGREEMENTS AND THE QUALITY AND SCOPE OF NATIONAL SALW EXPORT AND IMPORT CONTROL PROVISIONS

Issues relating to the quality and scope of export and import control provisions are also addressed (to varying degrees) by other international and multilateral agreements. The provisions of the 2001 UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol)<sup>1</sup> are consistent with those of the PoA insofar as it establishes that states must “maintain an effective system export and import licensing or authorization, as well as of measures on international transit”.<sup>2</sup> However, the UN Firearms Protocol goes much further in that it also requires that, prior to issuing firearms export licences, states must ensure that the importing government has authorised the transfer and that any transit states have also given their authorisation in writing. In addition, the UN Firearms Protocol sets out the type of information that should be included in export and import licences and requires that the transit state be appraised of all relevant details in advance of the transfer taking place.

It should be noted, however, that the differing levels of commitments in the UN Firearms Protocol and the PoA are undoubtedly a function of the differing nature of the two instruments in that the former is a legally binding instrument of law enforcement and the latter a politically binding agreement within the disarmament context. Furthermore, the application of the Firearms Protocol is much more limited in that it is restricted to commercial transactions involving firearms only, whereas the PoA applies to all types of transfers of all categories of SALW including state-to-state transfers or those relating to national security. Interestingly, the commitments within the 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol)<sup>3</sup> relating to the scope and extent of SALW transfer provisions mirror those of the UN Firearms Protocol; however the Nairobi Protocol covers the full range of SALW and does not exclude state-to-state transfers.

<sup>1</sup> Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), 8 June 2001 [http://www.unodc.org/pdf/crime/a\\_res\\_55/255e.pdf](http://www.unodc.org/pdf/crime/a_res_55/255e.pdf)

<sup>2</sup> UN Firearms Protocol, Article 10.

<sup>3</sup> The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 21 April 2004 <http://www.smallarmsnet.org/docs/saaf12.pdf>

In the Organisation of American States (OAS) region, the Inter-American Drug Abuse Control Commission (CICAD) Model Regulations<sup>4</sup> aim to establish a harmonised system for monitoring and controlling international movements of firearms, addressing of the questions of export, import and transit licensing, specifying procedures to be followed with regard to the issuing of such licences and the extent of the information required in each case.

The Organisation for Security and Co-operation in Europe (OSCE) has addressed issues relating mainly to the quality and scope of SALW export control rather than imports, but those provisions that exist are quite extensive. The OSCE Best Practice Guidelines<sup>5</sup> relating to Export Control of SALW state that:

“legislation on the control over the export and transit of SALW and associated technology should define, where applicable:

- when a licence is needed
- possible exemptions from the licence requirement
- the circumstances under which the licence may be granted
- the licensing procedure
- the rights and responsibilities of the State authority and the exporter
- the relations between the authorities involved in the licensing procedure
- the product lists
- effective sanctions sufficient to punish and deter violations of export controls

In addition, there is a detailed account of the circumstances under which an export licence may be required and of the information that should be carried on an export licence, as well as a list of the types of supporting documentation that should be considered alongside any such application. The OSCE Guidelines also repeat the provisions of the Firearms Protocol with regard to securing the authorisation of transit states and encouraging notification by exporting and importing states of the dispatch and the arrival of SALW shipments. Finally, the Guidelines suggest that states should ensure that clauses restricting re-export and prohibiting the diversion of exported SALW be included in any end-use undertaking or any contract that is signed by the recipient.

The Wassenaar Arrangement Best Practice Guidelines for Exports of SALW<sup>6</sup> say very little with regard to mechanisms for effective SALW transfer controls, although they do mention the need for states seeking to retransfer SALW to notify the original exporting state in advance.

The EU is alone in examining the issue of transferring SALW production capacity, for example, through licensed production overseas. In 2002 the Fourth Annual Report of the EU Code of Conduct<sup>7</sup> stated that when exporting goods or technology which would be used to manufacture military equipment Member States would take into account the use of the finished product and risks associated with its export or diversion. While this agreement is welcome, it does not address the full range of issues which arise from the transfer of SALW production capacities overseas.

It is clear from the above analysis that the various multilateral SALW control instruments specify widely differing measures with regard to SALW transfer control provisions. The legally binding UN Firearms Protocol and Nairobi Protocol address *inter alia* the export, import and transit of SALW while the CICAD Model Regulations establish detailed standards with regard to licensing provisions in each of these

<sup>4</sup> Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition <http://www.state.gov/documents/organization/61643.pdf>

<sup>5</sup> OSCE Handbook of Best Practices on Small Arms and Light Weapons [http://www.osce.org/fsc/item\\_11\\_13550.html](http://www.osce.org/fsc/item_11_13550.html)

<sup>6</sup> Wassenaar Arrangement Best Practice Guidelines for Exports of SALW, December 2002,

<http://www.wassenaar.org/publicdocuments/Basic%20documents%202006%20-%20January.doc>

<sup>7</sup> [http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/c\\_319/c\\_31920021219en00010045.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/c_319/c_31920021219en00010045.pdf)

respects. Although considerably more detailed, the OSCE Guidelines focus solely on provisions for export control, while including reference to controls on retransfer and diversion. Thus, while there is no single instrument that provides a comprehensive approach with regard to SALW transfer control provisions, when the range of multilateral instruments are considered it is possible to draw a picture of emerging best practice in terms of the quality and scope of SALW import and export control provisions.

#### **5.2.4 NATIONAL PRACTICES REGARDING THE QUALITY AND SCOPE OF NATIONAL EXPORT AND IMPORT CONTROL PROVISIONS**

A majority of states (and entities) appear to meet the basic PoA requirements for laws, regulations and administrative procedures relating to the export of SALW, with at least 111 states claiming to possess such provisions. However, this figure is disappointing considering that approximately 80 states appear to have failed to implement even the most basic provisions called for by the PoA. With regard to provisions for the control of SALW import, a greater number – at least 135 states – are known to have laws, regulations or administrative procedures.

It is likely that, as with the commitments in the various multilateral SALW control agreements, national provisions and practices with regard to SALW export and import control will vary significantly in their scope and stringency. Indeed, it is clear that a significantly greater number of states have laws, regulations and/or administrative procedures relating to SALW import than have such provisions for export control. This is undoubtedly due to the fact that whilst some states do not see themselves as exporters per se of SALW, they nevertheless recognise themselves and their citizens as potential importers of these weapons.

Import control systems are different from export control systems in terms of the bodies of law, regulation and departmental authorities and procedures involved. In addition, the application of import regulations involves the consideration of a different range of concerns relating to the regulation of SALW possession and use within national jurisdictions. There is a relative lack of scrutiny given to import licensing procedures compared with the considerable efforts that have been expended by states in the development and promulgation of comprehensive export control systems. Indeed, the complete lack of elaboration of aspects of import control within the PoA reflects how much less interest is generally paid to issues of import than to export. This has been illustrated in the fact that whilst 63 states have reviewed their export control legislation since 2001, only 51 have reviewed their regulations on import control.

The level of sophistication and detail of many states' import and export provisions is such that a systematic comparison is beyond the scope of this report. It is possible, however, to provide some illustration of the different types of approaches that exist, for example:

- In Finland, import and export regulations are the same for civilian and military SALW; in Germany there is a strict differentiation between the two categories, which are covered by different laws and regulations. These different approaches help to show why the debate as to how best to differentiate controls on civilian and military SALW during the 2001 UN Conference process proved inconclusive.
- In Ethiopia, only the Ministry of Defence is permitted to import or export SALW; in Croatia the process of export and import control for commercial and state actors is governed by different regulations whilst government-to-government weapons transfers involve a reduced administrative process. Accordingly, in those countries where commercial enterprises are involved in SALW import and export, it is likely that different regulations and procedures will apply to government and commercial activities. Indeed, in the UK it has long been a source of contention within the NGO community that arms export legislation does not bind the Crown and is therefore not applicable to government-to-government deals.

- In Moldova, the Interdepartmental Control Commission on Export, Import and Transit of Strategic Goods authorises export or transfer of SALW; in Malta, export authorisations are issued by the Director Responsible for Trade, following approval by the Police Department (Weapons Office) and the Ministry of Foreign Affairs; in Italy, the export of certain types of SALW can be authorised by local police commanders. Since differing types of authorities will have differing perspectives on what factors should be considered in any SALW export authorisation, such a wide variation in responsibility for this is likely to lead to significant differences in the quality and scope of assessment of SALW transfers amongst states.
- In the vast majority of states, SALW export authorisations are the responsibility of the national authorities. However in Belgium, competence for authorising SALW export licences was ceded to the regions in 2003. By 2005, the Flemish Region had adopted its own law in terms of export controls but Région Wallonne and Bruxelles-Capitale have not undertaken this task and still refer to federal law. These developments have given rise to serious concerns amongst the Belgian NGO community concerning the consistency with which export controls, including the EU Code of Conduct, are being applied to SALW exports across the three regions.

Since diversion of SALW from the licit into the illegal trade represents one of the primary sources of illicit SALW, assessing the risk of diversion should be at the heart of states' export control systems and of efforts to prevent and combat illicit trafficking in these weapons. As such, the risk of diversion is specifically identified in Section II, Para 11 of the PoA as an important consideration for states when authorising exports of SALW. Surprisingly, however, only around 41 states actually claim to assess the risk of diversion of SALW as part of their export control system. Of these 41 states, moreover, 32 are situated in the wider Europe region, reflecting the attention paid to the issue of diversion in the EU Code of Conduct and the OSCE SALW Document and Best Practice Guidelines. Nevertheless, the fact that only seven states outside Europe give credence to the risks of diversion in their national export control systems is startling, considering that, amongst all export control criteria, the risk of diversion was singled out for attention by the PoA.

Another export-control related issue that is given particular attention in the PoA concerns the retransfer of SALW. Section II, Para 13 requires states to notify the original exporting state before retransferring any imported weapons. Although this does not amount to an obligation on states to notify the retransfer of SALW, it is clear that if the majority of states were to adopt a system of retransfer notification, efforts to trace illicit weapons back to their point of diversion would be greatly assisted. Despite the obvious benefits of adopting a policy of retransfer notification a paltry 28 states claim to include a requirement that they are notified of the retransfer of any SALW that they have exported.

### 5.2.5 ENHANCING STANDARDS OF CONTROL

States' national approaches to export and import control have evolved over many years in response to their particular national circumstances and requirements and it is likely that those countries relying on very old legislation are unlikely to meet all the necessary requirements of a modern, effective export and import control system. Although in recent years there have been efforts towards some level of harmonisation in different regional and multilateral fora, as noted above, the various legally binding protocols, model regulations and best practice guidelines have adopted a range of different approaches to export and import licensing.

The lack of detailed commitments in the PoA regarding the requirements for effective SALW transfer controls has undoubtedly done little to encourage harmonisation or uniformity of national approaches. That said, it is questionable as to whether this can be blamed for the significant number (more than 30%) of states that have yet to establish SALW export control laws, regulations or administrative procedures

and the 25% that have yet to establish the same provisions relating to SALW import control. Moreover, it should be noted that in those situations where the PoA makes fairly explicit statements, such as those relating to the retransfer and diversion of SALW, only a small minority of states have adopted relevant procedures. Accordingly, the inadequacies and divergences in states' approaches to the regulation of SALW export and import control are likely to be significantly contributing to the illicit trade in SALW. Thus there appears to be a considerable need for the elaboration of international standards in this regard, beyond the basic requirement for states to adopt adequate laws, regulations and administrative procedures for the control of SALW. These international standards could consist of a combination of the measures that have so far been adopted at regional level. Best practice guidelines for import, export, transit, licensed production and brokering control could be developed along with associated model regulations for relevant licensing procedures.

## 5.3 TRANSFER CONTROL GUIDELINES

### 5.3.1 INTRODUCTION

The issue of transfer controls is one of most extensively debated subjects within the context of preventing and combating the illicit trade in SALW in general, and the UN PoA in particular. This is because it is widely understood that ensuring restraint and responsibility in SALW transfers is key to preventing destabilising accumulations, diversion and misuse of these weapons. The success of efforts to reduce the negative impact of SALW proliferation depends, to a significant extent, upon the development and implementation of effective transfer controls.

A large number of governments and non-governmental organisations recognises that in order to make effective progress in efforts to tackle the illicit trade in SALW agreement must be reached on a set of guidelines governing international transfers of SALW.

### 5.3.2 THE UN POA AND TRANSFER CONTROL GUIDELINES

The PoA does not say a great deal about transfer control guidelines, and what it does say applies to only one aspect of SALW transfer: exports. Nevertheless the main provisions set out in Section II, Para 11 are of considerable significance:

“To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are 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.”

These commitments are, like virtually all substantive aspects of the PoA, the result of a compromise. In the period preceding the 2001 UN Conference, the debate concerning the issue of SALW transfer controls was one of the most extensive. While certain states and regional groupings, including the EU, argued for the inclusion of transfer control criteria to the PoA, no ultimate consensus could be reached on any detailed proposals. Nevertheless, the substance of Section II, Para 11 while underdeveloped does acknowledge the fact that SALW transfer controls must be consistent with states' international legal responsibilities so that any genuine attempt to elaborate upon this commitment should open the way for agreement on meaningful and comprehensive international SALW transfer control guidelines.

The sense that the 2001 Conference was in some ways a missed opportunity has ensured that the debate has continued. Since the PoA was agreed, a number of international initiatives have taken place



with a view to elaborating and promoting agreement on the issue of states' international legal responsibilities regarding SALW transfers. In January 2003, the UK government set in motion the Transfer Controls Initiative process which has sought to explore existing regional practices with regard to SALW transfer control, with a view to identifying commonalities in approach that could be translated at the international level.

The Consultative Group Process (CGP) convened by the Biting the Bullet Project (International Alert, Saferworld and the University of Bradford) has also, over a three and a half year period, sought to develop common understandings around the issue of SALW transfer controls and states' existing responsibilities under international law. Bringing together over 30 governments from different regions as well as international experts from NGOs and UN agencies, the CGP has developed a set of guidelines for international SALW transfers, representing a genuine effort to encapsulate states' existing legal responsibilities. These guidelines have been circulated for consideration by states in advance of the Review Conference.

A third initiative that has had a major influence on the international SALW transfer controls debate since 2001 has been the effort to establish an international Arms Trade Treaty (ATT). Originally inspired by the work of Nobel Peace Laureates and NGOs to establish an International Code of Conduct on Arms Transfers, the ATT has garnered significant international support from governments and NGOs since 2001. While many governments (at least 45) have now declared their support for an ATT, much of this support is declaratory and exactly what these governments would sign up to remains to be established. The international NGO community, however, has a clear view of what any ATT should consist of and has, with the help of a team of international lawyers, put forward a set of 'Global Principles', which clarify states' existing responsibilities under international law. Although the ATT initiative relates to the control of all international arms transfers, and not just SALW, the application of the Global Principles has been discussed extensively in the margins of the two Biennial Meetings of States, at the January 2006 PrepCom and within other relevant international fora. Many NGOs would wish the Global Principles to provide the bedrock for any agreement on SALW transfer controls at the Review Conference.

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### 5.3.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND TRANSFER CONTROLS

To date, most of the substantive progress that has been made towards the establishment of transfer control guidelines has occurred at the regional/multilateral level. The first major effort in this regard was the EU Code of Conduct on Arms Exports, agreed in June 1998.<sup>8</sup> Although imperfect in terms of its consistency with states' international legal responsibilities, the EU Code nevertheless constitutes a relatively comprehensive agreement and can be seen to have had a major influence on the development of transfer control criteria in the wider European context and elsewhere. Furthermore, the Annual Reporting mechanism of the EU Code has allowed for progressive development of the initiative, particularly with regard to the Code's operative mechanisms. During the EU Code Review of 2004, decisions were taken to strengthen the Code's criteria, particularly those relating to international humanitarian law and also to pursue the development of elaborated guidelines for implementation of these criteria.

The ECOWAS Moratorium on the Import, Export and Manufacture of Light Weapons agreed in November 1998<sup>9</sup> also represents a significant development in SALW transfer controls in that it remains, to date, the only multilateral agreement to completely prohibit the transfer of SALW between states parties. Unfortunately, although groundbreaking in its conception, the Moratorium has not prevented the

<sup>8</sup> EU Council, EU Code of Conduct on Arms Exports, DGE-PESC IV <http://ue.eu.int/uedocs/cmsUpload/08675r2en8.pdf>

<sup>9</sup> ECOWAS Moratorium on the Import, Export and Manufacture of Light Weapons, November 1998 <http://www.fas.org/nuke/control/pcased/text/ecowas.htm>



circulation of SALW within West Africa and as of April 2004 efforts have been underway to replace the Moratorium with a legally binding Convention.

The November 2000 OSCE Document on Small Arms,<sup>10</sup> which was developed in preparation for the 2001 UN Conference, includes a series of common norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms. While relatively comprehensive in scope, the OSCE Document is not fully consistent with states' international responsibilities, containing only vague commitments relating to international human rights standards and international humanitarian law (IHL).

Since the PoA was agreed, several multilateral and regional agreements on SALW transfer control have emerged. The Wassenaar Arrangement Best Practice Guidelines for Exports of SALW commit participating states, when considering a SALW export, to take into account 10 factors, and to avoid issuing licences if there is a clear risk that the arms in question might lead to 10 situations, including diversion, aggravating armed conflict, endangering peace, repression and suppression of human rights. However, even though these guidelines were agreed after the PoA, they cannot be considered as reflecting states' international legal responsibilities since, as with the OSCE Document, commitments relating *inter alia* to human rights and international humanitarian law are weak and non-binding.

More recently, there has been evidence of a growing desire among some states to address the issue of SALW transfer control guidelines in a way that is consistent with Section II, Para 11 of the PoA. An important initiative in this regard has been the June 2005 Best Practice Guidelines for the implementation of the Nairobi Declaration and the Nairobi Protocol which were agreed pursuant to the April 2004 Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa.

These Guidelines were endorsed by Ministers in June 2005 and comprise five key chapters, one of which covers the 'Import, Export, Transfer and Transit of SALW'. This chapter includes detailed provisions on both procedural/operative criteria and normative criteria for international arms transfers. These criteria apply to all arms transfers – including export, transit and brokering – and are based firmly on states' existing obligations under international law.

Normative criteria are split into 5 categories:

- (a) States parties shall not authorise transfers which that would violate their direct obligations under international law.
- (b) States parties shall not authorize transfers which are likely to be used for a range of international crimes – e.g. violation of human rights, acts of aggression, terrorism, provoking armed conflicts etc.
- (c) States parties shall take into account a range of other factors before authorizing an arms transfer – such as their potential impact on violent crime, sustainable development etc.
- (d) In order to avoid diversion, states should take into account the recipient's record on compliance with end-use undertakings and diversion, stockpile management, and security procedures etc.
- (e) States parties shall not authorize transfers if the arms have not been marked according to requirements under the Nairobi Protocol.

Finally, a slightly different approach to arms transfer controls has been adopted by Central American states by way of the SICA Code of Conduct on the Transfer of Arms, Ammunition, Explosives and other Related Materials which was presented for signature in December 2004 by the then President of the Security Commission of SICA (Nicaragua). As of January 2006 the Code had been signed by Belize, the

<sup>10</sup> OSCE Document on Small Arms, 24 November 2000, [http://www.osce.org/documents/fsc/2000/11/1873\\_en.pdf](http://www.osce.org/documents/fsc/2000/11/1873_en.pdf)

Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The SICA Code is far-reaching and has restrictive normative criteria for arms transfers of all types of weapons, as well as a range of operative provisions. It states that arms transfers will not proceed from or toward states which, for example, commit and or condone crimes against humanity, violations of human rights or incur serious breaches of IHL, do not have democracy or freedom of expression, do not report to the UN Arms Register or which are involved in an armed conflict. The SICA Code of Conduct is a politically binding agreement that will become legally binding only when adopted into the national legislation of member states.

In conclusion, since 2001, while there has been an increase in the number of multilateral initiatives dealing with SALW transfer controls guidelines, the impact of the PoA can be seen in terms of a greater emphasis being placed on states' international legal responsibilities, especially in the Nairobi Best Practice Guidelines. However, the PoA has also had an impact regarding the further development of pre-existing SALW control initiatives. Although the outcome of the recent review of the EU Code of Conduct is still awaited, pressure from the EU NGO community appears to have led EU states to revise the inadequate references to IHL in the Code of Conduct in order to bring them into line with states' responsibilities under international law. It is to be hoped that future multilateral agreements, including the forthcoming ECOWAS Convention, will also ensure consistency in this regard.

## 5

#### 5.3.4 NATIONAL PRACTICES REGARDING TRANSFER CONTROL GUIDELINES

Section II, Para 11 of the PoA requires all states to consider export authorisations in accordance with "strict national regulations and procedures" and while this does not explicitly require the inclusion of a set of transfer control guidelines, evidence suggests that the majority of states do apply a set of criteria when assessing SALW export applications. The articulation of national transfer control guidelines is likely to be essential if the PoA commitment concerning consistency with states' responsibilities under international law is to be observed.

For the large number of states that are members of the EU, OSCE, Wassenaar Arrangement, Nairobi Declaration and SICA, national SALW export controls should be centred around the application of the criteria agreed at regional level. However, a significant number of states, such as those situated in South Asia and the Middle East and North Africa region, are not party to any regional or multilateral SALW transfer control agreement, for which the development and application of export control criteria has taken place primarily within the domestic context. Thus, beyond the most basic international standards the scope and nature of national criteria is likely to vary significantly. This can be illustrated by an examination of the transfer control guidelines of a few key arms exporting states.

According to the arms export controls section of the July 2003 National Report of the People's Republic of China on the Implementation of the UN SALW Programme of Action:<sup>11</sup>

"In October 2002, China amended the 1997 Regulations of the People's Republic of China on the Administration of Arms Export in light of the changing situation... to further strengthen the control over the export of conventional arms, including SALW. The Regulations reiterated China's three principles on the export of conventional arms, namely, the export should be conducive to the legitimate self-defence capability of the recipient country; the export should not have negative impact on the peace, security and stability of the region concerned and the world as a whole; and the export should not be used as a tool to interfere with the internal affairs of the recipient country."

<sup>11</sup> National Report of the People's Republic of China on the Implementation of the UN SALW Programme of Action, July 2003, see <http://www.fmprc.gov.cn/eng/wjbj/zjzg/jks/cjjk/2622/t22819.htm>

Clearly these criteria are of a very basic order and do not reflect states' obligations under international law. Among other things, they avoid any reference to international human rights standards and international humanitarian law and thus fall short of the requirements established by the PoA.

On the other hand, South Africa operates a relatively comprehensive set of export control criteria. When considering applications, the National Conventional Arms Control Committee (NCACC) must *inter alia*:

- Avoid contributing to internal repression, including the systematic violation or suppression of human rights and fundamental freedoms
- Avoid transfers of conventional arms to governments that systematically violate or suppress human rights and fundamental freedoms
- Avoid transfers of conventional arms that are likely to contribute to the escalation of regional military conflicts, endanger peace by introducing destabilising military capabilities into a region or otherwise contribute to regional instability
- Adhere to international law, norms and practices and the international obligations and commitments of the Republic, including United Nations Security Council arms embargoes
- Take account of calls for reduced military expenditure in the interests of development and human security
- Avoid contributing to terrorism and crime
- Consider the conventional arms control system of the recipient country and its record of compliance with end-user certificate undertakings and avoid the export of conventional arms to a government that has violated an end-user certificate undertaking
- Avoid the export of conventional arms that may be used for purposes other than the legitimate defence and security needs of the government of the country of import

While these criteria cover a range of issues relevant to SALW transfer control, certain commitments remain underdeveloped and others do not entirely accurately reflect states' international legal obligations. For example, it is not sufficient to undertake only to avoid contributing to the systematic violation or suppression of human rights and fundamental freedoms; consistency with international law would prohibit transfers that abrogate such rights and freedoms. Critically, moreover, the South African criteria fail to explicitly mention the need to observe IHL in the conduct of international arms transfers. However, the NCACC is currently in the process of revising its arms transfer legislation based on lessons learnt during its implementation.

The UK, while adhering to the EU Code of Conduct, also adheres to a set of national export control criteria which, together with the EU Code, are referred to as the 'Consolidated Criteria'.<sup>12</sup> These criteria elaborate on the UK's commitments in the field of international arms control and include further detail in a number of areas including human rights and regional stability. However, since the Consolidated Criteria are, in large part, indistinguishable from the EU Code of Conduct, the same criticisms can be made with regard to the failure of the criteria to reflect states' responsibilities under international law, including inadequate reference to international humanitarian law. Moreover, it is unclear how certain additional elements, such as the provision within the human rights criteria relating to the legitimate use of force by a government within its own boundaries<sup>13</sup> would have the effect of strengthening the commitments contained in the EU Code.

<sup>12</sup> The Consolidated EU and National Arms Export Licensing Criteria, 26 October 2000, HC 199-203W <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1014918697565>

<sup>13</sup> When the UK Consolidated Criteria were published in October 2000, UK NGOs raised concerns *inter alia* with regard to the clause that states "The Government considers that in some cases the use of force by a Government within its own borders, for example to preserve law and order against terrorists or other criminals, is legitimate and does not constitute internal repression, as long as force is used in accordance with the international human rights standards as described above." Specific concerns were raised regarding how the application of this clause would interact with the other aspects of the human rights criteria.

Most national SALW export criteria have been constructed with reference to a combination of international legal obligations and national political and security imperatives. It is likely that, as with the majority of regional SALW transfer control agreements, and as demonstrated through the above examples, many states' national procedures also fall short of the basic requirements of Section II, Para 11 of the PoA.

### 5.3.5 ENHANCING STANDARDS OF CONTROL

As noted above, one major flaw in the PoA commitments relating to SALW transfer control guidelines concerns the fact that Section II, Para 11 of the PoA only refers to export authorisations. Strict interpretation of this paragraph would confine application of any guidelines to that of SALW exports while excluding assessment of brokering, transit or even import licence applications from such consideration. However it is clear that if substantive progress is to be made in preventing and combating the illicit trade in SALW, effective control must be exerted over all aspects of SALW transfers. This necessitates a broad interpretation of Section II, Para 11 of the PoA that recognises the responsibilities, roles and concerns of all parties to SALW transfer processes and not just those of the exporting state. Such an approach would help to avoid concerns that the international guidelines might imply that exporting states are in a better position than importing states to assess the possible risks of SALW transfers under consideration or the security/other needs that have given rise to the transfer application.

An international agreement on guidelines for the control of SALW transfers is clearly long overdue. Since states are wary of taking unilateral action and adopting restrictions that are ignored or undermined by others, the onus has fallen upon regional groupings to set standards for SALW transfer control. However, as a significant number of states are not party to any such regional or multilateral agreement, there is a considerable imperative towards establishing international standards. Indeed, the PoA opens the way for such an agreement and so it should be a major priority for states to elaborate and agree on the nature and extent of states' existing responsibilities under international law as regards SALW transfer control. It is imperative that any such agreement relates to all international SALW transfers - import, export, transit and brokering licence applications.

## 5.4 TRANSIT CONTROLS

### 5.4.1 INTRODUCTION

Transit controls are often a weak link in the chain of transfer controls and inadequate controls on the transit of SALW are a major contributory factor in the illicit trade in them. While SALW are in transit the risk of shipments being diverted from their authorised recipient to illicit end-users is significant and the absence of effective national controls on transiting SALW further increase opportunities for diversion. Effective transit controls are therefore an essential element of a comprehensive transfer control regime and are a key element of any efforts to prevent the diversion of SALW. Despite its importance, the development of transit controls has yet to become a major subject for international debate. As long as this situation persists opportunities for illicit trafficking in SALW will continue to flourish.

### 5.4.2 THE UN POA AND TRANSIT

The PoA's paragraphs pertaining to controls over the transit of SALW do not give clear details of the "measures on international transit"<sup>14</sup> that are to be implemented. Rather, Section II, Para 2 merely calls for states to "put in place...adequate laws, regulations and administrative procedures to exercise

<sup>14</sup> UN PoA Section II, Para 11

effective control over the...transit of [SALW]”. This requirement is essentially repeated, but not elaborated upon in Section II, Para 12. The PoA does not contain any specific clauses or articles clearly defining when a transit shipment should be subject to controls and what minimum standards, should be used for assessing applications, let alone best practice. Overall, the PoA is very weakly worded on the issue of transit controls and certainly does not give the impression that transit licence applications should be considered in a manner akin to those of export licence applications.

Moreover the PoA does not explicitly address the closely linked issue of transshipment: where goods enter a state’s jurisdiction in one carrier and are then transferred to another before being shipped on to their destination. As transshipment involves the passage of goods through the jurisdiction of a state en route between origin and end-user states, provisions applying to the transit and transshipment of SALW should be considered as comparable.<sup>15</sup> For the purposes of this section, transshipment is considered as being included within the term ‘transit’.

#### 5.4.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND TRANSIT

The UN Firearms Protocol does not refer to the transshipment of SALW but addresses several aspects of the transit of firearms. Apart from requiring that states maintain “measures on international transit” (Article 10), it also requires that, prior to authorising a firearms shipment, states involved in the transfer have secured, in writing, notice from any transit states that they have no objection to the transit taking place. It also specifies that any export and import licenses issued contain information on the countries that any shipment is to transit. These provisions appear to be based on those contained in the Inter-American Convention Against the Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives and Other Related Materials<sup>16</sup> which is, in turn, supported by the OAS CICAD Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition.<sup>17</sup> Beyond this, the UN Firearms Protocol and the Inter-American Convention both require that state parties ensure the security of firearms in transit through their territory.

The provisions of the Nairobi Protocol echo those of the UN Firearms Protocol in that they require the prior authorisation of transit shipments on the one hand, and the inclusion of information on transit states within any SALW export and import documentation on the other. The SADC Firearms Protocol,<sup>18</sup> however, falls short of these international standards and merely requires the co-ordination of procedures relating to international transit of firearms, although it does require that state parties are in a position to seize firearms transiting their territory without the appropriate authorisations.

The EU Code of Conduct Users Guide<sup>19</sup> specifies that transit and transshipment licences are included under the definitions of an export license and, consequently, denial notifications should also be issued with regard to transit and transshipment licenses.

The 2003 OSCE Best Practice Guidelines on the Export of SALW refer to the commitments of the PoA and UN Firearms Protocol regarding transit. Importantly, however, they also recommend that the criteria

<sup>15</sup> The OAS-CICAD Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition (1997) and the User’s Guide to the EU Code of Conduct on Arms Exports define transit and transshipment as follows: ‘Transit’: “movements in which the goods (military equipment) merely pass through the territory of a member state”; ‘Transshipment’: “transit involving the physical operation of unloading goods from the importing means of transport followed by a reloading (generally) onto another exporting means of transport”.

<sup>16</sup> Inter-American Convention Against the Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives and Other Related Materials, November 1997 <http://www.oas.org/juridico/English/treaties/a-63.html>

<sup>17</sup> The CICAD Model Regulations contain details of the procedures for issuing in-transit shipment authorisations, the information and documentation to be requested before such authorisations can be issued, as well as the information to be contained on the in-transit shipment authorisation.

<sup>18</sup> Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region, 2002 <http://www.smallarmsnet.org/docs/saaf09.pdf>

<sup>19</sup> User’s Guide to the EU Code of Conduct on Arms Exports, December 2005, see <http://ue.eu.int/uedocs/cmsUpload/st05179en06.pdf>

used to judge SALW export authorisations should also be used in assessing transit licences. This provision is also incorporated in the Nairobi Best Practice Guidelines, which specify that a series of objective criteria be applied in the case of export and transit applications.

The commonalities between the various regional and multilateral SALW control instruments and how they address the transit issue exist only at a very basic level and refer to little more than the need for transit controls and for exporting and importing states to secure prior authorisation for any transit of firearms/SALW. The development of best practice guidelines by the OSCE and Nairobi Declaration states has addressed the issue of criteria to assess transit licence applications; however, these provisions have yet to be widely adopted.

One aspect that is not addressed by any of the relevant regional and multilateral SALW control agreements, and which therefore remains a key area of variation, relates to defining those circumstances when a transit licence is deemed necessary. For example, under the auspices of the Spanish Presidency, during the first six months of 2002, EU Member States considered the issue of transit. Despite agreeing on definitions of 'transit' and 'transshipment' and that transit licences should be subject to denial notification procedures under the EU Code of Conduct, Member States could not agree on the precise set of circumstances under which a transit licence should be required. Issues of contention included whether shipments either originating in, or which have already passed through another EU member state should be subject to transit licensing procedures. The failure of even the then-15 EU states to agree on common criteria for establishing when a transit licence is necessary is illustrative of how difficult an issue this is for states and also of the need for much greater international attention to be paid to this aspect of transfer controls.

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#### 5.4.4 NATIONAL PRACTICES REGARDING TRANSIT CONTROLS

Most states lack transit controls that apply to SALW – only around 79 states worldwide claim to have laws, regulations and procedures relating to the transit of SALW. Further, among those that do have some controls, there is a range of interpretations as to when an arms shipment passing through the territory of a state that is neither the exporting or destination state for the shipment requires a transit or transshipment licence. Transit controls, like export controls, are designed, implemented and enforced at the national level, with differing national legal systems explaining the lack of international convergence in both their scope and strength.

In some countries transit controls exist in name only. For example, in Slovakia a transit licence is only required if the shipment will take longer than seven days to pass through the 48,845 sq km of Slovakian territory.<sup>20</sup> In practice, as it should not take any form of transport seven days to cross Slovakian territory, Slovakian controls have virtually no potential to prevent diversion or to exercise responsible control over any arms passing through their jurisdiction.

By contrast, the government of Hungary appears to take a much more restrictive approach to controlling the transit of arms through its jurisdiction. Following a government decree from 2004, the EU's Code of Conduct criteria must also be used when considering all licence applications,<sup>21</sup> and in contrast to Slovakia, this same decree defines transit as: "the shipping process in the course of which military equipment is moved through the territory of the Republic of Hungary in such a way that there is no change in its customs status".<sup>22</sup> Crucially, Hungary also appears to apply transit

<sup>20</sup> Para. 22c of Act No. 179 of the Slovak Republic, "On Trading with Military Equipment", 15 May 1998.

<sup>21</sup> Art.5 of the Government of Hungary's Decree 16/2004 (II.6) "On the Licensing of the Export, Import, Transfer and Transit of Military Equipment and Technical Assistance", 2004.

<sup>22</sup> Art 1(13) of the Government of Hungary's Decree 16/2004 (II.6) "On the Licensing of the Export, Import, Transfer and Transit of Military Equipment and Technical Assistance", 2004.



controls to shipments from NATO allies to EU member states.<sup>23</sup> Finally, Hungarian legislation requires that arms transit shipments must be accompanied by an armed security escort during passage through Hungarian territory.<sup>24</sup> Taken together, the various aspects of Hungary's transit controls could be seen as an example of best practice regarding the development of comprehensive transfer controls.

The Strategic Trade Controls Branch of the Trade and Industry Department of Hong Kong reportedly carries out a risk assessment process, which assesses the possible risk of diversion of all cargoes containing items drawn from its munitions' and dual-use goods' lists. Transshipments of such restricted items are treated as import and export shipments and therefore require such licenses, while transit shipments of goods contained on these lists require transit licenses.

A wide variety of practices would thus appear to exist with regard to the control of transit of SALW. While less than half of all states actually have legislation with regard to transit, those states that do operate such controls appear to do so in accordance to widely differing standards. The lack of clear common international standards or even emerging best practice relating to all aspects of transit controls does little to encourage states to review and enhance their national legislation in this area.

#### 5.4.5 THE IMPACT OF THE POA ON THE POLICIES AND PRACTICES OF STATES

The way in which transit controls are addressed in the PoA certainly does not appear to have increased pressure upon states to proactively strengthen controls in this area. By failing to develop clear and simple elaborations of transit commitments, or even to generate a clear sense of their purpose, the PoA and other agreements have missed opportunities to encourage the strengthening of transit controls and therefore reinforce one of the weak points in the chain of transfer controls. Indeed, during discussions in the EU in 2002 on the harmonisation of transit control (see above), fears were apparently raised that strengthened transit controls would deter shipping companies from passing through European ports, first, because of the increased amount of paperwork that would be required and second, because of the potential for delays created by the need to conduct physical checks or verify more documentation. It was argued that this would damage the transit reputation of the state and its transport sector, leading to reduced revenues.

However, two of the world's largest transit/transshipment hubs, Hong Kong and Singapore, have relatively comprehensive transit controls in place. Current Hong Kong transit controls were brought in during 2000 and therefore pre-date the PoA, whereas Singapore introduced its Strategic Goods (Control) Act in 2002.<sup>25</sup> In both cases, the categories of transit and transshipment are clearly defined, with procedures and considerations that are taken into account when processing licence applications for military equipment, SALW and dual-use goods also outlined in subsidiary legislation. These examples demonstrate that entities with considerable 'in-transit' and transshipment transfer flows are willing to subject these flows to tighter controls, thus undermining the argument that transit controls are an unnecessary impediment to the free flow of goods.

However, the fact that transit shipments are subjected to fairly stringent controls in Hong Kong and Singapore probably owes more to Asian export control seminars on weapons of mass destruction

<sup>23</sup> According to Amnesty International, in *Undermining Global Security. The European Union's Arms Exports*, (London, 2004), p. 21, in 2004 a shipment of military equipment in Turkish trucks was stopped on the Romanian-Hungarian border because it did not have the correct transit documentation.

<sup>24</sup> Taken from a presentation of the Permanent Mission of the Republic of Hungary to the UN to the UN Department for Disarmament, New York, 11 June 2004, (No. 253-1/2004).

<sup>25</sup> The Import and Export Ordinance, Chapter 60 of the Laws of Hong Kong; Strategic Goods (Control) Act of Singapore, 2002 (Act 40 of 2002), date of commencement, 1 January 2003; Strategic Goods (Control) Regulations of Singapore, 2004, date of commencement, 7 January 2004.

(WMD), which have been taking place in the region since 1993, and US initiatives to combat WMD trafficking since 9/11, such as the Container Security Initiative (CSI).<sup>26</sup> Similarly, global initiatives that have had greatest impact with regard to the development of transit controls have been focused on issues other than SALW. The PoA's failure to adequately address transit may have contributed to the neglect of SALW in these initiatives.

#### 5.4.6 ENHANCING STANDARDS OF CONTROL

The fact that the majority of states do not operate transit controls suggests that concerted action is required on the part of these states to develop and implement effective SALW transit regulations. However, it should also be noted that the tightening of transit controls work most effectively when similar moves are undertaken by other transit hubs in the region and bilateral and/or regional agreements on the regular sharing of information on transit applications and denial notifications for transit licence applications are established. The various initiatives undertaken by the EU, the Nairobi Declaration states and other regional groupings in this regard have significantly greater potential to impact on controlling SALW in transit than do unilateral national measures.

In many cases where states have yet to establish effective transit controls, the lack of resources, detection equipment, experienced personnel for carrying out pre-shipment and post-shipment verification procedures, documentation checks and physical cargo checks could be partly responsible for inaction. This points to the need for the development of international assistance programmes involving the provision of resources, technical equipment and expertise in order to bolster national efforts to implement transit controls.

Another requirement of effective transit controls is for comprehensive systems for information sharing amongst all concerned parties. This should not be confined to national inter-agency and international state-to-state exchanges, but relevant non-state parties such as SALW manufacturers and exporting, importing and transportation companies should also be made aware of the risks of diversion and the penalties that will be dispensed if their enterprise is found to be colluding with brokers or other agents of diversion. This will require that up-to-date information on controlled goods and prohibited end-users is available and accessible for enterprises involved in the transit of such goods, which could be usefully established through regional or international databases.

### 5.5 END-USE/END-USER CONTROLS

#### 5.5.1 INTRODUCTION

End-use and end-user controls are now widely recognised as an essential component of any arms export control regime. States operate a range of end-use/end-user controls, including the requirement that the importer provide a statement of the end-use of a particular export (end-use certificate) or a statement establishing the ultimate end-user of the items in question (end-user certificate); in many contexts, however, the terms 'end-use certificate' and 'end-user certificate' are used interchangeably. Beyond this, states may also require provision of an International Import

<sup>26</sup> See, for example, 'Emerging Issue: Transit and Transshipment Controls', in NIS Export Control Observer, No. 4, April 2003, p. 18, [http://cns.mis.edu/pubs/nisexcon/pdfs/ob\\_0304e.pdf](http://cns.mis.edu/pubs/nisexcon/pdfs/ob_0304e.pdf). The Container Security Initiative (CSI) was launched by U.S. Customs in January 2002 in recognition of the fact that the volume of containers passing through the world's ports makes them an attractive resource for those interested in moving shipments of illicit goods undetected around the globe, in particular 'terrorists'. The CSI's stated aims include 1) targeting containers that pose a risk for terrorism; 2) pre-screening such containers at ports of departure – i.e. before they reach U.S. ports; 3) using detection technology at ports of departure; 4) promoting the use tamper-evident containers. By December 2005, 41 ports around the world had agreed to participate in the CSI, which meant that they had U.S. Customs and Border Protection Officials deployed at their ports. For more information see: [http://www.cbp.gov/xp/cgov/border\\_security/international\\_activities/csi/](http://www.cbp.gov/xp/cgov/border_security/international_activities/csi/)



Certificate (IIC), which is essentially a statement from the recipient government authorising the import of the goods into its territory. Some states also require the provision of a Delivery Verification Certificate, which certifies that the goods in question have arrived at their ultimate destination. Exporting states may also insist upon a range of other controls, such as a prohibition on the re-export of the goods (see section 5.1 above) without their prior written consent. They may also reserve the right to carry out follow-up inspections to ensure that the goods are being used by the stated recipient in a manner that is consistent with the information on the original export licence application and relevant end-user undertakings.

### 5.5.2 UN POA AND END-USER CONTROLS

The PoA commits states to using “authenticated end-user certificates and effective legal and enforcement measures” (Section II Para 12). However, it contains little further detail on the form of end-user certificates, the information that they should contain and what the procedures should be for their authentication.

### 5.5.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND END-USER CONTROLS

In addition to the PoA, end-user controls (EUCs) are referred to in a variety of other international and regional/sub-regional SALW agreements. For example, they are explicitly mentioned in the SADC Firearms Protocol of 2001 and the 2004 Nairobi Protocol encompassing states from the Great Lakes Region and Horn of Africa. Both protocols refer to EUCs as part of national SALW export control systems, and promote their harmonisation among state parties.<sup>27</sup> The Nairobi Protocol also stipulates that the granting of export licences should be conditional on the issue of an import authorisation by the recipient state and states that relevant licences should contain information identifying the country of export, transit, and importation, a description of type and quantity of SALW, and their final recipient.<sup>28</sup>

Also of note are the 1997 Inter-American Convention on Firearms and the UN Firearms Protocol of 2001. Although neither of these instruments explicitly refers to the use of EUCs, both nevertheless stipulate that the granting of export licences should be dependent on an authorisation being issued by the recipient state.<sup>29</sup> Further, the UN Firearms Protocol and the Model Regulations associated with the Inter-American Firearms Convention stipulate minimum information requirements in export and import licences that are equivalent to those stipulated in the Nairobi Protocol.<sup>30</sup>

Standards set by the EU and the Wassenaar Arrangement detail the elements that are considered to represent the basic level of information required in EUCs while at the same time elaborating on a set of further optional provisions.

Specifically, EUCs, when requested, must include, as a minimum:

- The exporter's details (at least name, address and business name)
- The end-user's details (at least name, address and business name)
- The country of final destination
- A description of the goods being exported (type, characteristics), or reference to the contract concluded with the authorities of the country of final destination
- The quantity and/or value of the exported goods
- The signature, name and position of the end-user
- The date of the end-user certificate

<sup>27</sup> SADC Firearms Protocol, art. 8.c and .d and the Nairobi Protocol, art. 10.e and 16.g.

<sup>28</sup> Nairobi Protocol, art. 10.b.i. and c.

<sup>29</sup> Inter-American Convention, art. IX.2 and 3 and UN Firearms Protocol, art. 10.2.a.

<sup>30</sup> UN Firearms Protocol, art. 10.3 and Model Regulations, chapter II, art. 5.2 and 6.2.

- An end-use and/or non re-export clause
- An indication of the end-use of the goods

Equivalent standards are stipulated in the OSCE Document on SALW of 2001, the OSCE Best Practice Guide on SALW Export Control of 2003, and the Decision on EUCs and Verification Procedures of 2004.<sup>31</sup> They have also been adopted in the Nairobi Best Practice Guidelines on the implementation of the Nairobi Protocol that were adopted in 2005.<sup>32</sup>

Insofar as the PoA states the need for *authenticated* end-use certificates, it is worth noting that several multilateral SALW control instruments affirm the need to ensure that the “authenticity of licensing and authorisation documents can be verified or validated.” This principle is stipulated in, for example, the UN Firearms Protocol,<sup>33</sup> and the SADC<sup>34</sup> and Nairobi protocols.<sup>35</sup> In addition, the OSCE Best Practice Guide and the OSCE Decision on EUCs stipulate that, where the end-user is a non-governmental actor, exporting states have to require a validation of the EUC by the receiving state.<sup>36</sup> Beyond this, the Wassenaar Arrangement’s Best Practices for Effective Enforcement of 2000<sup>37</sup> promote confirmation of the “stated end-user and end-use of items to be exported prior to issuing an export licence” and say that this could range from “documentation to on-site premise checks of the end-user and end-use”.<sup>38</sup>

#### 5.5.4 NATIONAL END-USE(R) PRACTICES

Five years after the adoption of the UN PoA, there are only still 58 states that report to have systems in place that include the use of end-user certificates or equivalent documentation. More than half of these states (31 of them) are located in Europe,<sup>39</sup> 11 states are located in the Americas,<sup>40</sup> seven in Asia,<sup>41</sup> seven in sub-Saharan Africa,<sup>42</sup> two in the Pacific and none in the Middle East and North Africa.<sup>43</sup> Several states report to be in the process of reviewing or amending national controls and to be considering or planning provisions for the use of EUCs, including Côte d’Ivoire, Benin, Lesotho, Kenya, Namibia, Togo, and Uganda. Other states, including Mauritius, the Marshall Islands, Niger, Papua New Guinea, the Philippines, Rwanda, and Senegal claim not to require EUCs as part of their export and transit control systems. Many of these states argue that they do not export or retransfer SALW and so have no need for export controls that include the use of EUCs.

In the case of those states that do have end-use(r) provisions as part of their SALW export control system, there are important differences in the scope, detail and comprehensiveness of relevant national practices. For example, Zimbabwe reports that the EUCs it requires for exports note the details of the end-user, the quantity of transferred SALW, and the transport company.<sup>44</sup> By contrast, Ukraine reports that the exporter must obtain from the importer reliable information on the end-user, intended use and

<sup>31</sup> OSCE Decision no. 5/04 of November 2004 on Standard Elements of End-User Certificates and Verification Procedures for SALW Exports (OSCE Decision).

<sup>32</sup> Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on SALW (Nairobi Guidelines), chapter 2.

<sup>33</sup> UN Firearms Protocol, Article 10.5.

<sup>34</sup> SADC Protocol, Article 8.d.

<sup>35</sup> Nairobi Protocol, Article 10.e.

<sup>36</sup> OSCE Guide, p. 9; and OSCE Decision, para. 1.

<sup>37</sup> Wassenaar Arrangement’s Best Practices for Effective Enforcement, December 2000 [http://www.wassenaar.org/publicdocuments/2000\\_effectiveenforcement.html](http://www.wassenaar.org/publicdocuments/2000_effectiveenforcement.html)

<sup>38</sup> WA Best Practices for Effective Enforcement (WA Enforcement Practices), adopted in December 2000, point 3.

<sup>39</sup> See national reports on PoA implementation by: Albania, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine, and the UK, available at <http://disarmament.un.org/cab/salw-nationalreports.html>.

<sup>40</sup> See national reports on PoA implementation by: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Nicaragua, Peru, Uruguay and the USA.

<sup>41</sup> See national reports on PoA implementation by: China, India, Indonesia, Pakistan, Republic of Korea and Singapore.

<sup>42</sup> See national reports on PoA implementation by: Botswana, Nigeria, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe.

<sup>43</sup> For Pacific see national reports on PoA implementation by Australia and New Zealand. For MENA see national reports on PoA implementation by Egypt and Israel.

<sup>44</sup> See national report on PoA implementation by Zimbabwe, 2005, p. 8.

place of use of the goods, an undertaking to import the goods only into the country specified and an undertaking that the goods will not be re-exported without the prior consent of the exporter and the Ukrainian authorities.

**Types of end-use documentation:** EUCs are not the only type of documentation accepted by states with regard to the export of SALW. The typical authorisation used as an alternative to EUCs is an International Import Certificate (IIC), which must be submitted to export authorities at the licensing stage and is issued by the recipient state prior to the transfers. States which use such an ‘import’ authorisation include at least 30 states<sup>45</sup> that are member to one or more of the Western arms control forums as well as Brazil, China, Colombia, Egypt, India, Pakistan, South Africa and Uruguay.

‘Private’ EUCs or end-use declarations are also accepted by several states, including Argentina, Australia, Brazil, Canada, France, Germany, Lithuania, Spain, Switzerland and Turkey, particularly with regard to exports of ‘civilian’ or non-military small arms. These private documents are signed by the non-governmental end-user, for example a commercial company that imports hunting rifles for sale on the domestic market. They contain information equivalent to that in official EUCs and may also include end-use and other assurances. This can include a commitment by the company to only sell the imported rifles for civilian end-use on the domestic market of the recipient state. The above-listed states report that they accept private EUCs or end-use declarations only on the condition of the submission of an official IIC to the export authorities.

**Authentication procedures:** States reporting on their authentication procedures<sup>46</sup> have said that authentication usually takes the form of consular verification in the recipient state to check that the information contained in documents is correct and that the documents were signed by those authorised to do so under the law of the recipient state. This may entail the verification by the national embassy of the exporting state with the authorities in the recipient state that the end-user is a reputable entity and that official documents for the particular transfer have in fact been issued by these authorities.

Authentication procedures may also include checks on end-use and end-user information by collecting additional information through open sources such as the internet or press reports, as well as governmental sources. Such procedures exist in, for example, the UK, which puts emphasis in its export control system on risk assessment at the licensing stage to prevent diversions of exported SALW.<sup>47</sup> Canadian policy stipulates that private end-use statements by foreign commercial companies seeking to purchase sporting firearms from Canada will be certified by a member of the locally accredited Canadian mission. Specifically, this member will visit the company “to ensure that it is a reputable business which carries on within the dictates of local laws”.<sup>48</sup>

**Retransfer restrictions:** Several states<sup>49</sup> report that they make use of retransfer restrictions as part of their end-use controls. These are typically imposed in situations whereby ‘military’ SALW are exported to the armed forces of another state. Retransfer restrictions in this case generally require the armed forces to confirm that they will be the sole end-user and that they will not retransfer the items without prior authorisation of the original exporting state. Certain states, including Bulgaria, Italy, the Russian Federation and South Africa report that they may include restrictions in contracts with the recipients.<sup>50</sup>

<sup>45</sup> See national reports on PoA implementation by Argentina, Austria, Australia, Belarus, Canada, Croatia, Denmark, Finland, France, Germany, Ireland, Kazakhstan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, Spain, Sweden, Switzerland, Turkey, Ukraine, the UK, and the USA.

<sup>46</sup> These include Argentina, Belarus, Belgium, Bosnia and Herzegovina, Canada, Colombia, Germany, the Russian Federation, South Africa, Sweden, Turkey, and the UK.

<sup>47</sup> Interviews with British arms export officials conducted by Holger Anders, 2004 – 05.

<sup>48</sup> See national report on PoA implementation by Canada for 2005, p. 10.

<sup>49</sup> These include Argentina, Austria, Belarus, Bulgaria, Canada, Bulgaria, Finland, France, Germany, Italy, Kazakhstan, Norway, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, Turkey, and the UK. See national reports by these states.

<sup>50</sup> See national reports by these states as well as Bulgaria, Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies (Arms Law), adopted in 2002, Articles 15 and 17 and South Africa, National Conventional Arms Control Act (Arms Law), adopted in 2002, Articles 16 and 17.

**Delivery verification provisions:** Several states report to have export systems under which they can require that the recipient must commit to providing a delivery verification certificate (DVC) as proof that the shipment has reached its authorised destination and end-user. These states include Belgium, Colombia, Finland, Germany, Hungary, Italy, Latvia, Luxembourg, Poland, Romania, South Africa, and Spain. In South Africa, it is a legal prerequisite for the issuance of export licences that the recipient commits to providing a DVC.<sup>51</sup>

**Delivery and post-delivery checks:** Few states report to use delivery and post-delivery checks as part of their export control system. Indeed, many states seem to share the approach adopted in, for example, Zimbabwe. Specifically, it is declared policy in Zimbabwe to “not monitor what happens beyond [Zimbabwe’s] borders”. Rather, officials “assume that the SALW reach their destination once they are outside [Zimbabwe’s] borders”.<sup>52</sup> Of those states that do operate systems under which authorities may carry out post-delivery checks, Swedish export authorities may require the inclusion of a clause on EUCs under which the recipient commits to making facilities available to on-site inspections by Swedish authorities to allow for verification of compliance with restrictions that were imposed.<sup>53</sup> Germany, Norway and the UK also report that they may carry out post-delivery checks in cases where, subsequent to export, information becomes available suggesting a possible violation of end-use or retransfer restrictions.

## 5

### 5.5.5 ENHANCING STANDARDS OF CONTROL

PoA commitments relating to assuring the end-use of exported SALW are far from exhaustive and their overall implementation by states remains disappointing. Many states still lack the systems and procedures required to use authenticated EUCs as an element in efforts to prevent and combat diversions of exported SALW. This particularly applies to those states that are not party to any major multilateral SALW control instruments and/or that are not large SALW exporters. This is of concern because diversion of SALW can occur even when exported from states that do not consider themselves as important SALW exporters. Moreover, since diversion of SALW can also occur during transit and after delivery of SALW, the enforcement of effective EUC provisions should be a concern not only to exporting states, but also to transit and recipient states. Nevertheless, even where EUCs are used in export licensing, there are states that require only basic information with regard to the recipient and whose failure to assess or address diversion risks at the licensing stage makes any EUC that is obtained virtually worthless. The failure of states to validate and authenticate the information provided on EUCs is a further cause for concern. In terms of these failures, then, the limited scope of the PoA requirements for end-use control must be strongly criticised.

The need for common international standards relating to the end-use of SALW exports is thus clear. The lack of consistent high standards in states’ practices means that unscrupulous entities can exploit loopholes and shortcomings, thereby fuelling the illicit trade and misuse of SALW. International agreement on best practice in certifying and monitoring end-use of exported SALW must therefore be a priority for all states.

Any such international agreement on SALW end-use must be based on existing best practice in regional and multilateral SALW control fora. At a minimum it should:

- Stipulate that the provision of EUCs, and where necessary IICs and DVCs, should be a precondition for export licences for SALW
- Provide guidance on the minimum amount and types of information to be required in EUCs

<sup>51</sup> South Africa, Arms Law, Article 17.d.

<sup>52</sup> National report on PoA implementation by Zimbabwe for 2005, p. 8.

<sup>53</sup> See national report by Sweden for 2005 and website of Swedish Export Authority, <http://www.isp.se/sa/node.asp?node=466>

- Promote the critical examination of the EUCs, including through comprehensive pre-licensing risk assessment
- Include measures to strengthen capacities for authentication of EUCs and other official documents
- Establish as a norm the exporter's right to conduct follow-up checks on the end-use of the SALW post-export
- Establish that no SALW should be re-exported without the prior written consent of the original exporting state

## 5.6 ARMS BROKERING CONTROLS

### 5.6.1 INTRODUCTION

Arms brokers are central actors in the arms trade in general and SALW in particular, and play a role in facilitating the legal as well as the illicit trade. Reports from UN Panels and other sources have continued to point to the brokers' important role in supplying weapons to regions of conflict and human rights crisis zones. Often taking advantage of loopholes and inconsistencies in national arms transfer control regulations, arms brokers arrange the transfer of arms between third parties and play a key role in providing SALW to end-users who would have difficulty in securing supplies direct from a government-authorised entity.

Despite a growing awareness since the late 1990s of how SALW brokering can fuel the illicit trade, the development of international standards and establishment of national controls have proceeded at a relatively slow pace. Nevertheless, the control of SALW brokering was a major issue for debate at the 2001 UN Conference and this is reflected in the resultant PoA.

### 5.6.2 UN POA AND ARMS BROKERING

The PoA commitments relating to arms brokering appear somewhat contradictory in nature, specifying that states should:

"...develop adequate national legislation or administrative procedures regulating the activities of those who engage in SALW brokering. This legislation or procedures should include measures such as registration of brokers, licensing of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the state's jurisdiction and control." (Section II, Para 14)

"...develop common understandings of the basic issues and the scope of the problems related to illicit brokering in SALW with a view to preventing, combating and eradicating the activities of those engaged in such brokering." (Section II, Para 39)

"...consider further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in SALW." (Section IV, Para 1d)

These commitments appear to be indicative of the varying levels of understanding among states regarding the nature of the SALW brokering problem and what steps need to be taken to bring it under control. Indeed, the credibility of the commitment to develop national legislation is, to an extent, undermined by the weak commitments made at the global level. This is disappointing, given the efforts of one UN Group of Governmental Experts to examine and report on the SALW brokering issue<sup>64</sup> (see below) and despite the significant attention paid to the phenomenon by numerous UN Panel Reports investigating violations of UN sanctions and arms embargoes.

<sup>64</sup> Report of the Group of Governmental Experts established pursuant to General Assembly resolution 54/54 V of 15 December 1999, entitled "Small arms", UN Document A/CONF.192/2, 11 May 2001, <http://www.nisat.org/Brokering/UN%20Feasibility%20Study.pdf>

### 5.6.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND ARMS BROKERING

Apart from the UN PoA, the only other global level international agreement that addresses the issue of SALW brokering is UN Firearms Protocol.<sup>55</sup> While the UN Firearms Protocol is a legally binding instrument, the commitments therein relating to firearms brokering are framed so as to be essentially voluntary. In summary, states are required to “consider” establishing a system for the regulation of firearms brokering, to possibly include registration, licensing of brokering transactions and/or disclosure of brokering detail on import and export licence applications. The fact that this agreement was concluded a matter of weeks before the UN SALW Conference in 2001 undoubtedly had a bearing on the depth of the commitments agreed under the PoA.

Prior to the 2001 Conference, the above-mentioned UN Group of Governmental Experts (GGE) produced a report on the “feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorized by States”.<sup>56</sup> The GGE report touched on most of the issues connected with the control of brokering activities, including definitions of the activities to be encompassed in the term ‘brokering’, means of regulation, scope of application of controls, questions of extra-territorial jurisdiction, types of licenses to be used and options around the control of related financing and transportation activities. However, the GGE decided to illustrate different regulatory options and the potential advantages and shortcomings associated with each of them rather than recommending specific measures. Accordingly, for the most part - at least at the *global* level - the debate on these different options is still open and, as the commitments in the PoA demonstrate, little convergence has emerged on any of the related specific measures.

Pursuant to the PoA commitment to consider further steps to enhance international co-operation to tackle illicit SALW brokering, a General Assembly Resolution (58/241) was passed, requesting the Secretary General to hold broad-based consultations on the matter. Consultations were held in New York and Geneva in 2004 during which a number of states urged development of an international instrument, while others expressed clear opposition to this. Ultimately a second Resolution (59/86) was passed requesting the Secretary General to continue his consultations and mandating the creation of a UN Group of Experts to consider “further steps in international co-operation” which is to start work after the UN Review Conference and “no later than 2007”.

While these developments do help to keep the issue of SALW brokering internationally ‘live’, the decision to convene a second GGE has nevertheless been criticised by states and non-government groups who believe that the first GGE adequately explored the issue and that the task now is to pursue development of an international instrument to control SALW brokering.

A number of regional agreements/instruments have also been adopted to deal with the issue, which encourage (or mandate) the adoption of brokering controls by national governments. Among these documents, the EU Common Position has certainly had a tangible influence on EU Members. Since the adoption of the Position, which is binding on EU States, at least 10 countries have revised existing legislation or adopted new laws in order to implement its provisions and at least eight more countries are in the process of considering relevant modifications to their current export/import control systems.

In the OAS region, the Model Regulations<sup>57</sup> influenced at least one OAS member’s policy. In 2004, Nicaragua passed a new ‘Special Law’ for the control and regulation of firearms, ammunition, explosives and related materials.

<sup>55</sup> Approved with UN Resolution A/RES/55/255 of 31 May 2001.

<sup>56</sup> UN Document A/CONF.192/2, op. cit. This report was submitted as part of the background documents to the 2001 UN Conference on the Illicit Trade in SALW in All Its Aspects.

<sup>57</sup> The Model Regulations are not legally binding, but contain a set of measures that OAS members are recommended to adopt in their national export control systems.



A comparison of existing regional/global instruments/agreements on brokering reveals that there are important differences. For example while the EU Common Position and the controls set out in the SADC and Nairobi Protocols are legally binding upon member states, the OSCE, OAS and Wassenaar Arrangement provisions remain politically binding only.

Definitions of SALW brokering also vary significantly. Those contained in the latest EU, OSCE and Wassenaar Arrangement documents are very similar and essentially include the ‘core’ activities of negotiation and arrangement, including cases in which the weapons are owned directly by the broker. A much broader definition is contained in the OAS Model Regulations, in which brokering activities are defined as including “manufacturing, exporting, importing, financing, mediating, purchasing, selling, transferring, transporting, freight-forwarding, supplying, and delivering firearms, their parts or components or ammunition or any other act performed by a person, that lies outside the scope of his regular business activities and that directly facilitates the brokering activities.”<sup>58</sup>

Despite these and other differences, some degree of convergence nevertheless seems to be emerging from current regional and multilateral agreements, centering on a minimal definition of arms brokering as the mediation between buyers and sellers of SALW and other military goods. There also appears to be an emerging consensus around the need for national licensing systems with options around registration of arms brokers and extra-territorial controls, as reflected in the national-level commitments in the PoA and by national and regional action since 2001. The requirement to establish controls on the financial and transportation aspects of arms brokering, however, seems to be some way off in most regional/multilateral fora.

Despite some evidence of convergence, it is nevertheless important to note that, at present, there are significant areas of the world including Asia, the Middle East and North Africa, where no regional agreement on SALW exists to provide a basis for a common approach to brokering issues. A significant number of countries around the world are therefore bound by no regional/multilateral commitment to control such activities.

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#### 5.6.4 NATIONAL PRACTICES REGARDING ARMS BROKERING

As of April 2006, 37 states had established controls on arms brokering with at least 27 having reviewed or introduced new legislation since 2001. Of the 37 states that have controls, at least 25 have a requirement for the registration of arms brokers, 30 have a system of licensing individual transactions and 15 operate some form of extra-territorial controls.

At the national level, existing regulations specific to brokering generally cover activities such as contract mediation and negotiation services (‘core’ brokering activities).<sup>59</sup> Importantly, these controls usually apply to the broker whether he/she actually acquires or possesses the transferred weapons or not. In addition, several national definitions also cover activities that are not carried out for monetary gains, which means that they are able to cover those (quite common) situations in which weapons are brokered in exchange for barter goods.

The US has one of the most comprehensive definitions of brokering activities in place, which includes “the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service, irrespective of its origin”.<sup>60</sup>

Another broad definition is provided in the South African control system. “Brokering services” are defined in Art. 1.i of the National Conventional Arms Control Act (No. 41 of 2002) as including activities such as

<sup>58</sup> CICAD/OAS Model Regulations Article 1.

<sup>59</sup> For more details on this section, see Anders, Holgar and Cattaneo, Silvia, *Regulating Arms Brokering: Taking Stock and Moving Forward the United Nations Process*, GRIP Report, 2005, especially pp. 13-14.

<sup>60</sup> United States of America, International Traffic in Arms Regulations (ITAR) (undated), sec. 129.2(b).

negotiating or arranging deals, facilitating the transfer of documentation, payment, transportation or freight-forwarding and acting as an intermediary between suppliers and recipients. These activities relate to the provision of conventional arms and related services.

Other states have also, in certain circumstances, extended controls to transportation and/or financing activities connected to SALW transfers between third countries. These include Bulgaria, Estonia, Germany, Liechtenstein, the UK and the US. For example, in the UK, criminal sanctions are established for any act (including transportation and financing) linked to the illicit transfer of military equipment to embargoed destinations<sup>61</sup> whereas Liechtenstein provides for criminal sanctions on the financing of illicit arms transfers.<sup>62</sup>

In terms of the scope of national controls, it is common for countries to subject the brokering of arms transfers between two third countries to a licensing requirement even though the arms transferred do not pass through their jurisdiction.<sup>63</sup> In several states the mandatory licensing requirement, in addition to the brokering of 'third-country deals', also extends to brokering related to arms exports.<sup>64</sup> In a couple of cases (France and Italy) only the brokering relating to arms exports is controlled (in both cases reviews of current export control systems are under consideration, in order to incorporate the measures required by the EU Common Position).

It is important to note that the above-mentioned licensing requirements commonly apply to activities conducted on national territory by nationals and established residents. In a few instances, also activities of foreign agents are controlled (e.g. in Switzerland).

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A number of states' existing national brokering controls have an extra-territorial dimension, although this is applied according to different models. The US has the broadest understanding of extra-territoriality. Under US law, brokering licensing requirements apply to the activities of all nationals, even when they operate from abroad, for any type of deal (relating to transfers touching US territory - imports and exports - as well as third-country transfers). The requirement also applies to foreign agents established and working from abroad if they broker US-origin weapons or work with US nationals.<sup>65</sup> In addition, legislation in force in Belgium, the Czech Republic, Estonia, Finland, Hungary, Lithuania, the Netherlands, Nicaragua, Norway, Poland, Romania, South Africa, Sweden and the Ukraine requires that national agents have a licence when operating from abroad, even if the weapons they broker are transferred without crossing national territory.

A significant number of states that operate controls on the activities of arms brokering agents also have a requirement that agents register in advance with the national authorities (25 in total). Such registers can function as useful tools in monitoring compliance with arms brokering regulations and in exchanges of information amongst states that are co-operating in tackling illicit arms brokering.

Different types of systems for registering arms brokers are in operation. For example the UK government compiles a de facto register (or database) of arms brokering agents by means of the information pertaining to individual arms brokers that is contained on arms brokerage licence applications. The information is stored on a central database within the Department of Trade and Industry and is not made publicly available. Its primary purpose is to allow the authorities to verify the identity of any applicants and it is particularly useful in relation to those brokering agents that apply for a licence on-line and who may not be based in the UK. While the database is not employed as a means of disqualifying arms brokering agents from applying for licences to broker arms transfers, information contained in the UK database can be shared with partner governments (e.g. in the EU) in any exchanges concerning the activities of arms brokering agents.

<sup>61</sup> Trade in Controlled Goods (Embargoed Destinations) Order 2004 (Order No. 318 of 11 March 2004), Article 3.1-4.

<sup>62</sup> Liechtenstein, 'Mediation of War Material' Order of 9 September 1999.

<sup>63</sup> Countries with such a provision relating to so-called 'third-country arms brokering' include Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Liechtenstein, Lithuania, Malta, the Netherlands, Nicaragua, Norway, Poland, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, the UK and the United States.

<sup>64</sup> These include Belgium, Bosnia and Herzegovina, Estonia, Finland, Hungary, Lithuania, Malta, Nicaragua, Poland, Slovenia, Slovakia, South Africa, Sweden, Ukraine, and the USA.

<sup>65</sup> Small Arms Survey, *Small Arms Survey 2004: Rights at Risk*, Oxford and Geneva, Oxford University Press, 2004, p. 158.



In the US, private persons or entities wishing to engage in the business of brokering activities with respect to the manufacture, export and import of defence articles or defence services must register with the Department of State and pay a registration fee. This registration process involves filling out an application form that requires information on the person's eligibility to engage in the activity (e.g. they are not indicted, convicted etc. under statutes identified in the regulations), information on corporate lineage (if a company) and the nature of the brokering activities. Registration is valid for a maximum of two years and serves as a prerequisite to request authorisations to conduct brokering activities (which is a separate process). The State Department conducts a detailed review of each registration application including a review regarding law enforcement concerns. Material changes to the initial registration must be reported to the Department of State. When the registered broker applies for a brokering authorisation further checks are performed on the elements of specific transactions. US arms export control regulations include civil and criminal provisions. If a broker is indicted or convicted of violating the Arms Export Control Act the broker would become ineligible to engage with or benefit from any regulated activity and a debarment would be published in the Federal Register. The debarment continues until the State Department reinstates the privileges.

### 5.6.5 ENHANCING STANDARDS OF CONTROL

A number of states already operated brokering controls prior to the adoption of the PoA. For those in which controls were adopted after the PoA, the vagueness of the PoA did not prevent states from designing comprehensive systems that went well beyond its requirements as contained in Section II, Para 14. In this regard, regional dynamics and understandings have had a huge influence on states' decisions on the question of brokering controls. At the same time, the fact that the issue was included in the PoA has served to fundamentally legitimise the activities that followed at the regional level.

The lack of specificity in the PoA certainly does not help in the cases of states that are still reluctant to adopt brokering-specific regulations, as in international discussions they continue to deny that they have a brokering 'problem' and even to question the entire nature of the phenomenon. However, hopes of further international progress on SALW brokering would appear to lie with the forthcoming GGE. A number of observers/participants to the process (both governmental and non-governmental) expect this GGE to work similarly to the Group that was formed on marking and tracing and to prepare the ground for a formal negotiation process on an international instrument on brokering. It is paramount, however, that the work of the GGE takes full account of the work of the previous Group of Experts (which reported in 2001) and of emerging best practice in the field of arms brokering controls. Accordingly the GGE should seek to conclude an agreement that includes:

- Definitions of brokering activities and brokers
- Possibilities for control of 'brokering-related' activities, particularly transportation and financing
- Possibilities for extra-territorial controls
- Elements of licensing regimes (e.g. types of activities and goods covered by regulations' scope; procedures for licence application screening, including licensing criteria)
- Systems of registration for brokers
- Systems of criminalisation and penalties
- Mechanisms of law enforcement and monitoring, e.g. requirements for brokers to keep records of their transactions and report to national authorities
- Mechanisms for international co-operation, particularly in implementation of laws and regulations and prosecutions of violations

In view of the emerging consensus around core SALW brokering issues in a number of regional and multilateral fora and the clear preferences expressed in the PoA and UN Firearms Protocol for national systems of licensing and registration, the time would now appear ripe for a crystallisation of international commitments in this area.

<sup>61</sup> <http://www.pmdtc.org/registration/ds2032.pdf>

## 5.7 MEASURES TO ENABLE TRACING OF ILLICIT SALW

### 5.7.1 INTRODUCTION

It is important to develop the ability to trace lines of supply of illicit SALW, in order to identify and close diversion points, and promote accountability for neglectful, irresponsible or criminal activities associated with such diversion. At present, many illicit SALW that are discovered cannot be traced in a reliable and timely manner because of inadequate marking, poor recordkeeping or lack of international co-operation in tracing.

The two main reasons for tracing illicit weapons are:

- To trace a crime weapon as part of a criminal investigation to identify, prosecute or close down the operations of those involved in the misuse or supply of the weapon
- To trace illicit or unauthorised weapons found or seized, to discover and monitor lines of supply, traffickers and diversion points, and thus to prevent or disrupt future illicit supplies to regions of conflict or instability, to rebel groups, terrorists, or organised criminal networks

The first of these reasons relates primarily to police and criminal justice systems, and there are some well-established mechanisms for international co-operation, such as those of Interpol. The second often involves larger arms flows and will often involve diversion or unauthorised end-use of state-to-state transfers as well as private transactions. Investigations are often relatively politicised, and may involve government officials. In this area, mechanisms for international co-operation are much weaker.

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### 5.7.2 THE UN POA AND MEASURES TO ENABLE TRACING OF ILLICIT SALW

The PoA includes strong commitments at the national, regional and international levels on these issues. For example, in Section II of the PoA, states undertake to:

“Ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each SALW as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon” (Section II, Para 7)

Section II, paragraph 8 further requires states to adopt and enforce all necessary measures to prevent the manufacture, stockpiling, transfer or possession of any unmarked or inadequately marked SALW; paragraph 9 requires that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of SALW under their jurisdiction so that accurate information can be promptly retrieved and collated by competent national authorities; paragraph 10 requires that states should ensure responsibility for all SALW held and issued by them as well as effective measures for tracing such weapons; and finally paragraph 36 calls on states to strengthen their ability to co-operate in identifying and tracing in a timely and reliable manner illicit SALW.

Section III of the PoA contains specific commitments for states to: “co-operate with each other... in tracing illicit SALW, in particular by strengthening mechanisms based on exchange of relevant information” (Para 11); “consider international co-operation and assistance to examine [and facilitate transfer of] technologies that would improve the tracing and detection of illicit trade in SALW” (Para 10); and “use and support... Interpol’s International Weapons and Explosives Tracking System (IWETS) database” and any other similar databases (Para 9).

Importantly, Section IV of the PoA recommended a follow-up UN study for “examining the feasibility of developing an international instrument to enable states to identify and trace in a timely and reliable manner illicit SALW” (Section IV, Para 1.c). Thus the marking and tracing issue area was singled out at the 2001 Conference for specific follow-up within the UN framework.

### 5.7.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND MARKING AND TRACING

The UN Firearms Protocol, which entered into force in July 2005, complements the UN PoA, and includes several legally-binding commitments relating to marking, record keeping and tracing of firearms. The Protocol includes strong and specific obligations on marking, including the requirement for unique marking at the point of manufacture of each firearm providing the name of manufacturer, the country or place of manufacture, and the serial number or alternative user-friendly and unique marking system, and also simple additional marks at the point of importation. Similarly, on recordkeeping it commits states to ensure maintenance for at least 10 years of information required to enable tracing of firearms and, where possible, their parts, components and ammunition. On co-operation on tracing, the UN Firearms Protocol has strong overall commitments, including obligation to provide prompt responses to requests for assistance in tracing and co-operation on technical training and assistance. However, it does not specify further the obligations and procedures for co-operation in tracing.

Several regional agreements contain provisions for substantial politically or legally-binding commitments on marking, recordkeeping and tracing of SALW. These include particularly the OSCE Document on SALW, the OAS Inter-American Firearms Convention, the SADC Protocol, the Nairobi Protocol and the Nadi Framework (South Pacific). A number of these regional agreements have further developed, for example through the development of best practice guidelines on marking, recordkeeping and tracing, the elaboration of model regulations, and co-operation in implementation.

### 5.7.4 THE NEW INTERNATIONAL TRACING INSTRUMENT

As a direct follow-up from agreement on the PoA, in December 2001 the UN General Assembly established a Group of Governmental Experts on Tracing Illicit SALW (GGE), chaired by Ambassador Rakesh Sood (India). This GGE met three times during July 2002 – July 2003. It unanimously agreed on a Report that addressed technical and definitional issues and recommended that an international instrument appeared feasible.<sup>67</sup>

The UN General Assembly thus established an ‘Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons’ (OEWG), with a mandate to “negotiate an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.”<sup>68</sup> Under the chairmanship of Ambassador Anton Thalmann (Switzerland) and 14 co-chairs, the OEWG held an organisational meeting in February 2004, and then met three times between June 2004 and June 2005. Negotiations proved difficult, and agreement was only achieved after several difficult compromises, including acceptance that it would be politically binding rather than a legal treaty.

The final Report of the OEWG included an agreed draft international instrument on tracing illicit SALW as an annex, together with recommendations for follow-on work on two outstanding issues: SALW ammunition; and how the provisions of the new SALW Tracing Instrument should be applied to UN peacekeeping missions.<sup>69</sup> In the autumn of 2005, the UN General Assembly adopted the new

<sup>67</sup> Report of the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons, UN General Assembly Document A/58/138

<sup>68</sup> UN GA Resolution 58/241, December 2003.

<sup>69</sup> Report of the Open-Ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, UN General Assembly Document A/60/88, 27 June 2005 access via <http://un.org/ga/59/list60.html>

International Tracing Instrument (with abstentions by a few states to indicate their frustration that the Instrument was not stronger and legally-binding). It therefore came into force at the end of 2005.

The new International Tracing Instrument is politically binding, but all UN member states have committed themselves to meeting its requirements. Its scope is wider than that of the UN Firearms Protocol with one notable exception: the International Tracing Instrument does not cover SALW ammunition, but only the weapons, their parts and components. The great majority of states wanted SALW ammunition to be included in the scope of the instrument, while accepting that this had specific characteristics requiring distinctive treatment; however the USA and some others insisted that it be excluded.

Its obligations relating to marking and recordkeeping are technically similar to those of the UN Firearms Protocol, as outlined above, though it helpfully strengthened minimum standards on recordkeeping by substantially extending the minimum period over which they must be kept. The great contribution of the new International Tracing Instrument is the substantial elaboration of obligations and procedures for reliable and timely co-operation in tracing illicit SALW.<sup>70</sup> On implementation, it encourages technical and financial assistance and co-operation, but disappointingly does not establish specific mechanisms or procedures to promote and facilitate such co-operation in implementation and further development of the instrument.

The reporting and review mechanisms for this new instrument are explicitly integrated with those of the PoA itself. Thus, states will review the implementation and future development of this instrument within the framework of PoA Review Conferences.<sup>71</sup> The biennial reports that states are required to provide on their implementation of the instrument will be considered at PoA BMS meetings<sup>72</sup> while the provisions on mechanisms for technical advice or international co-operation and assistance encourage initiatives within the PoA process to mobilise relevant resources.<sup>73</sup>

Overall, the International Tracing Instrument is undoubtedly an important step forward, although the fact that it is politically rather than legally binding, does not include SALW ammunition within its scope, and the mechanisms for promoting implementation and further development of the instrument are undeveloped represent significant shortcomings. Nevertheless it is important that it is rapidly and fully implemented, and that opportunities are taken to develop it further.

### 5.7.5 NATIONAL PRACTICES

Lack of transparency and available official reports makes it hard to assess national implementation of international standards on marking, recordkeeping and co-operation in tracing. On the basis of available information, some 53 states require that all SALW are marked as an integral part of their manufacture. A similar number of states have measures to tackle unmarked or inadequately marked weapons. In many cases the possession, manufacturing and trade in unmarked or inadequately marked SALW and the removal or alteration of markings from weapons, is a criminal offence. For instance, such provisions are included within the Nairobi Protocol and the Pacific Islands Forum Model Weapons Control Bill. In most cases unmarked or inadequately marked weapons are required to be marked or destroyed. However, there is little information available on how systematically or effectively such standards and procedures are applied.

Only a few states have announced that they have reviewed their marking standards, including – to some degree – Benin, Brazil, China, Monaco, Norway, Slovenia, and Sweden.<sup>74</sup> This lack of action is worrying,

<sup>70</sup> See Annex to the Report of the OEWG, 27 June 2005, op cit.

<sup>71</sup> International Tracing Instrument Para 38

<sup>72</sup> Ibid Para 36 & 37

<sup>73</sup> Ibid Para 27-29

<sup>74</sup> Information on Benin, Monaco, and Sweden from Kytomaki, Elli, and Yankey-Wayne, Valerie, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, Geneva, UNIDIR, 2003, pp 80 – 81.

particularly in view of the high profile the marking and tracing issues have had in recent years. In some cases, reviews of marking procedures have entailed the adoption of high standards. In Brazil, for instance, the new law established that ammunition produced for the military and the police should have a lot number included in the head-stamp. In a large number of cases, states' marking standards appear to continue to fall below minimum international standards.

According to available information, at least 81 states ensure detailed records on holdings and transfers of SALW. Several other states have been improving their recordkeeping on aspects of SALW that are important to the tracing of illicit arms. Some states have revised their recordkeeping standards or have modernised their recordkeeping system including centralisation, and in some cases computerisation of records. However, national practice in terms of the types of information recorded, and the length of time records are maintained, appear to remain very varied, thereby undermining the traceability of illicit SALW.

Information on national practices in co-operation with tracing requests is limited. According to available information at least 40 states actively co-operate with tracing requests. Some do this on a very large scale. For example, the USA reportedly deals with over 20,000 firearms tracing requests each year. Nearly all of these are probably associated with 'ordinary' criminal investigations. In terms of capacity building, Canada, for example, has been particularly active in developing electronic databases and resources for reliable identification and information exchange on found or seized illicit SALW. It is as yet unclear whether any tracing requests have been made or responded to using the provisions of the new International Tracing Instrument.

Largely in relation to tracing crime weapons, the PoA, UN Firearms Protocol and the International Tracing Instrument all support the role of Interpol in co-operation in tracing and encourages support for Interpol Weapons Electronic Tracing System (IWETS). Some progress has been made in further developing IWETS. For instance the United States and Canada have provided financial support (of US\$125,000 and Can\$300,000 respectively) for enhancing the IWETS system.

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### 5.7.6 ENHANCING TRACING OF ILLICIT SALW

The most important focus for enhancing tracing of illicit SALW is for states to rapidly and fully implement the new International Tracing Instrument, and in particular to start regularly to use the provisions for co-operation in tracing. To enhance awareness, as well as to promote the overall aims of the instrument, states should, as far as possible within confidentiality rules, provide regular reports on relevant activities and their outcomes.

The 2006 Review Conference for the PoA is strategically important for the new International Tracing Instrument. Though it is tempting, it is almost certainly too early in 2006 to try to revisit some of the main debates relating to the scope and key norms of the new instrument, or to attempt to change it into a legally-binding instrument. Government positions have not evolved substantially since the instrument was agreed in 2005 and further progress on such contentious issues is unlikely to be possible at this Review Conference. It is important that the 2006 Review Conference effectively:

- promotes early and full implementation of the SALW Tracing Instrument
- takes decisions that facilitate and support its effective operation and future development
- otherwise properly fulfils its function as the first Review Conference for the SALW Tracing Instrument

The Review Conference is the first international opportunity to report and review the operation of the Tracing Instrument, in order to promote rapid and full implementation through, for example, elaborating

standard forms for requesting and responding to requests for information. It also provides an opportunity to launch key mechanisms and initiatives to facilitate necessary co-ordination, information exchange, international resource centres and international technical advice and assistance. The next such opportunity may not arise until 2011 or later.

It is important that all states demonstrate that they are determined to use the PoA Review Conferences as the distinctive sovereign body for the new instrument, where they can review, revise or develop it as they see fit. Thus it would be useful for states specifically to submit reports on their implementation of the International Tracing Instrument and that specific periods of the Review Conference are officially dedicated to the review of its implementation and consideration of its future development. The outcomes of these discussions ought clearly and specifically to be reflected in the Conference Outcome Document.

One major outcome of the Review Conference should be the launch of a specific global programme to support and enhance implementation of the new International Tracing Instrument. If there is insufficient time to elaborate and define such a programme at the Review Conference itself, a follow-up intersessional meeting or parts of following Biennial Meetings of States should be dedicated to this task.

The Review Conference Outcome Document should also engage with the two key outstanding issues addressed by Report of the OEWG that negotiated the Instrument,<sup>75</sup> namely that of SALW ammunition and the applicability of the provisions of the new tracing instrument to UN peacekeeping operations. On SALW ammunition, the critical international priority is to establish a process within the UN to specifically develop international commitments, norms and programs to address this key issue. The 2006 Review Conference Outcome document should include recommendations on how to take this forward. Similarly, the application of the Instrument to SALW marking, recordkeeping and tracing in post-conflict countries raises particular unresolved issues, and merits specific attention by relevant UN agencies. At the least, a specific mechanism for examining this issue should be recommended by the Conference.

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## 5.8 ENFORCING EMBARGOES

### 5.8.1 INTRODUCTION

Arms embargoes are one of the principal tools of states seeking to prevent, limit and bring an end to armed conflict and human rights abuses. Recourse to embargoes has increasingly been a feature of international relations in the past decade and a half, as states have sought to respond to crises by limiting or halting the flow of arms into particular countries or sub-regions in response to existing or impending conflict.

Although arms embargoes are potentially a very useful tool with which to put pressure on governments and armed groups, there are significant problems with their implementation. Pressure has therefore been building upon the international governmental community to act in order to ensure that the political commitment embodied by the imposition of arms embargoes is matched by the commitment to ensure their rigorous enforcement.

### 5.8.2 THE POA AND UN ARMS EMBARGOES

Ensuring the effectiveness of UN arms embargoes is a specific objective of the PoA. However, the PoA merely reiterates states' existing legal obligations under the Charter of the United Nations<sup>76</sup> and does not require states to commit to anything beyond what has already been agreed.

<sup>75</sup> International Tracing Instrument Para 27 & 28.

<sup>76</sup> Article 41 of the United Nations Charter confers upon the Security Council the power to call for a "complete or partial interruption of economic relations...and the severance of diplomatic relations" in response to a threat to or breach of the peace or an act of aggression.



PoA Section I, Para 12 recalls “the obligations of States to fully comply with arms embargoes decided by the United National Security Council in accordance with the Charter of the United Nations”; Section II, Para 15 requires states “to take appropriate measures, including all legal and administrative means, against any activity that violates a United National Security Council arms embargo in accordance with the Charter of the United Nations”; and Section II, Para 32 requires states “to cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations”.

However, the PoA has failed to recognise that despite the ever-increasing number of UN embargoes imposed, many states appear either unable and/or unwilling to ensure their full implementation.

Since the PoA was agreed in July 2001 twelve legally binding UN arms embargoes have been brought into operation against government and non-governmental entities.<sup>77</sup> Of the nine UN arms embargoes that remain in force there is considerable evidence to suggest that most, if not all, are being breached to a greater or lesser degree.

### 5.8.3 FAILURES CONTRIBUTING TO ARMS EMBARGO VIOLATIONS

The failure by states to fully comply with UN and other multilateral arms embargoes can be attributed to a range of factors. On occasion, states have been identified as being deliberately complicit in arms embargo violations, acting in what they perceive to be their own national interest.<sup>78</sup> At other times, states have facilitated arms embargo violations either through negligence or because they lack the capacity for implementing measures for effective embargo enforcement.

**Lack of capacity for monitoring shipments of SALW across borders:** A succession of UN Panel of Experts reports<sup>79</sup> has pointed to the inadequacy in air traffic control infrastructure, lack of monitoring of sea ports, and ineffective land border controls as major contributory factors in the violation of UN arms embargoes. Lack of air traffic control capacity is most acute across large parts of sub-Saharan Africa, however the inability of states to prevent arms coming ashore at sea ports and to prevent arms trafficking across long and porous land borders is a feature in most regions. Moreover, there is evidence to suggest that when action is taken in one area to strengthen controls and monitoring, arms traffickers will seek other means of ferrying shipments of arms to embargoed recipients. Accordingly, efforts to prevent arms trafficking across borders must involve strengthening states’ capacities for air space, sea port and land border monitoring and control.

**Failure of states to criminalize arms embargo violations:** In order for states to be able to hold those who violate arms embargoes to account they must have the requisite national legislation in place to criminalise breaches and enable their prosecution under domestic law. Unfortunately, not all states have taken the necessary steps forward in this regard. For example, in Italy the export and transit of arms to countries with an embargo is forbidden.<sup>80</sup> However, in 2002 a loophole in the legal system was exploited by a known arms broker, Leonid Minin, who had partly operated from Italian territory to organise illegal

<sup>77</sup> Legally binding UN arms embargoes have been imposed against the following: Afghanistan (Taliban and Al-Qaida) UNSC 1333 (2000); Angola (UNITA) UNSC 864 (1993), UNSC 1448 (2002); Cote d’Ivoire UNSC 1572 (2004); Darfur Regions of Sudan UNSC 1556 (2004), UNSC 1591 (2005); Democratic Republic of Congo (DRC) UNSC 1493 (2003), UNSC 1552 (2004), UNSC 1616 (2005); FRY Yugoslavia UNSC 713 (1991), UNSC 727 (1992), UNSC 1160 (1998), UNSC 1367 (2001); Iraq UNSC 661 (1990), UNSC 1483 (2003), UNSC 1546 (2004) (non-governmental entities); Liberia UNSC 788 (1992), UNSC 1343 (2001), UNSC 1408 (2001), UNSC 1478 (2002), UNSC 1343 (2003); Libya UNSC 748 (1992), UNSC 1506 (2003); Rwanda (non-governmental entities) UNSC 1011 (1995); UNSC Sierra Leone (non-governmental entities) UNSC 1132 (1997), UNSC 1171 (1998); Somalia UNSC 733 (1992), UNSC 1356 (2001), UNSC 1425 (2002). Of these UNSC 1367 (2001); UNSC 1448 (2002); and UNSC 1506 (2003) have been lifted.

<sup>78</sup> For example, the Panel of Experts (2006) in Darfur judged that the Government of Sudan has violated and continues to violate the provisions of the arms embargo by moving arms into the region. Furthermore, the Government of Eritrea has also been identified as being complicit in providing arms and support to non-governmental groups within the Darfur region: See S/2006/65.

<sup>79</sup> See for example the 2000 Report of the Angola Monitoring Mechanism S/2000/203, the 2006 Panel of Experts Report on the DRC S/2006/53 and the 2005 Report of the Somalia Monitoring Group S/2005/153.

<sup>80</sup> Act No. 185 of 9 July 1990 s. 6(c).

arms transfers in violation of UN arms embargoes to Liberia and the Revolutionary United Front (RUF) in Sierra Leone. The Italian Supreme Court could not prosecute Minin because Italian legislation only addressed the trafficking of weapons to embargoed destinations when the weapons crossed Italian territory.<sup>81</sup> In view of the international attention focused on arms embargo violations in recent years, the failure on the part of states to ensure that their national legislation provides for prosecution of those who violate UN and other arms embargoes can only be regarded as amounting to a critical failure of political will.

**Lack of controls on arms brokering and transportation agents:** The major role of arms brokering and transportation agents in supplying arms to embargoed entities has been highlighted in a number of reports from a succession of UN Panels of Experts investigating violations of UN arms embargoes. States that fail to establish effective controls over such agents run the risk that their territory may be used as a base for the organisation of illicit arms shipments to embargoed destinations and end-users. The fact that arms brokering is often the least visible part of an arms deal, and that the physical trail of the arms delivery does not usually pass through the country where the brokering took place means that many states are continuing to turn a blind eye to the ongoing problem of illicit arms brokering. Unfortunately, only a few countries have adequate laws in this respect, as highlighted in section 5.5 above. In situations where a broker's activities come under investigation, and particularly if their operations become threatened, he/she will tend to move base to another country. This illustrates the need for effective international controls.

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**Falsification of end-user documentation:** The various UN Panel reports have also pointed to the practice, adopted by arms brokers and other actors involved in the illicit arms trade of obtaining or fabricating false end-use certificates and using them to provide cover for arms shipments to embargoed recipients. Indeed, the Panel of Experts report (known as the Fowler Report)<sup>82</sup> investigating the alleged violations of sanctions imposed against the Union of Total Independence for Angola (UNITA) highlighted the role played by forged end-user certificates and arms brokering agents in helping to circumvent UN sanctions. The report found evidence that top level officials from the former Zaire, Burkina Faso and Togo provided end-user certificates and transit or transshipment facilities to brokers working for UNITA in exchange for diamonds, cash or a proportion of the transiting arms. National practices regarding end-user certification vary widely and are wide open to abuse by unscrupulous dealers and brokering and shipping agents (see section 5.5 above).

**Lack of effective monitoring of UN arms embargoes:** UN arms embargoes increasingly contain provisions for the monitoring of implementation, which can be key to ensuring that violations are detected and dealt with. In the Democratic Republic of Congo (DRC), for example, the UN Security Council imposed an arms embargo in July 2003; however, it was not until March 2004 that a Sanctions Committee was established and April 2004<sup>83</sup> when a Group of Experts was finally appointed to monitor the implementation of the embargo and to examine, and take appropriate action on, information concerning alleged violations thereof. The delay in establishing a Sanctions Committee had very serious consequences in that widespread and flagrant violations of the embargo were witnessed during this time.

At the same time, it should be noted that a number of UN sanctions monitoring bodies have been considered ineffective in the past due either to their perceived partiality, longevity, lack of expertise, fragmented approach and/or lack of political will; they can also be remarkably dependent upon the personalities and personnel driving the team.

<sup>81</sup> It is understood that relevant Italian legislation is presently being reviewed with a view to bringing it into line with EU and international standards.

<sup>82</sup> S/2000/203.

<sup>83</sup> The mandate of the Group of Experts was developed in a letter dated 21 April 2004 from the Secretary-General addressed to the President of the Security Council.



Evidence of a successful and innovative approach by a monitoring committee can be seen in the DRC, whereby in November 2005 the sanctions committee published a list of individuals and entities that had violated the arms embargo, and thus were subject to sanctions. Favourable feedback was received about this list, notably from political figures as well as from civil society.<sup>84</sup> It is clear that in order for UN sanctions and embargoes to be effectively implemented, a dedicated monitoring committee must be speedily established with access to all necessary resources and expertise.

#### 5.8.4 THE NEED FOR INTERNATIONAL ACTION TO STRENGTHEN ARMS EMBARGOES

Not all of the above-listed failures or inadequacies could be comprehensively addressed within the scope of the PoA, however a clearer acknowledgement of those factors contributing to the failure of arms embargoes could have been included. Moreover, in practice, even in those areas where the PoA has clear competence, very little has been done to address these issues. Commitments relating to SALW transfer control guidelines, arms brokering controls, transit controls, end-user controls and border controls are scant and under-developed and will have done little, in practice, to bolster implementation of UN arms embargoes.

It is clear that concerted action is required in order to strengthen the implementation of UN arms embargoes. A number of measures should be considered in this regard:

- Raising the cost of non-compliance of sanctions regimes through agreement on the need to criminalise breaches in national laws, and by applying secondary sanctions to those states and parties that do not comply
- The elaboration of key international standards based upon best practice with regard to arms brokering, end-user and transit controls and the development of commitments relating to issues not addressed by the PoA, such as licensed production of SALW overseas
- Greater efforts to enhance the implementation of arms embargoes in the context of initiatives aimed towards controlling illicit trafficking of other materials, e.g. natural resources (such as timber, oil and diamonds)
- Establishment of a dedicated UN Sanctions Unit under the International Secretariat so as to develop monitoring expertise and to place trained observers on the ground
- Establishing a common military list for UN embargoes, so that it is clear which items are covered under each particular embargo

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## 5.9 BORDER CONTROLS

### 5.9.1 INTRODUCTION

Cross-border trafficking of illicit SALW has been identified as a major factor contributing to the proliferation of SALW within regions of conflict and high levels of armed crime. It is a critical part of illicit SALW flows, adding to instability and the contravention of UN arms embargoes. Long, porous borders, the lack of capacity and resources for enforcement of adequate customs and border controls and corrupt practices have been major contributory factors in the illicit trade in SALW. Strengthened border and customs controls and enhanced cross-border co-operation are necessary in order to foster regional stability and to assist national governments in implementing other SALW controls such as legislation on SALW import and export.

<sup>84</sup> S/2006/53, para. 169.

### 5.9.2 THE POA AND BORDER CONTROLS

The PoA's commitments relating to border controls are relatively limited. Section II, Para 27 requires states to:

"...establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs co-operation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders."

Beyond this, apart from the further requirement in Section II, Para 7 requiring states to "enhance co-operation, the exchange of experience and training among competent officials, including customs [officials]", the PoA does not create any explicit obligation for the provision of assistance to states for the purposes of development of border controls, or any elaborated framework for their implementation. This failure is brought into sharp focus by the fact that attempts to implement and monitor UN arms embargoes have been consistently undermined in part because of lax border controls, stemming from an acute lack of resources, equipment and trained personnel. For example, in Somalia, the UN Group of Experts reported that customs and border controls were continually circumvented and thus illicit arms were flowing into the country. Forged customs declaration forms, concealed weapons, unofficial crossings of borders and a lack of physical inspections by officials all contributed to the violation of the arms embargo.<sup>85</sup>

### 5.9.3 OTHER INTERNATIONAL AND REGIONAL AGREEMENTS AND BORDER CONTROLS

Aside from the PoA, other regional and international agreements that have included references to border controls include the Bamako Declaration, the SADC Protocol on the Control of Firearms, the Nairobi Protocol, and the UN Firearms Protocol.

In particular, the SADC<sup>86</sup> and Nairobi<sup>87</sup> Protocols go much further than the PoA in obliging states to create strong border controls. Obligations in these agreements elaborate a range of areas of good practice in this area, including:

- The improvement of operational capacity and training programmes of customs and border guards
- The establishment and improvement of national databases and communication systems
- The acquisition of equipment for monitoring and controlling the movement of firearms across borders
- The establishment of inter-agency working groups to improve policy co-ordination, information sharing and analysis at the national level

However, such comprehensive regional agreements have not been reflected internationally. Apart from these few arrangements, no other multilateral agreement makes such detailed provisions with regard to border controls. Furthermore, the UN Firearms Protocol commitment on border controls is as tentative as the PoA, obliging states to increase the effectiveness of border controls and of police and customs trans-border co-operation only where appropriate.<sup>88</sup>

<sup>85</sup> See, S/2005/153, paras. 76 & 77.

<sup>86</sup> SADC Protocol, Article 6.

<sup>87</sup> Nairobi Protocol, Article 4.

<sup>88</sup> UN Firearms Protocol, Article 11.

#### 5.9.4 PRACTICES WITH REGARD TO BORDER CONTROLS AND CROSS-BORDER CO-OPERATION

There have been numerous examples of cross-border co-operation amongst law enforcement agencies at the regional and sub-regional level. For example, recent border control programmes under the Southeast Europe Co-operative Initiative (SECI)<sup>89</sup> Regional Centre for Combating Transborder Crime have played an important role in tackling SALW proliferation in the sub-region. The SECI Centre functions as a focal point on cross-border crime and illicit trade in SALW. Customs and Police work together in direct co-operation, sharing information and intelligence on illicit SALW seizures. In 2005 a detailed information exchange on SALW seizures was implemented under the name 'Operation Safe Place'.<sup>90</sup> Among the aims of the operation was the identification of individuals and groups engaged in the illegal trade, transfer and possession of illicit SALW as well as the collation of data on the types of goods being trafficked, with the results to be distributed throughout the sub-region.

Other examples of cross-border co-operation include:

- An ECOWAS Department of Defence and Security programme on the restoration of peace and security along the border areas of Guinea and Liberia (2004-2005)
- Bangladesh, India, Myanmar, Sri Lanka, Thailand – Economic Co-operative (BIMST-EC) working regionally on issues of gun running and transnational organised crime, as declared at the BIMST-EC Summit Declaration, July 2004
- EU Commitments, which include an EU Border Assistance Mission to Moldova and Ukraine both in 2005; and a Rapid Reaction Mechanism in Central Asia for a programme of border management and police reform established in 2003
- Border management training provided by the OSCE in 2005 to Georgia and in 2002 to Uzbekistan border guards and customs officers in order to enhance their professional capacities in searching, tracing and seizing illegally trafficked SALW in the region and in examining forged travel and customs documents as well as raising their awareness of internationally accepted rules and regulations in border management
- The Association of South East Asian States (ASEAN) Plan of Action on Transnational Crime, which encourages ASEAN member countries to expand their efforts in combating transnational crimes which include, *inter alia*, arms smuggling. Key objectives include: information exchange; the improvement of the ASEANAPOL regional database; the harmonization of relevant national policies; strengthening legal mechanisms to deal with transnational crime; developing law enforcement and training programmes; and institutional capacity-building

While not all of the above examples directly relate to initiatives aimed towards controlling SALW trafficking, efforts to enhance the capacity of and operational interaction between, *inter alia*, customs, law enforcement agencies and border guards, are important since they should, in many circumstances, enhance capacity to address illicit movements of SALW.

#### 5.9.5 ENHANCING STANDARDS OF CONTROL

Many of the regional initiatives that have sought to address the need for the establishment of effective cross-border controls will not succeed without regional cohesion on the issue and international donor and operational assistance. However, the PoA makes only limited reference to the need for cross-border co-operation and lacks any specific commitment requiring states to ensure that full capacity and resources are made available where needed.

<sup>89</sup> Participating states include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Serbia and Montenegro, Slovenia, Turkey.

<sup>90</sup> By 30 May 2005, seven SECI states had exchanged information under the auspices of 'Operation Safe Place': Albania, Bosnia and Herzegovina, Greece, FYR of Macedonia, Moldova, Romania and Turkey.

The development and maintenance of effective border and customs controls is an extremely resource-intensive process. Monitoring of border checkpoints and sea and airports requires a large number of trained personnel, as well as large quantities of technical equipment. This is therefore an area requiring significant investment on the part of governments and regional and international organisations. However, where an expansion of cross-border co-operation to tackle illicit SALW is combined with other regional and international programmes, e.g. to enhance SALW transfer controls, then there will be a significantly greater likelihood of achieving positive results. A much higher level of international assistance needs to be devoted to the development of customs and border controls, to include elements of training and capacity-building for all enforcement agencies (such as border patrols, customs officials, the police and the military), the provision of technical assistance and information and intelligence sharing under systemised regional database systems.

### Criminal offences/legal penalties

Appropriate legal penalties for a full range of offences relating to illicit trafficking and misuse of SALW are required in all states in order to properly enforce national controls on SALW. Consistency in legal penalties applying to offences across regions and internationally is required to prevent unscrupulous entities from taking advantage of lax penalties that could otherwise exist in some countries.

The UN PoA addresses the issues of criminal offences and legal penalties relating to illicit trafficking in SALW in a rather minimal way. Section II, Para 12 refers to the need for “effective legal and enforcement measures” so as to ensure “effective control over the export and transit of small arms and light weapons”. Section II, Para 14 also mentions the need for “appropriate penalties for all illicit brokering activities”, while Section II, Para 15 requires that states “take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo”. The absence of more detail on international standards for legal penalties means that the effect of these provisions is likely to have been limited.

The UN Firearms Protocol criminalises illicit trafficking of firearms<sup>91</sup> and states that “attempting to commit or participating as an accomplice”<sup>92</sup> and “[o]rganising, directing, aiding, abetting, facilitating or counselling the commission of an offence”<sup>93</sup> in this regard would also constitute an offence. These commitments reflect those contained in the 1997 Inter-American Convention. The SADC and Nairobi Protocols also require the criminalisation of the illicit trafficking of SALW and the violation of UN arms embargoes while the Nairobi Protocol also requires that states “introduce harmonised, heavy, minimum sentences for small arms and light weapons crimes”. This has been elaborated upon within the context of the Nairobi Best Practice Guidelines, which specify that certain crimes relating to SALW are considered transnational in nature (including illicit trafficking and illicit brokering of SALW) and recommend minimum (two – five years) and maximum (15 – 25 years) sentences as appropriate penalties for these offences.

States’ practices with regard to criminal offences are divergent, meaning that the application of legal penalties is also likely to vary. Fewer than two-thirds of states (119 in total) criminalise the illicit trade in SALW. Practices with regard to legal penalties also appear divergent. In Austria, for example, a violation of the statutory regulations concerning the lawful export of war materiel carries a prison sentence of up to two years (unless the offence is punishable by a more severe sentence under other laws). In Belarus the illegal export of items that are subject to export control can carry a sentence of between three and

<sup>91</sup> UN Firearms Protocol Article 5 (1b)

<sup>92</sup> UN Firearms Protocol Article 5 (2a)

<sup>93</sup> UN Firearms Protocol Article 5 (2b)

seven years; whereas in South Africa offences under the Firearms Control Act and the National Conventional Arms Control Act carry penalties of up to 25 years in prison.

Although states are always likely to reserve the right to apply whatever penalties they see fit to particular crimes, it would seem that the issues of criminal offences and legal penalties are two aspects of international SALW control that could significantly benefit from the development of international guidelines for best practice. The Review Conference should clearly acknowledge the need for broad international agreement on the full range of illicit international trafficking activities and should mandate an exchange of information on the application of legal penalties relating to the illicit trafficking of SALW, with a view to establishing agreement on an optimal framework for tackling criminal SALW-related activities.

## 5.10 TRANSFERS TO NON-STATE ACTORS (NSA)

### 5.10.1 INTRODUCTION

The issue of transfers of SALW to non-state actors (NSA) is one of the most notable omissions from the PoA. Attempts in 2001 to address this issue foundered around the fear in some quarters that addressing controls on transfers to NSA would impinge upon the legitimate civilian trade and possession of SALW. However most states do in fact recognise that there are numerous legitimate non-state/civilian recipients of SALW and that the vast majority of transfers to such recipients take place with the authorisation of the relevant exporting and importing authorities. The key debate on SALW transfers to NSA therefore concerns whether it is ever legitimate to carry out a transfer where the authorisation of the NSA's host government has not been given.

While the strict application of stringent transfer control criteria would mean that, in almost all cases, SALW transfers to NSAs without the specific approval of the host government would not take place, there is nevertheless a debate over circumstances when unauthorised transfers could be considered – so called 'hard cases'. At the 2001 UN Conference, some states maintained that, in certain instances, such transfers might be justifiable and so consensus on a ban on unauthorised SALW transfers to NSA could not be achieved, much to the disappointment of a number of states whose peoples had particularly suffered at the hands of rebel groups. Efforts to rule out the transfer of particular types of SALW to NSA also foundered over disagreements as to the exact types of SALW that should be included in such a prohibition.

### 5.10.2 DEVELOPMENTS SINCE 2001

Since the UN PoA was agreed in 2001, the debate on transfers to NSA has continued and moved onto a more constructive footing at the two Biennial Meetings of States in 2003 and 2005 and also at the January 2006 Preparatory Committee. Linked to the UN PoA follow-up process, the principal forum in which substantive discussion has taken place on the issue of transfers to NSA is the Consultative Group Process (CGP) led by the Biting the Bullet Project. Having hosted five meetings over a three year period, bringing together over 30 governments and civil society experts, the CGP has sought to build shared understandings of the range of issues involved in considering SALW transfers to NSA and to explore and develop innovative approaches that would enhance the prospects for international agreement in this area.

The CGP discussions recognised that the risks of diversion, theft, misuse etc. of SALW transfers to NSA mean that the criteria used to assess such risks must be applied in an especially strict manner, particularly as controls on SALW holdings and use by NSA are bound to be less strict than by state institutions. The CGP also acknowledged the close links between controls on civilian ownership of SALW and that of NSA. In this regard, the lack of reference in the PoA to the need for responsible controls on civilian ownership and use of SALW could be seen as a missed opportunity in terms of establishing international standards on SALW transfers to NSA.

The crux of CGP discussions, however, rested on the most contentious aspect of SALW transfers to NSA: the 'hard cases'. While the great majority of governments have expressed support for a ban on such transfers, it is clear that there are rare occasions where some well-intentioned and responsible governments might doubt that a complete ban is justified. The CGP discussed the circumstances under which such doubts might be justified and, further, what might be considered legitimate motivations for the unauthorised transfer of SALW to NSA, and the characteristics of any NSA that might be considered an eligible recipient of SALW. The conclusion was that the circumstances under which the transfer of SALW to a NSA could be considered in the absence of the express consent of the host government were extremely narrow but that these situations represented genuine 'hard cases'. It was acknowledged that while such 'hard cases' persisted, there would continue to be states that, in the absence of an alternative international response such as the deployment of international peacekeeping forces might wish to take unilateral action.

Having considered all of the aforementioned circumstances, the majority of CGP government participants nevertheless continued to support an outright ban on unauthorised transfers of SALW to NSA. However, in light of the fact that not all states are of this opinion, CGP participants acknowledged the need to consider alternative strategies. One such strategy that was discussed at length within the CGP involved the requirement that any state considering the transfer of SALW to a NSA without the authorisation of the host government should declare its intentions to the UN Security Council and other concerned parties. It should further commit itself to accepting the responsibilities that arise from authorising such a SALW transfer including:

- i) Measures to ensure that all SALW supplied are appropriately marked and recorded
- ii) Assistance to the NSA recipient to ensure that efforts to are made to securely manage the SALW and to prevent misuse and diversion
- iii) Training for the NSA in the responsible use of the SALW
- iv) A commitment to further pursue alternative strategies for resolving the conflict
- v) A commitment to collect and dispose of the transferred SALW as soon as circumstances permit

The CGP considered that the ideas discussed within the forum were worthy of widespread debate, in the hope that a way forward could be agreed upon at the 2006 Review Conference. To this end, a 'Food for Thought' paper was circulated at the 2005 BMS and at the 2006 Preparatory Committee and a side meeting held to enable broad discussion of the ideas therein.

The debate on developing a framework for the control of transfers of SALW to NSA continued at the 2003 and 2005 BMS and the 2006 Preparatory Committee. Although the debate has become more open and has progressed some way since 2001, there nevertheless appears still to be an element of entrenchment in the positions of those states that either supported or opposed a ban on transfers of SALW to NSA that have not been authorised by the government of the recipient. In this regard, some creative thinking and flexibility on the part of all those involved will be required before a way forward can be agreed on this difficult issue.

## 5.11 MAN PORTABLE AIR DEFENCE SYSTEMS (MANPADS)

### 5.11.1 INTRODUCTION

Man Portable Air Defence Systems (MANPADS) are a specific subcategory of SALW. Their use by unauthorised personnel and terrorist organisations is widely perceived as a growing threat to international security. It is estimated that at least 13 non-state groups possess MANPADS, some of which are widely considered to be terrorist organisations. These include the Fuerzas Armadas Revolucionarias de Colombia (FARC), Hezbollah of Lebanon, and the Liberation Tigers of Tamil Eelam (LTTE) of Sri Lanka.<sup>94</sup> Furthermore, in 2003, the US State Department estimated that since the 1970s, over 40 civilian aircraft have been hit by MANPADS, causing approximately 25 crashes and over 600 deaths.<sup>95</sup> These concerns have placed the issue of MANPADS high on the international security agenda.

MANPADS are not singled out for specific attention by the UN PoA, however all relevant commitments relating to SALW transfer controls, including those contained in Section II, Para 11 are applicable, particularly the risk of diversion. The potentially devastating and indiscriminate effects of their misuse means that particular care should be taken by states to scrutinise and assess all aspects of any application for a licence to transfer MANPADS in order to ensure they are not diverted to unauthorised end-users.

### 5.11.2 RECENT INTERNATIONAL DEVELOPMENTS

In recent years, significant progress has been made in regional and international fora on efforts to prevent the proliferation of MANPADS. Since 2003, over 100 states have signed various regional and multilateral agreements to tighten controls. These agreements include:

- The G-8 Action Plan of June 2003, entitled Enhanced Transport Security and Control of MANPADS
- The Wassenaar Arrangement's Elements for Export Controls of MANPADS 2000 (amended in 2003)
- 2003 APEC Summit, Bangkok Declaration on Partnership for the Future (October 2003)
- OSCE, Forum for Security and Co-operation in Europe, Decision No. 3/04: OSCE Principles for Export Controls of MANPADS (May 2004)
- OAS, AG/Res. 2145 (XXV-O/05), Denying MANPADS to Terrorists: Control and Security of MANPADS (June 2005)
- The agreement by the Commonwealth of Independent States to provide notification among the group of states on MANPADS transfers (September 2003)

All of these initiatives have stressed the need for strict national controls over the transfer of MANPADS in order to prevent access to these weapons on the part of terrorist organisations. Moreover, the majority of these agreements specify that exporting states should:

- Take into account, in particular, the risk of diversion of MANPADS to unauthorised end-users
- Not export MANPADS to non-government end-users
- Not use non-governmental brokers in the transfer of MANPADS
- Ensure that the recipient government pledges not to re-export the weapons without the prior consent of the exporting government

<sup>94</sup> Small Arms Survey Presentation on MANPADS to the Geneva Process of Small Arms, by James Bevan, 8 September, 2004.

<sup>95</sup> US Department of State, Bureau of Political-Military Affairs and Bureau of International Security and Non-proliferation, 'The MANPADS Menace: Combating the Threat to Global Aviation from Man-Portable Air Defense Systems', September 20, 2005, at [www.state.gov/t/pm/rls/fs/53558.htm](http://www.state.gov/t/pm/rls/fs/53558.htm), accessed February 6, 2005.



At the global level, several initiatives have been undertaken:

- In 2003 the UNGA decided to include MANPADS in the UN Register of Conventional Arms. Since this new introduction, some 20 states, including many European states but also Israel, Jordan and Malaysia have reported on their imports, exports, holdings or procurement through national production of MANPADS. However, this number represents less than one-fifth of the states that have submitted reports for 2004 (covering the period 2003).<sup>96</sup>
- In December 2004 the UNGA adopted Resolution 59/90, which, *inter alia*, stressed the importance of effective national control on the transfer and brokering of MANPADS and encouraged states to legislate in order to ban transfers of these systems to non-state end-users. This was further elaborated in January 2006 with Resolution 60/77, whereby the UNGA broadened the scope to include training and instruction materials as well as components, and to recognise the efforts made by some states to collect, secure and destroy MANPADS.
- The International Civil Aviation Organization (ICAO) has stepped up its efforts to strengthen civil aviation security worldwide identifying MANPADS as a major threat. In Resolution A35-11, adopted at the ICAO Assembly's 35th session in late 2004, the Assembly urged contracting states "to exercise strict and effective controls on the import, export, transfer or retransfer, as well as storage of MANPADS". The Assembly also urged contracting states that were not members of the Wassenaar Arrangement to nonetheless implement the Wassenaar MANPADS Elements.<sup>97</sup>

Finally, such initiatives are now being profiled within the context of PoA implementation, as shown by the recent inclusion of MANPADS in states' National Reports submitted to the DDA as well as in statements<sup>98</sup> made at the January 2006 PrepCom. In recent Reports, 10<sup>99</sup> states specifically mentioned the need to prevent the illicit transfer and unauthorised access to and use of MANPADS. Furthermore, during the Cluster II thematic debates at the PrepCom, several states expressed the view that the UN SALW process could do more to prevent and combat the illicit transfer of MANPADS and their access by unauthorised end-users, in line with the commitments of UN General Assembly Resolution 59/90 and those of other multilateral fora.

### 5.11.3 ENHANCING STANDARDS OF CONTROL

While much practical action regarding MANPADS has focused on the destruction of surplus stocks of these weapons, the need for effective national controls on transfers has featured high on the international governmental agenda. In this regard, much attention has focused on minimising the risks of diversion but several multilateral agreements have also stressed the need for a ban on transfers of MANPADS to non-state actors and a prohibition on the unauthorised re-export of these weapons. States seem to be willing to go much further in specifying stringent controls on transfers of MANPADS than on other categories of SALW. It is important to recognise, however, that hundreds of thousands more lives are lost each year through the proliferation and misuse of SALW in general than can be attributed specifically to MANPADS. In addition, all of the transfer control issues that have been addressed by MANPADS initiatives are also relevant to other SALW. Efforts to fragment the SALW agenda should therefore be resisted and agreeing comprehensive and effective controls on all categories of SALW should be a major priority for the UN Review Conference.

<sup>96</sup> Small Arms Survey, *Small Arms Survey 2005*, Oxford and Geneva, Oxford University Press, 2005, p. 110.

<sup>97</sup> *Ibid.*, p. 129

<sup>98</sup> Among others, Australia, Russia, the EU and Israel specifically referred to MANPADS within their statements at the January 2006 PrepCom.

<sup>99</sup> Belarus, Germany, Hungary, Israel, Italy, Russia, Thailand, Ukraine, UK, and the US (see DDA National Reports for 2005, 2004 and 2003).



## 5.12 IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE

There is significant scope for the Review Conference to address and improve the way in which the PoA deals with all issues relating to national transfer controls on SALW. It would be extremely beneficial if the Review Conference could explicitly acknowledge the need for transfer controls to be addressed in a holistic sense so as to ensure the development of a set of mutually reinforcing agreements covering all aspects of SALW transfer controls including import controls, export controls, transit controls and brokering controls etc.

Several important debates will be required at the 2006 Review Conference with the aim of issuing strong statements that clarify and develop PoA references to particular issues. In the first instance, these should include calling upon states to speedily conclude and amend national control systems in order to ensure conformity with all relevant provisions in the PoA.

Beyond this, the Review Conference should also seek to establish, where appropriate, co-operative frameworks such as working groups and other dynamic processes in order to facilitate the level of detailed information exchange that is required by the national provisions of the PoA that are related to SALW transfer controls. These provisions will also be an important means of ensuring that the Review Conference encourages and facilitates the development of best practice and clear international standards on SALW transfer controls.

With regard to specific aspects of SALW transfer controls, the Review Conference should endeavour to reach agreement on the scope and extent of national action as follows:

**Quality and scope of assessment of transfer applications:** The Review Conference should call upon all states that have not yet adopted laws, regulations or administrative procedures for the export and import of SALW to do so at the earliest opportunity. Beyond this, the Review Conference could establish a working group of states from different geographical regions in order to elaborate on comprehensive best practice guidelines and model regulations for SALW transfer control to be considered and adopted at the earliest opportunity.

**Transfer control guidelines:** The Review Conference should seek to undertake a detailed elaboration of the commitments set out in Section II, Para 11 of the PoA with a view to agreeing on a set of detailed principles based on states' existing obligations under international law, which could be appended to the PoA. Should an agreement on a full elaboration of Section II Para 11 not be possible within the time constraints of the Review Conference, the meeting should seek to establish a process whereby this is undertaken so as to facilitate agreement on a comprehensive set of international SALW transfer control principles at the earliest opportunity thereafter. Importantly, there should be a clear understanding that while any elaboration of the commitments set out in Section II Para 11 within the PoA review process would necessarily be considered as politically binding, where that elaboration of principles is reflective of states' responsibilities under international law states would necessarily be legally bound to enforce these provisions.

**Transit controls:** Compared with the way that other aspects of SALW transfer controls are addressed in the PoA, the position of transit controls is presented as a poor relation rather than as an important element in efforts to prevent diversion. Accordingly, the Review Conference should agree on the need to establish a basic set of internationally recognised standards for transit and transshipment controls. It should also issue a mandate for a working group to develop a set of international best practice guidelines for transit control to be adopted at the earliest opportunity.

**End-use controls:** The 2006 Review Conference can make an important contribution to promoting the development of strengthened international standards relating to SALW end-use control. The Review Conference should seek to develop an annex to the PoA that establishes clear standards for, inter alia, SALW end-use control based on current international best practice. Should it not prove possible to reach such agreement within the context of the Review Conference itself, the meeting should mandate a working group to develop such a set of standards for adoption at the earliest opportunity.

**Arms brokering:** While the formal mandate of the GGE has yet to be defined it would be useful for the Review Conference to start outlining the contours of such a mandate. This should specify that the GGE work should form the basis of an international control instrument. Secondly, the Review Conference should specify the specific control elements that the Group could consider for inclusion in such an instrument. In order to avoid that the upcoming Group of Experts translates into a mere repetition of the work performed by the previous GGE (which reported to the GA in 2001), its work should focus on generating concrete regulatory options explored in light of existing global and regional agreements, as well as on national practice and experience.

**Tracing of illicit SALW:** The 2006 Review Conference for the PoA is strategically important for the new SALW Tracing Instrument. It is important that the Review Conference seeks to promote early and full implementation of the International Tracing Instrument and that it facilitates and support its effective operation and future development. In particular, the Review Conference should launch a specific global programme to support and enhance implementation of the new International Tracing Instrument. If this is not possible within the confines of the Review Conference a follow-up intersessional meeting, or parts of following Biennial Meetings of States, should be dedicated to this task. The Review Conference Outcome Document should also engage with the two key outstanding issues: SALW ammunition; and the applicability of the provisions of the new tracing instrument to UN peacekeeping operations. On SALW ammunition, the Review Conference should establish a process within the UN to specifically develop international commitments, norms and programs to address this key issue. Similarly, the application of the Instrument to SALW marking, record keeping and tracing in post-conflict countries raises particular unresolved issues and merits specific attention by relevant UN agencies. At the least, a specific mechanism for examining this issue should be recommended by the Conference.

**Arms embargoes:** The Review Conference should articulate a more robust and overt commitment that reflects the paramount importance of upholding UN arms embargoes. This should include an undertaking to develop the UN's institutional infrastructure (for example through the establishment of a dedicated Sanctions Unit) so as to fully support this commitment. Specific undertakings should also be made with regard to capacity-building so as to strengthen states' abilities to control their land and sea borders and airspace thus enabling existing PoA obligations to be upheld. The Review Conference should also encourage the provision of donor and technical assistance programmes targeted towards the enforcement of arms embargoes in regions of conflict.

**Border controls:** The Review Conference should support and encourage the development and maintenance of effective customs and border controls by creating a comprehensive framework for sub-regional, regional and international co-operation and assistance. The Review Conference could mandate the establishment of a fund for the purposes of promoting enhanced cross-border co-operation, particularly along known trafficking routes. Any efforts to promote enhanced cross-border co-operation should, moreover, include the articulation of clearer practical frameworks for co-operation between border-guards/customs, including information sharing and joint operations.

**Transfers to non-state actors (NSA):** The Review Conference should try to reflect the reality of the debate over transfers of SALW to NSA that are not authorised by the government of the recipient i.e. that

most states support a ban on such transfers but that some do not. If possible, the Review Conference should try to provide a way forward to establish a framework for controlling such unauthorised SALW transfers to NSA. If no general agreement can be reached, however, this may be one issue that could benefit from an examination by a Group of Governmental Experts or possibly an informal intersessional process reporting to the next BMS, possibly with recommendations for action on the part of the UNGA.

**MANPADS:** There has been significant attention paid to the issue of controlling MANPADS in the five years since the PoA was agreed and this has led to a raft of regional and multilateral initiatives in this regard. However, in terms of the devastation caused by the illicit proliferation and misuse of MANPADS compared with that of SALW in general, MANPADS should not be considered a pressing priority for states at the Review Conference. Efforts to fragment the SALW agenda by including specific measures on MANPADS at the Review Conference should therefore be resisted. Instead, states should seek to extend to all SALW those aspects of international good practice that have emerged in relation to controls on transfers of MANPADS.

# 6: PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR ALL AUTHORISED SMALL ARMS AND LIGHT WEAPONS

## 6.1 INTRODUCTION

The PoA contains many commitments that recognise the responsibility of states to ensure control over all authorised small arms and light weapons while they are within state jurisdiction, from the point of manufacture onwards. The most detailed of these commitments relate to the stocks of state forces (police, military, etc), with a particular focus on stockpile management and security, and tackling unmarked and inadequately marked weapons.

Importantly, the PoA principle of responsibility for SALW under state jurisdiction extends to all authorised bodies. This could, hypothetically, include a range of private civilian actors such as private security companies and security guards. It may also be taken to extend to other authorised civilian possession: Although there are significant gaps in the PoA regarding civilian possession controls, this general principle of responsibility for authorised arms (combined with the limited specific commitments to criminalise illicit possession, manufacturing, stockpiling, and trade), implies that adequate implementation of the PoA requires stringent and effective regulation of civilian possession and the manufacturing and trade that serve it. Certainly, in practice, many states have found that ensuring responsibility for authorised small arms and light weapons requires effective national controls on civilian firearms as well as state stocks.

These basic responsibilities together represent a general commitment to ensure responsibility for all authorised small arms and light weapons, and to criminalise illicit SALW. States also have a responsibility to ensure that authorised arms are not misused in violations of human rights and international humanitarian law. All action taken by states to implement this commitment should include that responsibility.

6

### The PoA commitments of particular relevance here are:

- II.2.** To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
- II.3.** To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.
- II.8.** To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.
- II.9.** To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
- II.10.** To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

**II.17.** To 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 these weapons.

This chapter aims to systematically examine states' progress towards the implementation of all aspects of the PoA related to ensuring responsibility for SALW under their jurisdiction. With regard to each of the topics that it covers it will:

- Review overall progress and progress in various regions
- Examine reasons for success and failure
- Examine the extent to which any problems relate to inadequacies in the existing PoA and associated agreements and programmes
- Identify and discuss implications for the 2006 Review Conference

## 6.2 CONTROLS ON MANUFACTURE

Controls on manufacture are covered in several PoA commitments but have not been a major focus for national, regional or global action on SALW. States are committed to having adequate laws, regulations and administrative procedures controlling production in order to prevent illegal manufacture of SALW and their diversion to unauthorised recipients (Section II, Para 2). However, the PoA does not elaborate on what particular features of manufacturing controls would be appropriate to that task or even the various aspects of production that would be covered.

Further commitments relate to the criminalisation, under domestic law, of illicit manufacturing (Section II, Para 3). This is an area that has received greater attention as states have implemented regional agreements.

Those few PoA commitments that relate to more concrete aspects of manufacturing controls are integrated into commitments largely aimed at other issues: marking SALW as an integral part of production (Section II, Para 7); preventing the manufacture (and stockpiling, transfer and possession) of unmarked SALW (Section II, Para 8) and ensuring that adequate records are kept on manufacturing (and holding and transfer) of SALW (Section II, Para 9).

### 6.2.1 PROGRESS IN NATIONAL IMPLEMENTATION

Most countries for which information is available have some basic laws on the manufacture of small arms, light weapons and ammunition. In many cases, however, these are rudimentary laws that lack associated regulatory systems. They are often no more than simple decrees prohibiting production with little further provision for implementation.

Although more countries have manufacturing controls than export controls, fewer of them have revised such controls since 2001. 47 countries are believed to have reviewed the bodies of law and procedure that cover manufacturing (although not necessarily precise controls over manufacturing: in many places the same bodies of law cover export, import and/or illicit possession and trade etc.) compared with 63 who have reviewed export controls. The number that has carried out substantial revision of specific standards and procedures concerning production control appears to be considerably lower.

The majority of those few revisions of manufacturing controls that have involved the reform of significant control systems appear to be in Europe, and particularly in Southern, Central and Eastern Europe rather than (older-)EU member states. However, even in these instances, changes to manufacturing controls have not been as systematic or far-reaching as controls over other activities. In large part, this is because manufacturing controls were already in line with strong authorisation and enforcement practices. Lithuania, for example, amended its controls on production in 2002, and in 2003 approved new licensing procedures for the production of arms and ammunition and appointed responsibility to the Weaponry Fund for these procedures.<sup>1</sup> Similarly, Hungary introduced a new law on weapons production in 2005. Serbia and Montenegro reported in its 2005 national report on PoA implementation that a new Law on Arms and Military Equipment Production was in preparation and would be submitted to parliament by the end of 2005.

Some areas of action on manufacturing controls relate to the implementation of commitments in other areas such as stockpile management and recordkeeping. Many production facilities keep stockpiles, which may include surplus stocks. These stocks require the same standards of management and security as any others. In Bosnia and Herzegovina, in 2006, the UNDP (funded by the Netherlands) began the destruction of 200 tonnes of ammunition stored at the Vitezit factory.<sup>2</sup> In Bulgaria, amendments made during 2003 to the Law on the Control of Explosive Substances, Firearms and Ammunition requires all legal entities engaged in manufacture or trade in arms to keep a detailed register of the type, mark, model, calibre and serial number of weapons as well as the name and address of the supplier and recipient. In Slovakia, security clearance requirements for manufacturers were changed in 2004.

Other changes include the closing of loopholes, harmonising penal codes and controls relating to craft production. For instance, in Trinidad and Tobago, the 2004 Firearms Amendment Act closed a loophole in production controls that allowed the possession of component parts without a firearms licence and criminalised the unauthorised assembly of a firearm.

Craft production is an increasingly recognised aspect of illicit SALW trade, contributing to it at notable levels in, for example, Ghana, Pakistan, Philippines, and Ecuador. Measures to tackle unlicensed (and therefore illicit) manufacturing primarily involve the criminalisation of illicit activity. However, craft production, even if authorised, may often not live up to PoA commitments for marking or recordkeeping. Some illicit manufacturing occurs in licensed small businesses that repair weapons. In Guatemala, the National Disarmament Commission is examining issues related to craft production, which now accounts for the fourth most significant source of illicit SALW. In El Salvador, an express prohibition of craft production was part of 2002 law reforms in response to the widespread use of makeshift weaponry of varying degrees of sophistication by youth gangs.

Overall, however, it seems that while many reviews of legislation concerned with arms have occurred, changes to provisions related to production have not been a major focus for reform, either in the scope of national laws covering industrial manufacture alongside import, export and other measures, or in penal codes concerned with firearms offences.

## 6.2.2 PROGRESS UNDER REGIONAL AND OTHER AGREEMENTS

Regional and other agreements have reinforced norms of good practice on manufacturing. In particular, under the framework of the OSCE Document on SALW, Best Practice Guidelines (drafted by Russia) have been prepared on SALW manufacture, which describe various key elements of an effective control

<sup>1</sup> The Weaponry Fund is a state institution with a range of responsibilities related to arms.

<sup>2</sup> SEESAC Weekly Media Summary, 13 – 19 February 2006, see [http://www.seesac.org/wms2006/2006-02-19.htm#Destruction\\_of\\_BiH\\_surplus\\_ammunition\\_starts\\_under\\_UNDP-run\\_project](http://www.seesac.org/wms2006/2006-02-19.htm#Destruction_of_BiH_surplus_ammunition_starts_under_UNDP-run_project).

system. These include aspects of national legislation, procedures (including licensing requirements and conditions); the nature of licensing bodies; the nature of licences (e.g. procedures for licensing, period of validity of licences, etc.); procedures for suspension, review, renewal and revocation of licences and authorisations; controls over compliance, including monitoring and inspections; and controls at the manufacturing stage by the recipient and the manufacturer. It is worthy of note that these Best Practices also make recommendations on the control of manufacture of SALW components as well as complete weapons. In addition, the OSCE Document, the OAS Convention and others have established mechanisms for information exchange on such controls.

Other global agreements have further enhanced the PoA in important ways: the Firearms Protocol sets out ‘common procedures for the prevention and suppression of illicit manufacturing’ and the new international instrument on marking and tracing has a number of implications for manufacturing controls. The latter reinforces the PoA commitment that arms should be marked as an integral part of production, and requires that records on manufacturing be kept for a minimum of 30 years (this is longer than the minimum required for export and import records - 20 years - though in all cases records should be kept for as long as possible).

These standards apply to state manufacturers and state-authorized private companies and establish the clear responsibility of the state to ensure compliance. While the PoA alone has been proven to provide insufficient impetus to systematic review of manufacturing controls, the conducting of such reviews in the light of both the PoA and these new commitments presents opportunities for states to reaffirm and realise their responsibilities under the PoA.

### 6.2.3 OVERALL PROGRESS AND OPPORTUNITIES

Overall progress in this area has been limited. Generally, minor changes have occurred at the national level and have been related to criminalisation, closing loopholes and harmonising penal codes in line with regional agreements. In addition, the question remains as to whether states are actually enforcing restrictions on craft manufacture in countries with a large craft base. This low level of action on manufacturing appears to be largely because few states have seen this as a priority. There is no evident lack of understanding on elements of good practice in control systems, which have been noted by the OSCE Best Practice Guidelines and manufacturing-related commitments in other agreements.

The lack of delineation of this as a separate issue in the PoA is likely to have contributed to the fact that specific action on it has been limited. However, the question of whether this has undermined the effectiveness of controls over manufacturing, and thus created a weak point in controls over available SALW (manufacture and holdings) is difficult to answer. Opportunities to ensure that national systems are effective and living up to good practices have been missed. But further opportunities for the elaboration and further dissemination of good practices and information sharing do exist.

### 6.2.4 ISSUES AND PRIORITIES FOR THE REVIEW CONFERENCE

In the first instance the Review Conference should call upon all states that have not yet adopted laws, regulations or administrative procedures to ensure effective control over the manufacture of small arms, light weapons and ammunition to do so at the earliest opportunity. Beyond this, the Review Conference could establish an international programme of work to ensure that manufacturing controls cease to be a neglected element of international attention and action on SALW. This could include a process for elaborating and disseminating best practices in manufacturing control including the scope and nature of licensing systems and their enforcement; encouraging states to provide technical and financial assistance to states in revising laws and procedures on manufacturing control; and assisting states in sharing experiences and developing and enforcing effective controls over craft manufacturing.



## 6.3 STOCKPILE MANAGEMENT AND SECURITY

The great majority of SALW in the illicit trade or associated with destabilising flows and holdings are sourced from legal stocks. Weak stockpile management and security contributes to the illicit trade in small arms and light weapons on a daily basis by allowing the leakage of SALW (including ammunition) into the hands of illicit dealers and black markets. The stocks of state forces and other authorised actors are often a major source of illicit SALW in areas of conflict and contribute to high levels of armed crime. The increased privatisation of security also presents significant challenges in regard to stockpile management.

While national regulations and procedures remain the key to good weapons management, global understandings of the requirements of good management and security of stocks were already well advanced in 2001. Since then, there has been a widening acceptance among states that stockpile management and security is a legitimate area of international concern. Greater action has taken place at the national and regional levels, although much remains to be done. While this has been an area of PoA implementation that has received significant support, it has been ad-hoc, fragmented, and remains below the level required for adequate implementation.

PoA commitments on stockpile management and security are clear and relatively well developed. The main commitment in this area includes a clear statement of the core elements of a system of stockpile management and security that would meet the responsibility of ensuring authorised bodies' SALW are appropriately safeguarded (Section II, Para 17). According to the PoA, these core basic elements should relate to, among other things:

- “Appropriate locations for stockpiles
- Physical security measures
- Control of access to stocks
- Inventory management and accounting control
- Staff training
- Security accounting and control of small arms and light weapons held or transported by operational units or authorized personnel
- Procedures and sanctions in the event of thefts or loss.”

Significantly, these commitments cover *all authorised bodies*, and clarify important elements of stockpile management and security.

### 6.3.1 NATIONAL IMPLEMENTATION

Most states (102) have laws and/or procedures establishing systems of stockpile management and security. However, many continue to face significant challenges in implementing these standards. In some states basic standards are contained in laws; in others, each state force (army, navy, air force, police forces and others) have their own internal procedures and regulations (that are not subject to independent oversight). Global commitments related to stockpile management and security do not state which form is preferable. Both within and between states, therefore, there is a wide variation in the nature of systems for stockpile management and security. Many of these standards are likely to be insufficiently detailed and fail to cover the range of key foundations of effective stockpile management and security outlined in the PoA. In addition, both states with detailed systems elaborated in national standards and states with less formalised systems may struggle to implement them to a high standard.

Adequate implementation of the PoA commitments to ensure effective control over stocks requires the review and, where necessary, the revision of systems for stockpile management and security. Since



agreeing to global commitments to ensure the adequacy of their stockpile management and security systems, only 30 states appear to have undertaken such a review. During this period, many states have experienced considerable losses from stocks that have been made possible by ineffectiveness and inefficiency in their stockpile management and security systems. Much more remains to be done on this issue.

National reviews of stockpile management have taken many forms. Some have simply been routine and periodic upgrading of systems and procedures, or the tackling of one or two of the many aspects of stockpile management and security that can contribute to the illicit trade in SALW. Other reforms have included the complete (re-)construction of physical stockpiles and regulations and systems for management. Of the more systematic reforms of all stockpile management and security systems, some were responses to significant losses from stocks, such as in Papua New Guinea and Moldova, while others have been integrated within parts of post-conflict security sector reform and reconstruction (e.g. EU-ASAC and the Regional Assistance Mission to the Solomon Islands).

National reviews have covered one or more of the following:

- Physical security measures
- Procedures for accessing stocks
- Systems of record keeping and inventory management
- Efforts to harmonise the procedures of different bodies

Of these, the reform of physical security measures appears to be both the most common area for action and the most commonly supported by donors. This has included building new more secure stockpiles as in Cambodia, the Solomon Islands and Argentina. It has also included upgrading security equipment, as has been the case in Russia and Cambodia. Such security equipment has ranged from sophisticated computerised security systems, to simple locking gun-racks. Some upgrades have involved ensuring that physical structures are sound or preventing water leakage and unsafe electrical wiring in places where explosive materials are stored.

In some cases reform of the physical security of state stocks has targeted the *system* of weapons management rather than particular depots. In Albania, for example, a number of storage depots have been closed in order to reduce the number of stockpiles (from 167 in 1998 to 57 in 2005) and make management of them easier and more secure. However, both here and elsewhere, significant problems with stockpile management and security persist, and reports claim that none of these enhanced depots are fulfilling all the main requirements of effective stockpile management and security.<sup>3</sup> In contrast, the whole-scale reconstruction of weapons management structures in Papua New Guinea has effectively reduced leakage, having been provided with seven new armouries by Australia through its Defence Cooperation Programme in 2002 and 2003. Costing US\$2.3million to build, there have reportedly been no losses from these new secure armouries.<sup>4</sup> This is in strong contrast to significant losses of small arms from Papua New Guinea Defence Force stocks in previous years.

Physical security measures may limit the unauthorised removal of weapons from stocks, but some leakage from stockpiles occurs through authorised access and subsequent theft or loss. In addition to physical security measures, the tightening of procedures for accessing stocks and for removing weapons from stockpiles is therefore essential. Slovakia acted on this issue in 2002 when it introduced new security clearance procedures for persons accessing stocks.

<sup>3</sup> Centre for Peace and Disarmament Education and Saferworld, *Turning the Page: Small Arms and Light Weapons in Albania*, London, Saferworld, 2005.

<sup>4</sup> Alpers, Philip, *Gunrunning in Papua New Guinea: From Arrows to Assault Weapons in the Southern Highlands*, Geneva, Small Arms Survey, 2005.

It is important that any losses of arms and ammunition do not go unnoticed. Sometimes the mere fact that attention is paid to stockpile security sends a warning to corrupt officials that they will be under increased scrutiny, therefore dissuading them from continuing, permitting or contributing to such losses. Often, however, systems for recordkeeping and inventory management are badly developed. These gaps in SALW management hinder investigations into losses, hamper the tracing of weapons and ammunition and allow weak points in stockpile security to remain unaffected by attempted reforms. Some reforms of stockpile management and security have therefore aimed to tackle these issues, in particular through the centralisation and computerisation of recordkeeping, as in Brazil, Benin, Cambodia, Latvia, and Tanzania. Some projects, however, have been hampered by a lack of resources: for example, the Senegalese National Commission's project to computerise the Army's register on state agencies' weapons and the Interior Ministry's register on civilian weapons have stalled because of funding constraints.

While it is not a specific commitment in the PoA, several states have felt it necessary to harmonise the various stockpile management and security systems of different authorised bodies, aiming to raise the overall level of security, ensure that there are no weak points that exacerbate leakage and facilitate more effective recordkeeping and management processes. For example, in Slovenia efforts have been made towards the national harmonisation of levels of security and Argentina moved towards the harmonisation of registries and other systems in 2004. However, while a few states have made progress in harmonising and raising the levels of security of their stockpiles, many more systems remain fragmented. Levels of implementation of PoA commitments with regard to the basic characteristics of stockpile management and security outlined in the PoA are often uneven within countries and military forces frequently operate under doctrines of national security that refuse to expose their own practices to civilian oversight.

## 6

### 6.3.2 REGULAR REVIEWS OF STOCKS

Without regular reviews of stocks held by state forces and of other authorised bodies' stockpiles, systems for the management and security of stocks cannot effectively reduce the leakage of weapons and ammunition into the illicit trade. In addition to the key basic elements of systems of stockpile management and security listed above, states therefore made a separate commitment to regularly review their stocks (Section II, Para 18). This commitment integrates other critical issues within the framework of effective stockpile management and security, in particular the identification of surplus stocks and ensuring that they are appropriately disposed of, with a strong preference given to destruction as the means of disposal. (see Chapter 7)

69 states claim to regularly review stocks. Stocks should be checked regularly in order to:

- Detect any losses
- Ensure effective management and recordkeeping
- Identify any surplus stocks
- Assess the safety of stocks (primarily of ammunition)

Regular identification of surplus weapons is essential to maintaining effective stockpile management and security. In some states the identification of surplus arms is a routine part of stockpile management systems. In Slovakia, for example, a list of surpluses in stockpiles is produced each month, after which the Ministry of Defence decides what, if any, action to take regarding their disposal. However, in other states, procedures for the identification of surplus are lacking. Some types of stocks, such as ammunition may pose particular challenges to conducting inventory checks and identifying surplus or unsafe stocks.

The regularity of stock checks varies considerably within and between states. Because of differing regulations, some stocks are supposed to be checked daily, while others are subject only to annual inspections. The regularity of stock reviews should depend upon a range of factors, including the size of the stock, what it contains and the level of risk of leakage or other problems; there are thus no easy rules to how regular checks should be.

The frequency with which reviews of stocks are carried out varies enormously even within a state. In Lithuania, for instance, military stocks are reviewed monthly at company level, and twice a year by the Material Source Department of the Ministry of Defence. An internal audit of police weapons is carried out four times a year. The local police check weapons held by private bodies (including arms dealers and private security companies) twice yearly.

However, it is clear that in many cases, while such standards are laid out in regulations, reviews of stocks may, in practice, be insufficiently regular and insufficiently rigorous. There remains wide scope for improvement, both in systems for checking stocks and associated procedures and recordkeeping, in training and in the implementation of those systems.

In addition to routine regular reviews of stocks, it is occasionally necessary to conduct full inventory checks. Some stockpile management procedures set out timeframes for such checks. However, in some countries, particular losses or other events have prompted special stock checks to augment and make up for gaps in systems of weapons management that appear strong on paper but may be weak in practice. Russia, for example, theoretically has a strong multi-layered system of accounting, control and storage of SALW. However, in practice there are some significant problems. In March 2004, a 'special inspection' of arms stocks held by the Control Department of the Presidential Administration found significant problems, particularly in relation to large losses through theft. In Moldova, following allegations of thefts from National Army depots in late 2004, a complete inventory was conducted covering all military, police and security agencies' SALW and ammunition holdings.

#### 6.3.4 'OTHER AUTHORISED BODIES': PRIVATE SECURITY COMPANIES

States have committed themselves to ensuring control over the stocks of other authorised bodies. Thus, for instance, in Argentina, there are two systems: one for the military forces, and the other, the RENAR (Argentine National Registry of Weapons) system, for the police and other all authorised bodies including private security companies and individual civilians. In most cases ensuring responsibility for the arms of other authorised bodies does not entail integrating their stockpiles into the same systems of management and security that cover military, police, paramilitary or other government bodies' stocks. Nevertheless, while information on this area of stockpile management and security is more limited, it is clear that for many states these issues are recognised as important for ensuring effective controls over stocks from which thefts and other leakage lead into illicit trade and misuse.

One of the most common forms of authorised bodies is the private security company. Many states have legal frameworks for the registration of such companies, although these are often limited. In many countries, private security companies are run by retired senior officers and police authorities may be hesitant to scrutinise the actions of their former superiors. Many private security companies' staff are former or serving military and police personnel, creating possible tensions and a lack of clarity in the use of authorised weapons. Ensuring responsibility for these companies' weapons is often a challenging task, and one that appears to have received scant attention.

In some situations, the control of weapons and ammunition stocks of private security companies relates to basic legal frameworks on secure storage and recordkeeping. In others, the management of their

weapons and ammunition and their security are considered to require more active measures. In Mozambique, for instance, firearms used by private security guards are supposed to be controlled by the hiring company. Each company is subject to a monthly inspection of its stocks by the Mozambican National Police.<sup>5</sup> Similarly, in Brazil, private security companies are inspected periodically by the Federal Police to detect any undeclared thefts or losses from their stocks.<sup>6</sup>

### 6.3.5 REGIONAL AND INTERNATIONAL COMMITMENTS AND ACTION

In addition to being among the most elaborated set of PoA commitments at the national level, the importance attached to stockpile management and security by the PoA is underlined by specific explicit commitments for implementation at the regional and global levels. It is one of only a few commitment areas to be explicitly reinforced in this way. States agreed, for example, that they would work at the regional level “to encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and sub-regional mechanisms in this regard” (Section II, Para 29). However, the practical implementation of this PoA commitment has varied. In spite of this type of reinforcement, the level of regional support for stockpile management and security has varied and the development of global programmes has been relatively poor.

A number of regional and sub-regional agreements include commitments on stockpile management and security. Europe’s OSCE Document and the Stability Pact Regional Implementation Plan and Africa’s SADC Protocol and Nairobi Protocol commit member states to enhancing their own stockpile management and security, and also to co-operating and assisting each other to do so. For example, in the Nairobi Protocol, state parties undertake to “establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons” (Article 6a). The degree to which these types of commitments have fostered concrete action on stockpile management and security within the region, however, has varied widely.

In Europe, numerous regional frameworks overlap to reinforce good practice and establish concrete programmes for co-operation and assistance and have facilitated substantial regional action. NATO standards in stockpile management and security appear to have been an important influence amongst countries that have been working to achieve NATO membership. In South East Europe the UNDP SEESAC Programme has actively promoted the adoption of useful international standards. Overarching and reinforcing this throughout all of Europe is the OSCE Best Practice Guide on the issue, established in 2003-4, which provides an important reference point for improving standards, setting out clear and strong guidance on elements of stockpile management and security systems and offering practical advice. Further, the OSCE has developed and adopted a framework for providing assistance to help a member government address and manage the challenges it has identified, especially those related to the surplus of SALW.

In July 2003, Belarus was the first participating state to request OSCE assistance in destroying surplus SALW and improving its stockpile management. Later, the OSCE’s Forum for Security Co-operation assembled a team of small arms experts from the UK, Spain and Switzerland which, between December 2004 and March 2005 conducted four visits to Belarus in order to assess national SALW stockpile storage facilities and determine the viability of assistance programmes. Another two requests for assistance came in 2004 from Tajikistan<sup>7</sup> and Kazakhstan. Preparations have begun to engage with these requests; three assessment visits have been conducted in Tajikistan and an expert workshop to form recommendations was conducted in Kazakhstan in June 2005.

<sup>5</sup> Leão, Ana, *Weapons in Mozambique, Reducing Availability and Demand*, ISS Monograph 94, South Africa, Institute for Security Studies, January 2004.

<sup>6</sup> Information provided by Pablo Dreyfus, Viva Rio/ISER.

<sup>7</sup> As many as 20,000 units of SALW collected in Tajikistan in the post-civil war period need to be expeditiously destroyed due to very poor storage facilities and the risk they pose to surrounding residential areas (some of which are located just 100 metres from the storage sites).

In June 2005, states in the Great Lakes sub-region of East Africa adopted Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons, which include detailed recommendations on policy and practice that provide states with a comprehensive guide to stockpile management. However, there has been less practical action in support of enhancing realisation of these best practices in this region than there has been in the OSCE, which developed similar best practices.

Regional action on stockpile management and security has been important even in places where regional agreements do not contain elaborated commitments on these issues. In the Americas, the OAS Convention on Firearms does not contain specific commitments on SALW stockpile management and security. Nevertheless, UN-LiREC serves as a facilitator for Latin American countries looking to obtain financial and technical support for improving stockpile management practice. In its Lima Challenge 2006, UN-LiReC has provided assistance for enhancing stockpile management and security to Argentina, Brazil, Paraguay and Uruguay.

In the Pacific region, most donor support to island states in the area of stockpile management and security has come from regional states. Australia and New Zealand have given assistance on this to at least half of the Pacific Island Forum (PIF) states, including the construction of new stockpiles, improvements to existing stockpiles and the provision of technical training in stockpile control.

Other regions are currently lagging behind. Although some regional fora have taken constructive steps in this area, co-operation and assistance has been inadequate and ad-hoc. In South East Asia, Cambodia has received the most assistance, provided by the EU through the European Union Assistance on Curbing Small Arms and Light Weapons (EU-ASAC) project in Cambodia and also within the region by Japan through the Japan Assistance Team for Small Arms Management in Cambodia (JSAC) project. JSAC has provided assistance in stockpile management and security to the police, co-ordinating with EU-ASAC, which provides such assistance to the military.

Overall, the number of reviews of stockpile management and security systems does not appear to be significantly related to the presence of a regional agreement. Further, while some regions have systematic frameworks for supporting improvements in stockpile management and security, much of the more comprehensive assistance (across the range of stockpile issues) has been provided on a regional basis, but not through a regional organisation (for example, JSAC in South East Asia or Australia and New Zealand's assistance in the Pacific).

### 6.3.6 INTERNATIONAL ASSISTANCE AND CO-OPERATION

Importantly, the PoA reinforces its commitments on stockpile management and security with an international level commitment to develop international programmes (Section III, Para 8):

“Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.”

Substantial assistance has been provided in this area. Some of this assistance has been across the weapons management system, for example, EU-ASAC in Cambodia, NATO's Partnership for Peace (PfP) in Albania and Australia in Papua New Guinea. In other cases it has been more focused: for example, UN-LiREC has provided assistance for stockpile infrastructure in Mendoza, Argentina.

While a number of national and regional projects have taken steps towards achieving the aims of this commitment, it remains inadequately implemented. In particular, no serious effort has been made to build long-term international programmes. While several donor states have provided assistance on various aspects of stockpile management and security, and some regional organisations have tackled these issues, no co-ordinated global programmes for specialist training have occurred. The failure to implement this commitment does not appear to stem from any ambiguity or limitation in the way that it is framed; rather, it has fallen foul of broader problems in international co-operation and assistance (see Chapter 9).

The assistance provided on this issue has been ad-hoc in nature: these international programmes could have enhanced the effectiveness and efficiency of assistance and provided essential impetus to the expansion of such support to levels adequate to the task taken on in the PoA.

### 6.3.7 INTEGRATION OF STOCKPILE MANAGEMENT IN OTHER POA COMMITMENT AREAS

One indication of how well the PoA is acting as a framework for action on stockpile management, and indeed on other issues is the extent to which it is seen as integrative rather than as a list of boxes to be ticked in implementation. For instance, the degree to which stockpile management and security issues are taken into account during the implementation of other relevant commitments is indicative of the further potential for the enhanced implementation of the PoA. On this note, it is important to examine whether stockpile management and security are being effectively integrated into relevant programmes such as those related to weapons disposal and destruction such as marking, tracing and recordkeeping, and vice-versa.

A key element of good stockpile management is the designation and disposal of surplus, decommissioned or unusable weapons and ammunition stocks. 39 states have a policy of destroying all or most surplus SALW and/or ammunition (see Chapter 7). OSCE Best Practices on disposal and destruction emphasise their integration into stockpile management and security. Many programmes of support in this area, such as the Lima Challenge, link assistance in stockpile management and security with assistance for the destruction of surplus, seized, collected and confiscated arms. Overall, these links are potentially beneficial. However, within such programmes, a preference for higher visibility projects has contributed to significant support being given to destruction and the longer-term enhancement of management and security systems being relatively neglected. Indeed, assistance has tended not only to de-emphasise stockpile management and security, but also to miss key opportunities and efficiencies that could be gained by approaching destruction and disposal tasks as being located *within* rather than parallel or in addition to such systems. Nevertheless, some programmes such as the EU-ASAC project has pursued the two aspects together.

Another PoA commitment, to ensure that unmarked weapons are not in state stocks, also reinforces the need for a systematic review of stocks of SALW held by the armed forces, police, and other authorised bodies. In addition, recordkeeping systems as part of inventory management should link effectively with other aspects of recordkeeping systems required by the International Tracing Instrument on marking and tracing.

While stockpile management is now seen as a legitimate area for international discussions and action, national militaries and other bodies in many states continue to see such issues as squarely within their professional domain. As a result they may be resistant to suggestions from elsewhere in government or internationally that they need to thoroughly review and tighten their stockpile management and security procedures. Thus there is a need for international programmes that aim to reassure such concerns by



locating improvements in stockpile management and security within the frameworks of broader professional co-operation and security sector reform; or, in some cases, linking such programmes with integration in to the EU, or NATO membership.

### 6.3.8 OVERALL PROGRESS AND OPPORTUNITIES

Good practices in this area are fairly well developed, and there is no significant disagreement over what elements stockpile management and security should cover. Further, the fact that national management and security of stocks is a legitimate issue for international discussion is one of the PoA's successes that appear to have been reinforced over the past five years.

Assistance has been focused primarily on a small number of countries, particularly those with the most obvious problems with maintaining secure storage of SALW. Tens - perhaps hundreds - of thousands of SALW are still kept in insecure or inadequately managed circumstances. Assistance programmes for stockpile management improvements are lacking in many but the most affected countries.

Overall, programmes to promote good stockpile management have been ad-hoc and limited, possibly because of a lack of well-developed international mechanisms for promoting and assisting such programmes. The key in this area is therefore new action at the international level to capitalise upon existing progress and solidify it through more systematic international mechanisms and assistance. The PoA commitments in this area, and the need for more systematic international mechanisms imply a responsibility to regularly review and assess the adequacy of procedures and practice. This should be done with a view to states with pressing needs in this area coming forward to request assistance.

Furthermore, on some specific issues there may be lessons to learn through sharing experiences of enhancing controls over 'other authorised bodies' apart from those under direct control of ministries of defence (military and any linked official paramilitary such as gendarmerie, presidential guards, etc.) the interior (police, penal system, etc.) and manufacturers. In particular, the extension of state-like standards and procedures to authorised private security companies and associated challenges appears to be one area where fruitful information sharing could take place. This, however, would be an area within a broader strengthening of the implementation of existing PoA commitments that reinforces understandings of the scope of the commitment and new programmes of assistance.

There has been significant progress in some parts of the world on establishing and raising awareness of required standards for management and security of SALW stockpiles, and useful lessons have been learned about the opportunities and challenges for programmes to improve the situation.

### 6.3.9 PRIORITIES FOR THE REVIEW CONFERENCE

What is urgently needed is a substantial scaling-up of efforts at all levels to ensure adequate security and responsible management of SALW held by state agencies and all authorised bodies alike. This will not be achieved on the basis of existing PoA commitments and measures. More concerted international programmes need to be launched in order to disseminate, promote and implement effective standards and mobilise the resources required. The ad-hoc and limited nature of most efforts to promote SALW stockpile security and destruction of surplus or confiscated arms is, in part, linked to the lack of well-developed international mechanisms for promoting and assisting such programmes. Only by implementing such mechanisms will there be realistic prospects of substantially reducing the problems of inadequate SALW stockpile security in the foreseeable future.

## 6.4. AMMUNITION STOCKPILE SAFETY AND SECURITY

International commitments and measures to prevent, reduce and combat uncontrolled or illicit SALW holdings and flows are widely understood to encompass not only weapons but also their ammunition. Although there are some disagreements on whether the PoA should cover it, ammunition falls squarely within the scope of the problems that the PoA seeks to address, and within efforts to implement its commitments. This is reinforced by the UN Firearms Protocol and regional agreements on SALW, which mention ammunition specifically.

Unfortunately, in practice, ammunition has often been treated as a residual category and is not effectively dealt with. This may in part be due to the lack of explicit mentions of ammunition in the PoA and the particular challenges that it often poses. Stocks of SALW ammunition may be hundreds of times bigger than those of small arms and light weapons. Many countries have accumulated enormous stocks of ammunition over the years and, since the end of the Cold War, stocks of surplus ammunition have increased dramatically as armed forces have been downsized. Stocks of hundreds or thousands of tonnes of ammunition that are well beyond their shelf life are common.

In some states, up to 50% of ammunition stocks are surplus. In many cases they are poorly controlled and becoming unsafe. In many Central and East European states and Central Asian republics, old Soviet-era stocks are vast and problematic. In Russia, 140 million rounds of small arms ammunition were reportedly designated for disposal 2002-2005, with stocks in excess of 100,000 tonnes of ammunition in Kaliningrad Oblast alone.<sup>8</sup> In Ukraine, estimates suggest that up to 2.5 million tonnes of ammunition may be stored in Ukrainian depots that were designed to store far less than that amount,<sup>9</sup> leaving a significant proportion in exposed and unstable conditions within inappropriately equipped storage facilities. The government of Belarus has declared to the OSCE that some 97,000 tonnes of conventional ammunition needs to be disposed of, while Ukraine, Kazakhstan and Uzbekistan have approached NATO for assistance in disposing of some 130,000, 36,000 and 54,000 tonnes respectively. Similarly Albania, Bosnia and Herzegovina and Bulgaria are estimated to have ammunition stockpiles of 180,000, 67,000 and 153,000 tonnes respectively, of which over half is identified as surplus.

Safety problems relating to the risk of explosion are prime among the challenges specific to ammunition. Ammunition contains explosive material that may be unstable if poorly managed, which places particular technical and safety requirements upon stockpile management and security systems. Accidental explosions of ammunition stocks occur frequently around the globe, often causing numerous deaths. These issues create technical requirements for the safe and secure storage of ammunition that do not exist for arms. This, in turn creates particular challenges for the physical construction and location of stockpiles, the training of personnel who manage, monitor and dispose of ammunition stocks, and for all other key elements of stockpile management and security.

In addition to safety concerns, all the issues discussed above concerning systems for stockpile management and security also exist for ammunition. However, ammunition poses additional challenges to these systems and their review and implementation. While these are often pressing, they have seldom been appropriately prioritised and, in some places, basic good practices, such as storing weapons and ammunition separately, are not implemented. This contributes to the risk of theft from state and other authorised stocks.

<sup>8</sup> Egorov, I. and Mikhailov, V., 'Prodaite patrony', *Gazeta*, 30 May 2002, cited in: Pyaduchkin Maxim and Pukhov, Ruslan, *in Disposal of Surplus Small Arms: A Survey of Policies and Practices in OSCE Countries*, London and Russia, Small Arms Survey, BICC, Saferworld, and BASIC, 2004.

<sup>9</sup> NATO Expert Team (NET), 'Feasibility Study to Destroy Surplus Munitions and Small Arms and Light Weapons in Ukraine (estimates 2 million)'; Ukraine Defence Minister, Yevgeny Marchuk, quoted in: 'Ukraine has Trouble with Ammunition Utilization', Rosbalt News Agency, Saint-Petersburg, Russia, 7 June 2004, available at: <http://www.rosbaltnews.com/print/print?cn-66809>



### 6.4.1 NORMS AND ACTION ON AMMUNITION

Most significant regional agreements on SALW include ammunition within their scope, including the OAS Convention, the Bamako Declaration, the ECOWAS Moratorium (and the draft ECOWAS Convention), the Nairobi Protocol; the OSCE Document, the Stability Pact Regional Implementation Plan; the EU Joint Action and others. In the SADC region, for example, the SADC Protocol stresses the need to maintain effective control over ammunition (not only that related to SALW), especially during peace processes and in post-conflict situations, and to establish and implement procedures for ensuring that firearms ammunition is securely stored, destroyed or disposed of in a way that prevents it from entering into illicit circulation. Similarly, the EU Joint Action of 12 July 2002 explicitly identifies SALW ammunition as a cause for concern and recognizes the importance of safe storage as well as quick and effective destruction of SALW ammunition.<sup>10</sup>

Of all regional organisations and SALW frameworks, only European organisations, in particular the OSCE and SEESAC, have taken systematic steps to address specific ammunition issues. In 2002, the OSCE began to address the security risk arising from stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction in the OSCE area. The FSC devoted a major portion of its agenda in 2003 to addressing this concern and in November 2003 the OSCE agreed a Document on Stockpiles of Conventional Ammunition. This Document adopted general principles and procedures, including possible indicators of surplus, indicators of surpluses at risk, and measures for transparency and assistance in securing or destroying at risk stocks. As with the OSCE Document on SALW, a framework has been created whereby a state can request assistance to address ammunition stockpile management and security and safety challenges. Requests for assistance are often made in both the framework of the OSCE Document on SALW and the Document on Stockpiles of Conventional Ammunition. Thus in theory and in practice there are strong institutional and practical links between the two frameworks. Assistance has been provided through the OSCE since 2003 to projects within these frameworks, as discussed above.

While ammunition safety and security has been given most attention in Europe (particularly with regard to the Caucasus and Central Asian republics of the OSCE, as well as South and Eastern Europe), ammunition has been tackled in other regions. For instance, Paraguay has destroyed significant amounts of arms and ammunition, such as, for example, 4 tonnes of small calibre ammunition on 5-11 May 2005, in Piribebuy. In the Pacific, the Regional Assistance Mission to the Solomon Islands destroyed over 300,000 rounds of ammunition that had been collected and confiscated during the DDR programme. In Southern Africa, as part of Operations Rachel – a joint operation by the police of the Republic of Mozambique and the South African Police service to destroy arms caches left over from the Mozambican civil war – a total of 24,170,353 rounds of small arms ammunition were destroyed between 1995 and 2005. However, in many cases such efforts appear to have been part of broader SALW destruction programmes rather than part of stockpile management and security reforms paying particular attention to the specific demands of ammunition stocks.

Destruction programmes for unsafe and at-risk stocks of ammunition have received particular attention. Given the scale of some at-risk stocks, this is understandable. One of the largest such projects ever conducted is currently being developed in Ukraine. This is a 12-year NATO PfP project for the safe destruction of 133,000 tonnes of conventional munitions, 1.5 million SALW and over 1000 MANPADS. The project is supported by the USA, UK, Germany and Canada and will cost an estimated 8 million.<sup>11</sup> MANPADS have been the particular focus of a number of destruction efforts, as some donors such as

<sup>10</sup> Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, Official Journal of the European Communities, 2002/589/CFSP), Preamble 1 and 2, Article 4

<sup>11</sup> NATO PfP Trust Fund Status, at [http://www.namsa.nato.int/inits/ammo\\_trust\\_e.htm](http://www.namsa.nato.int/inits/ammo_trust_e.htm), information accessed 16/05/2005.

the United States see them as a particular threat. Ammunition stocks collected in DDR and other disarmament programmes may pose a particular technical challenge, which the organisers of these programmes are ill-equipped to meet. In Afghanistan, under the auspices of the UN-backed Afghanistan New Beginnings Programme (ANBP), efforts are now underway to collect more than 100,000 tonnes of ammunition at identified sites.<sup>12</sup> Any ammunition will initially be separated out for use by the Afghan army, although a reportedly large fraction of this stock is dangerous and unstable<sup>13</sup>

While destruction projects often receive a higher profile, reviewing and enhancing systems for the safety and security of ammunition stockpiles is crucially important. In some cases both issues have been tackled at the same time. In Afghanistan, for example, during and after the DDR process a number of demobilised soldiers worked as guards, keeping control over nine ammunition dumps in Panjshir. Reportedly, these guards went unpaid for 10 months, but the ANBP resolved this issue with the Ministry of Defence in February 2006.<sup>14</sup>

At the national level, few states appear to have prioritised ammunition stocks (rather than weapons) for action on stockpile management and security. Bulgaria has reportedly reviewed stockpile management and security systems only for SALW ammunition. In many places, however, the capacity to effectively secure and manage ammunition stocks is lacking and the issue does not appear to have received a high profile in reviews of stockpile management and security. The extent to which other national reviews of all arms stockpile management and security regulations and systems have taken sufficient account of the challenges of ammunition is unclear. What is clear, however, is that ammunition stocks are a largely neglected area of international action, and one for which the need for action is urgent.

Both the destruction of ammunition stocks and the building of capacity to safely and securely manage ammunition stocks are important and closely linked. Both are integral to ensuring the safety and security of ammunition stocks. Thus, in Bosnia and Herzegovina, the Stabilisation Force (SFOR) 'Operation Armadillo' destroyed large quantities of unserviceable and obsolete ammunition and also provided training to soldiers to dispose of ammunition themselves. In a number of cases the handling of ammunition within broader stockpile management and security programmes has had some successes but has been limited by problems with the broader programmes of which it is part. For instance, in Albania, as noted above, a number of stockpiles have been merged together to enhance security. However, in some cases this has exacerbated the historic over-stocking of ammunition depots, thereby worsening the risk of explosion.<sup>15</sup> Further, while Albania has received some training in ammunition disposal, many of the 25 staff trained by NATO in Explosive Ordnance Disposal (EOD) between 1999 and 2002 have since retired, as part of broader army reforms. Some EOD teams are thus reportedly engaging in disposals they are not trained for, and with inappropriate equipment. It appears that avoidable errors in the design of broader programmes and limited sustainability of training have limited the effectiveness of assistance provided (see Chapter 9).

#### 6.4.2 THE LIMITATIONS OF THE POA AND THE COSTS OF INACTION

Although the PoA (reinforced by the UN Firearms Protocol) provides an important global normative basis for safe, secure storage and responsible disposal of ammunition, the obligations in it are quite general and inadequately specified. Overall, the development of norms on this issue at the global level has been neglected. The specific challenges of ammunition stocks require the development of elaborated understandings and specific programmes on ammunition, within the broader context of enhanced

<sup>12</sup> The ANBP Ammunition Survey Team has surveyed hundreds of caches, totalling over 930,000 rounds of boxed ammunition and over 4.6million rounds unboxed. See Afghanistan's New Beginning Programme website at <http://www.undpanbp.org/index.html>, accessed 14 March 2006.

<sup>13</sup> UN Office for the Co-ordination of Humanitarian Affairs, 'Afghanistan: UN to deal with ammunition stockpiles', Press Release, Friday 7 January 2005, accessed at: <http://www.irinnews.org/print.asp?ReportID=44901>

<sup>14</sup> 'Guards of Ammunition Depots in Panjshir to Receive Salaries', Afghanistan's New Beginning Programme Press Release, 13 February 2006.

<sup>15</sup> Centre for Peace and Disarmament Education and Saferworld, *Turning the Page: Small Arms and Light Weapons in Albania*, London, Saferworld, 2005, p III.

programmes on SALW as a whole, but paying particular attention to these challenges. While some modest progress has been made by the OSCE in Europe, other regions and the international community as a whole are lagging behind.

The failure of the PoA to effectively draw out these issues and consolidate norms contained in other frameworks has limited its effectiveness as a framework for international action. As a result, it seems that priority cases of unsafe and insecure ammunition stocks have been missed, and avoidable deaths have occurred. Further, by treating ammunition as a residual category for action, a number of entry points and opportunities to efficiently engage with the issue in the context of broader stockpile reforms, SSR, DDR, and post-conflict programmes may have also been missed. The human cost and opportunity costs of the neglect of ammunition implied by the PoA's failure to reinforce norms have been significant.

### 6.4.3 OVERALL PROGRESS AND OPPORTUNITIES

Best practices for ammunition storage are well developed, and include NATO standards and OSCE best practices amongst others. However, in many cases, the potential costs of getting stockpiles up to NATO standards are prohibitive. According to Ukrainian estimates, for example, ensuring the reliable security and protection of just one ammunition storage facility would require between 500,000 and two million euros. Similarly, the training of individuals to the level of an ammunition technician is expensive, and when trained these individuals are highly marketable within the international community. Nevertheless, relatively limited donor investment in tailored infrastructure and procedural development plus staff training can make a significant impact on risk reduction and this should be the initial aim, rather than trying to achieve 'NATO standards' of storage or ammunition management. In many cases, careful decisions need to be made on what might be acceptable compromises on these standards, while still ensuring responsibility, safety and security, and cost-benefit analyses to inform decisions on whether to destroy stocks or secure them. In this regard, a recent project by CICS (Centre for International Cooperation and Security, University of Bradford UK), SEESAC and UNIDIR developed a framework for informing such decision-making.

The scale of the problem is so large that 'emergency' standards are needed. A critical part of this will be the identification of surplus stocks that are at risk. Indeed, the OSCE Document on Conventional Ammunition reinforces this issue, indicating that key aspects of the state's capacity for stockpile management and security are crucial factors in determining whether a stock is at risk. Here the issue is not just what ammunition is surplus to predicted requirements, but what levels of ammunition storage are beyond the state's capacity to ensure safety and security.

The foundations for such action have already been laid in the PoA and have recently been reinforced in the UN General Assembly. The UNGA Resolution (A/Res/60/74 of December 2005) calls for states to identify their surplus stocks of ammunition, explosive materials and detonating devices if they represent a security risk, and if external assistance is needed to eliminate surplus stockpiles or to improve their management. It further encourages states to assist the elimination of stockpiles or improve their management through bilateral frameworks or international and regional organisations. It also requests the Secretary General to seek the views of states on the risks arising from such stocks and on national ways of strengthening controls on conventional ammunition. These are useful first steps, but it is also clear that the results of these processes will identify a large and urgent need to address conventional ammunition. Efforts to build international programmes on ammunition should begin in earnest immediately, should respond to already evident needs and should adapt to newly identified problems as they arise.

Given the technical nature of many of the specific challenges of ammunition storage, management, and disposal, expert training should be supported. International assistance should endeavour to include such

experts in assessment missions, and include such training (e.g. EOD training) as an integral part of broader assistance packages. This, however, will require a substantial scaling up of international assistance.

These processes need to be well resourced and well linked with broader efforts to ensure control over SALW (including ammunition) stocks. The process of identifying priority at-risk ammunition stocks could also be of use to programmes identifying weaknesses in management and security systems, including those relating to large, unstable and unsafe stocks, as well as those creating weak points in overall ammunition or SALW management.

Linking with other areas of programming will be essential to the effective tackling of ammunition issues. In many unsafe, insecure and poorly managed stocks of ammunition, the distinction between SALW ammunition and other, conventional, ammunition is of limited practical utility. Stocks of all types of conventional ammunition may be stored together. Thus, although entailing some difficult diplomatic issues because of the distinctiveness of the norms and programmes related to SALW, programmes on ammunition stocks should not be restricted to SALW ammunition but should be integrated programmes in which all at-risk stocks are tackled. In order for this to be effective, international co-operation and co-ordination of assistance will be required and should be encouraged to share information and co-ordinate with international action in other related areas such as the disposal of stocks of anti-personnel landmines conducted within the scope of the Ottawa Convention. This could be most effectively achieved by an international co-ordinating mechanism or trust fund type of structure rather than the current narrow and ad-hoc donor base.

#### 6.4.4 PRIORITIES FOR THE REVIEW CONFERENCE

The Review Conference should affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and all aspects of global and regional action on SALW, including but not only within the scope of ensuring responsibility for authorised stocks of ammunition. The Review Conference should clarify commitments and approaches in this regard.

SALW ammunition poses particular challenges for stockpile management, safety and security. The Review Conference should establish global programmes to address this, to clarify the implications of these particular challenges, and to develop and disseminate best practice. This should be in the context of follow-on processes, such as a working group or other inter-sessional process to clarify the requirements and priorities for a global programme to promote safe and secure destruction of ammunition and munitions.

The destruction of vast stocks of at-risk ammunition is an urgent international priority. The need for emergency standards and a process for identifying and disposing of the urgently at-risk and dangerous stocks is clear, and is an essential area for action by the Review Conference.

### 6.5. ENSURING RESPONSIBILITY FOR AUTHORISED ARMS IN THE HANDS OF CIVILIANS

Most small arms are possessed by civilians. Much of this possession is authorised, though national practice on what such authorisation entails, and the degree to which it contributes to the prevention of misuse and illicit trade, vary considerably. Many of the weapons that find their way into illicit markets come from authorised civilian possession and trade. Many of the weapons misused in armed violence, which kills hundreds of thousands of civilians each year have been traded and possessed legally.

Civilian possession and associated trade and controls over stockpiling and manufacturing were among the most intensely debated issues at the 2001 Conference, and, up until the last moments of negotiation, the PoA contained stronger commitments on these issues. The PoA refers explicitly to possession and trade within states' jurisdictions only in commitments to the criminalisation of illegal manufacture, possession, stockpiling, and trade of SALW (Section II, Para 3) and to the prevention of the manufacture, possession, stockpiling and trade of any unmarked or inadequately marked SALW (Section II, Para 8).

There are clear indications that a majority of states continue to see these issues as integral to the aims of the PoA and to the effective implementation of its existing commitments. States have increasingly recognised that adequate implementation of the PoA, including those commitments that arise in its recognition of the responsibility to ensure control over all authorised SALW within its jurisdiction, require effective control over the possession and trade of small arms by and for civilians. Further, in many states, particularly non-producing/non-exporting states, the issues of civilian possession and the public carrying of firearms are at the centre of public debate and action to a much greater degree than international trafficking. Thus, while the PoA's explicit handling of civilian possession issues is negligible, these issues have been recognised by a significant number of states as a central element of effective action in combating the illicit trade and the misuse of SALW.

At the global level, a range of commitments and norms existed prior to the 2001 UN Conference, such as those contained in the 1998 report by the UN Commission on Crime Prevention and Criminal Justice Resolution, and the 1999 report of the UN Disarmament Commission. Since 2001, global meetings such as the International Meeting on the Regulation of Civilian Ownership and Use of Small Arms that was held in Rio de Janeiro in March 2005, have continued to emphasise the importance of such controls, as has the UN Special Rapporteur on the Prevention of Human Rights Violations Committed with Small Arms and Lights Weapons. In addition, states have continued to emphasise these issues within the UN Small Arms process. The fact that states see action on ensuring effective controls over civilian possession and trade as inextricably and essentially linked to PoA implementation is reflected in the fact that a growing majority of states have reported on it in their national reports to the UN process. UNIDIR's analysis of reporting behaviour indicated that nearly 70% of states mentioned civilian possession laws in their national reports and statements in 2003, and the number reaches 90% for the entire 2001-2005 period. It was mentioned by numerous states at the PrepCom in January 2006. In 2005, the importance of paying greater attention to updating and strengthening national legislation in post-conflict settings was emphasised in the UN General Assembly Resolution 60/68, which received a high degree of support.<sup>16</sup>

### 6.5.1 NATIONAL ACTION

The PoA's commitments on these issues are among the most widely implemented. At least 134 states have laws and procedures criminalising the illicit possession of SALW. Almost all of these states, however, were in compliance with the PoA's rudimentary requirements to criminalise illicit possession, trade, and manufacture prior to the UN Conference.

Action beyond the letter of the PoA on these issues has also been among the most widely undertaken national action on SALW. At least 50 states have reviewed their laws and procedures on civilian possession since 2001. Generally, such reviews have tightened restrictions and strengthened systems for their enforcement. Overall, national reviews have tended to move closer to the well-established norms, including those articulated prior to and since the 2001 UN Conference.

<sup>16</sup> Voted for by 177 states, and against by only one.

### 6.5.2 SYSTEMS OF LICENSING AND REGISTRATION

In order to ensure effective responsibility for authorised arms, systems of regulation to ensure effective and appropriate control over civilian possession often involve registration of either firearm owners and/or particular firearms. Many national controls require licences for firearm owners to involve screening aimed at reducing the risk that they will misuse firearms. Typically, screening addresses criminal record, history of violence, age, and so forth. In some cases, particular attention is paid to the risk of intimate partner violence, or minimum training standards are established. Several countries have increased the rigour of their licensing process (for example Argentina) or increased the age required to hold firearms licences. Age restrictions are particularly common. Some states have amended these age restrictions. In Germany in 2002 the minimum age was raised to 21 from 18 in the wake of a high school shooting, whilst in Brazil, the minimum age has been 25 since 2003. Standards preventing certain types of convicted criminals, or those who fail to meet certain psychological tests from owning arms are a feature of many systems. The new German law in 2002, for example, also required a medical and psychological exam as preconditions for licensing. In 2005, Ireland introduced new licensing legislation that included stronger screening processes and a shift from a renewal system to a system of re-granting of firearms licences.

The *registration of firearms* is used to reduce the likelihood that legal firearms will be diverted to illegal markets and to facilitate law enforcement. While standards for registration and recordkeeping are variable, a number of countries have increased the recordkeeping requirements. A new Hungarian Firearms and Ammunition Act passed in 2004 updated provisions for firearm licensing and registration. Honduras has introduced stronger controls on registration and recordkeeping and has completely automated the registration process, reducing the amount of time required to identify the owner of a firearm used in a crime by a full month. The systems of administration of such registration have also been reviewed and changed in several countries. Jamaica, for example, has established a new Firearm Licensing Authority to strengthen controls over firearms and to provide more oversight to the function.

### 6.5.3 RESTRICTIONS ON TYPES AND NUMBERS OF WEAPONS AND SAFE-STORAGE

Most countries restrict certain classes of weapons. Almost all states prohibit the civilian possession of light weapons such as mortars and shoulder-fired missiles. An overwhelming majority prohibits fully automatic firearms, and many prohibit semi-automatic firearms. A 2004 survey of 115 countries showed that, of 81 respondents, 79 banned civilian possession of military assault rifles, although the definitions varied.<sup>17</sup> This is a well-established norm. However, many countries go further and prohibit civilian possession of selective-fire military assault rifles, which can be converted from semi-automatic to fully automatic fire.<sup>18</sup>

Civilian possession of military weapons has not been the subject of many reviews of controls because most countries already restrict access to them. Nevertheless, several countries have changed the types of firearms that they authorise civilians to possess. A few countries, such as Thailand, have stated as their objective a virtual ban on civilian possession of all firearms. Similarly, Jordan has prohibited the holding of arms and arms possession in the Aqaba Special Economic Zone (ASEZ) and the port city of Aqaba, and the Palestinian Authority issued a civilian weapons ban early in 2005. Most countries recognise some legitimate possession of particular types of small arms for particular purposes. Several countries have added restrictions to certain classes of weapons; for example, Australia has banned handguns. The Japanese National Police Agency has decided to ban the ownership of powerful air guns

<sup>17</sup> Only Yemen and Kenya did not report specifically banning some or all military weapons. Kenya will probably do so in line with the Nairobi protocol. See Cukier, Wendy, *The Feasibility of a Global Ban on Civilian Possession of Military Assault Weapons*, Report prepared for the Small Arms Working Group of the Peacebuilding and Human Security: Development of Policy Capacity of the Voluntary Sector Project for the Canadian Peacebuilding Co-ordinating Committee, 2005.

<sup>18</sup> From a public safety perspective, there is little difference between fully automatic and semi-automatic military assault. A fully automatic AK-47 fires 20 rounds in 2.4 seconds, a semi-automatic Norinco AK-47 takes 4.6 seconds. See Cukier, Wendy, et al, *Emerging Global Norms in the Regulation of Civilian Possession of Small Arms*, Toronto, SAFER-Net, Ryerson, 2003.



in order to curb incidents involving the conversion of such guns to firearms. In Kyrgyzstan, the law was amended in 2003 to restrict civilian possession to hunting weapons only.

It is important that controls are applied to ammunition as well as small arms. Measures should ensure that ammunition is sold only to those who are entitled to legally own firearms. While there appear to be few new restrictions on sales or possession of ammunition, (save for marking requirements in countries such as Brazil for example), most regimes include some controls on ammunition, for example the requirement that a licence be presented. In some Central American countries citizens can only buy ammunition of the same calibre as the weapon for which they are legally licensed to possess and/or carry. Other countries have limited the number of rounds of ammunition that can be purchased in a given year. Nevertheless, in many places, the practical enforcement of such controls over ammunition can be more limited.

Many countries have limits on the number of weapons that can be legally possessed. Since 2001, South Africa and El Salvador have passed legislation restricting the number of firearms that an individual can own. Also, many systems include guidelines regarding safe storage that will prevent the theft of legal guns and their diversion to illegal markets. Some, such as Finland, have strengthened them.

#### 6.5.4 RESTRICTIONS ON LAWFUL PURPOSES AND CARRYING

Most countries allow possession of firearms for a variety of lawful purposes, but some countries have reviewed their standards on what such lawful practices might be. Many countries impose particular restrictions on carrying firearms in public. For example, since the PoA was agreed, the Government of the Philippines has banned the public carrying of guns (in February 2003). Similarly, Yemen has restricted the conditions under which firearms may be carried, and in January 2002 the Somali Transitional National Government issued a proclamation prohibiting Mogadishu residents from carrying weapons in the streets of the capital. The police have been given a mandate to confiscate weapons including assault rifles. In some cases such changes have been a first step towards establishing a functioning system of civilian weapons control. In Afghanistan, for instance, in January 2002, the government began obliging people whose job requires them to carry a gun to obtain a Government ID card. Italy is one of the few countries to liberalise its gun laws during the period: the Italian parliament has passed legislation allowing people to shoot robbers in self-defence.

#### 6.5.5 CRIMINAL SANCTIONS AND ENFORCEMENT

A number of reviews of controls have increased the punishments that can be meted out for offences in violation of these frameworks. These have included Argentina, Australia, Cambodia, Trinidad and Tobago among others.

While many countries have developed innovative approaches to legislation, there is often a gap between the law as written and the law as implemented. Contextual factors and policing and justice infrastructure have a significant influence on the implementation and impact of laws. The reform and building of the capacity of licensing authorities, registries and so forth can be an integral part of enhancing controls over civilian held weapons. In Argentina, for example, when a new law in 2004 strengthened punishments for firearms offences, the National Arms Registry and the Attorney General's office created a unit for investigating firearms crimes. A number of states have also engaged in periodic crackdowns on illegal arms possession: such moves are often controversial. Israel has begun a crackdown on legal firearm owners in an effort to reduce misuse and illicit trafficking. The Philippines National Police have been authorised to track down and confiscate an estimated 328,000 unlicensed firearms.



### 6.5.6 AMNESTIES AND OPPORTUNITIES FOR DISPOSAL OF UNWANTED OR ILLICIT ARMS

Many countries have completed successful amnesty programmes in tandem with or in addition to, changes to their legislation. Such amnesties can offer a safe and secure opportunity for civilians to remove dangerous and unwanted weapons and ammunition from their home environments. A new law passed in Montenegro in January 2005 provided a legal deadline of six months for all interested citizens to legalise the arms that they possessed and twelve months to return the weapons that could not be legally owned. Such amnesties can often yield significant quantities of weapons, including amounts greater than those seen in disarmament demobilisation and reintegration operations in post-conflict societies. Brazil, for example, had an amnesty buy-back which resulted in 300,000 weapons being surrendered, while in South Africa an amnesty following new controls in 2004 collected over 50,000 weapons in just three months. In some places, such as New Zealand and Finland, amnesties are permanently in effect, allowing citizens to hand in unwanted weapons at any time. As with other disarmament initiatives, it is important that collected weapons are destroyed. Guatemala recently undertook a large weapons destruction initiative, destroying firearms seized over the past decade. In addition to amnesties and amnesty provisions, some action on civilian weapons has taken the form of other civilian disarmament in both post-conflict and non-conflict settings (see Chapter 8).

### 6.5.7 THE PROCESSES OF REVIEWS OF CIVILIAN POSSESSION CONTROLS

Some changes in national controls of civilian possession, manufacturing, stockpiling and trade have been minor and have made only small changes to particular provisions. Others, however, have been more wide-ranging and have reformed the whole civilian possession control system. In some cases, the need for review has been identified as an essential element of national strategies on PoA implementation, due to the inextricable and profound links between authorised possession and trade and misuse and illicit trade. In Brazil, for example, the 2003 Disarmament Statute required the registration of all firearms and outlaws public firearm carrying except for limited cases. It also increased penalties and raised the minimum age for obtaining a firearm licence to 25. Such comprehensive approaches have often been integral to the purpose and action undertaken of national commissions established in line with the PoA and regional agreements. In El Salvador, a National Commission has been established to review the country's firearms laws. Processes of review may involve public consultation, which carries the potential to reinforce social norms against the misuse of arms and to raise awareness of SALW issues. The 2005 Gun Summit in Papua New Guinea was a prime example of this, involving substantial and wide-ranging public consultations.

### 6.5.8 REGIONAL ACTION AND THE IMPORTANCE OF HARMONISATION

While national differences need to be respected, minimum standards must be established to ensure that weak laws in one country do not jeopardise the safety of citizens in other countries. Many processes of reviews have been stimulated and strengthened by regional level commitments to ensure harmonisation in standards. This is vital to the purpose of civilian possession and trade controls affecting illicit trade in SALW and ammunition: disparities in legal frameworks and enforcement are crucial to the use of legal civilian markets as a source for illicit trafficking into neighbouring states. Several regional agreements contain significantly specific commitments on regulation of civilian possession, trade, and manufacturing.

Many sub-regional agreements include commitments on civilian possession and have explicit aims of harmonising standards. In Africa, for instance, the SADC Protocol was the first sub-regional agreement to commit member states to harmonising domestic regulations on civilian possession. It has been joined by other African sub-regional agreements such as the Nairobi Protocol, agreed in April 2004, which broke new ground on the issue. In the Americas, the Andean Plan highlighted the importance of controls over

civilian possession. In the Pacific, the Nadi Framework process emphasises the harmonisation of regulations and good basic standards therein, and a Model Weapons Control Bill has been developed and endorsed by the Pacific Islands Forum.

While the specific commitments of each of these sub-regional moves towards harmonisation are different, they share many common elements. These go much further than the PoA and provide impetus for action around concrete issues. For instance, the 12 Nairobi Protocol States have undertaken a range of commitments including:

- a ban on civilian ownership of automatic and semi-automatic rifles
- registration of all guns
- regulation of gun storage and competency testing for prospective owners
- restrictions on the number of guns a person can own
- a ban on pawning of guns
- uniform minimum standards regulating the manufacture, control, possession, import, export, transit, transport and transfer of small arms
- regulation of security companies.

Although regional practice varies, and the implementation of regional standards remains in its infancy in many places, there is a clear understanding among a significant proportion of the international community that controls on legal firearms are needed to reduce their diversion to illegal markets. This understanding is reflected in the attention given to such issues in regional agreements.

#### 6.5.9 MISSED OPPORTUNITIES AND CURRENT OPENINGS FOR ENSURING RESPONSIBILITY

The failure of the PoA to mention the basic aspects of controls over civilian possession, manufacturing, and trade does not appear to have limited progress on these issues by states. However, given how well established elements of such systems were, and how international attention to these important issues has remained significant, it is clear that the UN small arms process has missed opportunities for supporting and enhancing the development and implementation of appropriate controls within the context of national practices.

The benefits of regional action and harmonisation are undermined by a lack of complementarity with the PoA, and by missed opportunities for broader lesson learning and co-operation. While most regional standards reflect and reinforce good practice, the UN process could have supported strengthened assistance to national and regional processes and fostered cross-regional information exchange and lesson learning for the process and content of reviews of these controls. Opportunities to support such action remain open to the UN small arms process.

Enhanced systems for ensuring responsibility for SALW authorised to civilians and the impact of those systems on preventing illicit trafficking and misuse will reinforce, and be made more effective by, good implementation of other measures that ensure responsibility for all authorised SALW. They are also intimately related to other PoA areas such as co-operation in border control and transfer controls; for instance there may be a need for information exchange processes in import/export authorisation so that transferring states can ensure that international transfers to retailers and wholesalers are consistent with laws on civilian possession.

#### 6.5.10 ISSUES AND PRIORITIES FOR THE REVIEW CONFERENCE

Overall, there is growing regional and international cooperation and debate on these issues. While some states remain sceptical of the desirability of developing international norms on these issues, there is clear

evidence of their importance for the UN small arms process. This is a priority area for the development of regional and international minimum standards that can underpin consistent and effective national laws. In spite of well-known sensitivities, there is considerable scope for action from the Review Conference. Key areas for the Review Conference Outcome Document and follow-on processes to support greater responsibility for these weapons include:

- Agree commitments by all states to ensure sufficient national controls on civilian possession of SALW, to enable full and effective co-operation with all PoA commitments and to avoid contributing to problems of illicit trafficking and misuse experienced by neighbouring and other countries
- Produce a declaration of basic principles about the national regulation of civilian possession of SALW and encouraging the development of model regulations and best practices
- Support efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement
- Support police training and other capacity-building for enforcing existing and new controls. Particular attention should be paid to the need to collect and analyse data concerning the sources of firearms recovered in crimes to assist in promoting international co-operation among law enforcement
- Establish or endorse an international programme within the PoA framework to help to enable states that wish to cooperate on issues of controlling civilian possession to do so, including information exchange and technical assistance programmes
- Provide technical co-operation and assistance to those developing new legislation and administrative procedures and systems including examples of best practices, model regulations and so forth, both within regions and internationally



## 6

### 6.6 ISSUE AND PRIORITIES FOR THE 2006 REVIEW CONFERENCE

States are committed to ensure responsibility for all authorised SALW. This requires effective controls over authorised small arms, light weapons and ammunition from the point of manufacture onwards. These should apply to all authorised arms, including those in the hands of all states' military, paramilitary and police forces, all private security companies, gun dealers, and authorised civilian possession. These commitments should aim to ensure that SALW and ammunition do not find their way into illicit trade, are safe and secure, and are not misused by their own forces and by authorised bodies and persons. Implementing these commitments and making efforts to enhance the effectiveness of these controls have been a priority for many states. However, the UN small arms process needs further elaboration and strengthening of practical action if it is to adequately reinforce and support those efforts.

The Review Conference should ensure that manufacturing controls are appropriately prioritised and effectively developed by establishing an international programme of work to include elaborating and disseminating best practices in manufacturing control, encouraging states to provide technical and financial assistance to other states in revising laws and procedures on manufacturing control, and assisting states in sharing experiences and developing and enforcing effective controls over craft manufacturing.

There is an urgent and substantial need to substantially scale up efforts to ensure adequate security and responsible management of SALW, and the safety and security of ammunition held by state agencies and all authorised bodies. Concerted international programmes need to be launched to disseminate, promote and implement effective standards and mobilise the resources required. The Review Conference should agree mechanisms to develop international programmes for promoting and assisting effective stockpile management and security.

The Review Conference should affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and all aspects of global and regional action on SALW, including but not only within the scope of ensuring responsibility for authorised stocks of ammunition. The Review Conference should clarify commitments and approaches in this regard and begin a process to clarify the implications of the particular challenges of ammunition, and to develop and disseminate best practices. Operational opportunities for the more effective handling of ammunition within stockpile management and security and weapons disposal programmes should be identified. Global ammunition programmes would need to be co-ordinated with similar international initiatives to promote weapons destruction and secure SALW stockpile management, but they would also have their own relative autonomy. Further, urgent assistance is needed to identify and destroy at-risk stocks of ammunition.

Ensuring national responsibility for authorised arms in civilian possession is a priority area for the development of regional and international minimum standards that can underpin consistent and effective national laws. In spite of well-known sensitivities, there is considerable scope for action from the Review Conference. The Review Conference should promote the development and adoption of a declaration of basic principles about the national regulation of civilian possession of SALW, encouraging the development of model regulations and best practices, supporting regional efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement and establishing an international programme within the UN small arms framework to enable states that wish to cooperate on issues of controlling civilian possession to do so, including information exchange and technical assistance programmes.

# 7: PROGRESS TOWARDS SALW DISARMAMENT, COLLECTION AND DESTRUCTION

## 7.1 INTRODUCTION

Prior to the adoption of the UN PoA, none of the international or regional agreements on illicit SALW trafficking and misuse addressed the comprehensive collection and destruction of weapons left over from armed conflict in order to prevent them from fuelling future conflicts or armed crime within post-conflict societies or neighbouring states. During the 1990s, the UN system developed and furthered the concepts of micro disarmament and practical disarmament in its first attempts to deal with the proliferation and misuse of SALW in the context of UN-sponsored peacekeeping and observer missions. The PoA was the first global framework to promote SALW collection and destruction and has since been followed by a myriad of regional and sub-regional agreements also addressing these issues, particularly in Africa, the Americas and Europe. In 2006, the collection and destruction of SALW is one of the most robustly implemented and widely embraced aspects of the PoA.

The PoA refers directly to SALW collection and destruction at least seven times (see box below). In comparison to other substantive issue areas its commitments on disarmament and destruction are relatively strong and, while not particularly elaborated in the main text, serve to consolidate the good practices that were emerging by 2001. The task of the 2006 Review Conference is to improve upon these commitments and reflect upon lessons learned in the past five years for enhancing the effective implementation of programmes in this area. It could also bolster weak points in the PoA's commitments related to the need for better integration of gender aspects and a clearer formulation of assistance for implementation in this area. The Review Conference should aim to agree mechanisms to establish and facilitate global co-operative programmes among groups of interested states and other stakeholders to enhance the implementation of SALW and ammunition collection and destruction both within and outside the confines of disarmament, demobilisation and reintegration (DDR) processes. During the January 2006 Preparatory Committee for the Review Conference, several governments, including Canada, the Netherlands, Sweden and the UK backed the idea of enhancing support for implementation of the PoA through raised levels of funding and increased sharing of best practice and technical skill. This would greatly benefit global capacity for SALW collection and destruction as well as other important areas of the PoA.

In recent years, UN agencies and regional organisations have begun to systematise lessons learned and best practices for disarmament, collection and destruction in both post-conflict and prevention settings, particularly in several key regions including Africa, Latin America and South Eastern Europe. However, the international community, particularly civil society and local authorities have also noted the limits of disarmament, collection and destruction initiatives when other complementary measures are not put into place to limit supply and demand at the national, regional and international levels.

### The PoA commitments of particular relevance here are:

- II.16** To ensure that all confiscated, seized or collected SALW are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.
- II.19** To destroy surplus SALW designated for destruction, taking into account, *inter alia*, the report of the Secretary-General of the UN on methods of destruction of SALW, ammunition and explosives (S/2000/1092) of 15 November 2000.

- II.20** To develop and implement, including in conflict and post-conflict situations...including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of SALW, if possible, in cooperation with civil society and NGOs...
- II.21** To develop and implement, where possible, effective DDR programmes, including the effective collection of ...SALW...
- II.30** To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations ...
- II.34** To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition... of collected small arms and light weapons.
- III.16** Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

## 7.2 DISARMAMENT AND WEAPONS COLLECTION

Since 2001, 62 countries have carried out some form of disarmament. SALW disarmament and weapons collection programmes are generally placed in two categories: those related to a post-conflict DDR processes and those that take place in the context of crime prevention during peacetime. There are also two key modes of disarmament: those carried out by coercion and those in which participation is voluntary, although in the case of the latter participation may only be on a voluntary basis for a limited period of time, after which the authorities resort to more coercive means.

With half of all peace agreements failing within a five-year period, the distinction between post-conflict and peacetime weapons collection schemes is not always precise. It is widely acknowledged both that SALW disarmament and collection programmes in themselves will not completely resolve a SALW problem but can be an important step towards doing so, and by recognising and addressing various challenges at the local level they can contribute to the wider conflict resolution process. This finding was supported by a recent survey of lessons learned from small arms disarmament processes carried out by the US Department of Defense.

The use of individual versus collective incentives to motivate individuals and groups to hand over weapons is an ongoing debate in the field of weapons collection. As the shortcomings of buy-back or amnesty schemes involving cash transactions or goods in kind have become more evident, the UN and other agencies have begun to embrace Weapons for Development (WfD) programmes, whereby the incentive to hand in weapons is development assistance to a whole community (See Box).

### Weapons for Development

The first Weapons for Development (WfD) programmes, for example, the one developed in Albania, were launched in the late 1990s and later refined in Cambodia, Georgia, Mali and Sierra Leone. While the idea was developed well before the 2001 UN Conference, since then WfD programmes have become even more common as international co-operation increased upon adoption of the PoA. However, recent participatory assessments of these efforts in the communities where they were carried

out indicate that WfD schemes are perhaps more successful in bringing actors together to address weapons collection and security issues than in collecting the weapons themselves. In Albania, several successive weapons collection and destruction efforts were able to catalyse broader and more longterm efforts on security sector reform in the country.

The collective incentives of WfD can, however, fail to address the specific context of the region and of armed ex-combatants, particularly in post-conflict situations and have frequently lacked the full participation of the community, thus failing to reflect local needs. Furthermore, in some instances, WfD schemes have been used by local authorities to bargain for aid rather than as a means of reducing the circulation of arms. A disarmament campaign in the Former Yugoslav Republic of Macedonia in December 2003 sought to avoid the problem of communities or authorities using these projects to bargain for development aid by reducing the scope for individual authorities to use these projects for their own political gain and also innovatively side-stepped the issue of collective versus individual incentivisation. Local media, government and businesses joined together to back a raffle sponsored by the United Nations Development Programme (UNDP) for the voluntary surrender of SALW in which each surrendered weapon was exchanged for a ticket enabling civilians to win daily prizes, with the grand prize being a car. While this campaign only resulted in the handover of 7,571 weapons in a SALW-saturated region, it was considered a success in comparison to other campaigns in South Eastern Europe.

Given that the success of such community based WfD programmes is less notable and replicable than is popularly believed, a challenge for the future implementation of PoA disarmament commitments is to ensure that programmes build on lessons learned and are more sensitive to the needs of the particular armed individuals within the community as well as the community as a whole.

### 7.2.1 POST-CONFLICT DISARMAMENT IN DDR PROCESSES

Disarmament, demobilisation and reintegration is a process generally initiated in post-conflict situations as a means of collecting weapons after the conflict and reintegrating combatants (including armed police, state military and non-state insurgent actors) into the community. DDR programmes have become an integral component of all UN and other multilateral post-conflict programmes, dating back to the experiences of the UN and the international community in Mozambique and El Salvador, to name just two examples from the early 1990s. More recent examples of DDR processes with weapons collection elements include Afghanistan, Colombia, Liberia and southern Sudan. Since 2001 at least 20 countries have embarked upon a DDR process, almost half of them in Africa. These projects are most often directly implemented by an international agency such as UNDP or the Organisation for Security and Co-operation in Europe (OSCE), although there are exceptions to this, including recent projects in Colombia and India. While a great deal of technical lessons have been learned regarding disarmament and demobilisation in recent years, the enormous task of reintegrating ex-combatants for the long term remains a challenge. At the same time, the international community has begun to realise that DDR is equally as political as it is technical.

As DDR programmes are often the first steps in the transition from war to peace, high and often unrealistic expectations tend to be placed on them, not just by ex-combatants but also by other members of society and the international community. These expectations are further fuelled by the fact that, in many post-conflict societies, a DDR process provides the only source of hope and resources. For this reason it is important for the international community to identify ways to link DDR efforts to longer-term development programmes and structures. Lack of co-ordination between DDR initiatives and development agencies has caused frustration in communities when development projects are slow to



materialise. Sometimes obsolete weapons are handed in while better quality weapons are retained. Despite these important lessons, DDR processes and other weapons collection schemes too often continue to ignore local input or pay it lip service only. It is vital to develop DDR in a contextually appropriate way and link it to other measures that will also reduce the demand for and supply of weapons.

The Stockholm Initiative on DDR launched by the Swedish government in 2004 has sought to identify the loopholes and gaps in disarmament by creating a framework for planning and implementation rather than just prescribing a set of technical and administrative steps to be taken. The findings of this process should be taken into account during the 2006 Review conference, particularly in linking the Organisation for Economic Co-operation and Development's Development Assistance Committee (OECD DAC) with funding for DDR and SALW collection and destruction.

Lessons have been learned from the positive and negative DDR experiences in recent years regarding incentives for disarmament. Increasingly, it is being realised that, given the mobility of small arms and ex-combatants as well as the regionalised nature of many conflicts, it is important to avoid creating opportunities for ex-combatants and other armed groups to shop around for the best package of incentives. The most commonly-cited example of this is that of Liberia, where demobilised combatants were provided with US\$300 for their participation in the DDR process. This figure was largely based on the precedent established previously in neighbouring Sierra Leone but was later called into question when it emerged that combatants in neighbouring Ivory Coast were receiving US\$600-900, resulting in some Liberian ex-combatants crossing the border in the hope of benefiting from the better package. It also appears that little thought has been given to follow-up and second phase disarmament initiatives once the DDR process has come to fruition. There is also a certain amount of tension between DDR programmes, which essentially offer individual incentives and cash for weapons and ensuing WfD programmes, which reject such notions.

In addition, recent experience on the ground has demonstrated that the prevalent practice of using the number of combatants to be demobilised in a 'one combatant = one weapon' formula is flawed. While some combatants may indeed hold more than one weapon, a recent survey of DDR processes in 2005 demonstrated that not one single effort resulted in more than 0.75 arms per demobilised combatant.<sup>1</sup> This survey indicated the percentage of weapons turned in per combatant to be: Afghanistan, 0.75; Colombia, 0.61; Aceh/Indonesia, 0.28 and Liberia, 0.26. It is also common knowledge that in many DDR processes combatants turn in damaged, old or obsolete weapons and frequently hide caches as a contingency should the peace process fail.

The rule should be that weapons collected from disarmed combatants are destroyed rather than recycled. However, there is an argument for providing collected weapons to government forces rather than spending resources on obtaining new ones. This practice was adopted by Afghanistan's New Beginnings Programme (ANBP), currently co-ordinated by UNDP and the UN Assistance Mission to Afghanistan (UNAMA), where 20,000 of the 36,571 small arms collected from more than 60,000 demobilised militia members have, to date, been transferred to the use of the Afghan National Army, with more expected to be transferred at a later point. Such recycling should be the exception rather than the rule and where it occurs, it is vital that there be analysis to ensure that only weapons appropriate for use by the military and police are passed on.

The PoA calls for the addressing of the special needs of women and children in armed conflict and gender considerations are slowly being integrated into DDR mandates, but there is still a long way to go

<sup>1</sup> Caramés, Albert, Fisas, Vicens and Luz, Daniel, *Global Analysis of DDR Programmes During 2005*, Barcelona, Escuela de Cultura de Paz, Autonomous University of Barcelona, February 2006.

towards systematically building norms that integrate and effectively deal with women and youth combatants. Unfortunately, women's groups have been unable to engage substantively in the formulation of the disarmament process and broader DDR, despite a mandate for such engagement via the 2000 UN Security Council Resolution 1325 on Women, Peace and Security. This omission limits the comprehensiveness and effectiveness of those disarmament measures implemented thus far. In Liberia, UN Security Council resolution 1509 mandated that specific attention be paid to child and women combatants in that country's disarmament programmes, however the planners of the DDR process failed to design the programme to account adequately for these combatants' needs. The DDR programme for former child combatants was characterised by fraud and time consuming problems that should have been worked out in the planning stages. The decision to pay the former child combatants a cash stipend was especially problematic. Precious resources were wasted and the DDR programme ran out of funds that were needed to support rehabilitation programmes. There have also been complaints that civil society was not sufficiently consulted about the design of the DDR process.

In southern Sudan the UNDP-supported DDR process has made substantive attempts to include a mandate for gender sensitivity in the disarmament process, including the hiring of a UN gender focal point to assist in dealing with issues of particular concern to the women directly and indirectly involved in that country's armed conflict. One major issue in the initial stages of the disarmament process has been whether or not to provide assistance packages to women that attempt to demobilise without physically possessing a weapon. Many women insisted they were warriors and not just 'assistants.' While the UN Security Council Resolution 1590 of 24 March 2005, which provides the mandate for the entire UN mission, including DDR, does recognise UNSC Resolution 1325 on Women, Peace and Security, implementing provisions that fulfil the spirit of that Resolution in practice remains elusive. At the same time, personnel on the ground have noted that it is difficult for men to disarm when some women continue to encourage them to go to war.

It is also becoming evident that even the best-conceptualised DDR process will not be successful unless it is implemented in an effective and transparent manner. For example, in Colombia, the unique process of the disarmament and demobilisation of the right-wing paramilitaries (and not the two leftist guerrilla groups) has been lauded as a model of proactive government action and successful confidence building, but it has also faced criticism for the lack of oversight of the process allowed to the UN and the Organization of American States (OAS). This highlights the importance of transparency and the need for impartial and frequent observation during the DDR process, particularly around the collection and final disposal of small arms and other weapons.

These examples indicate that Security Council resolutions probably bear more weight on the nature and scope of DDR processes than the PoA. It is also clear that there is a real need to focus on effective and transparent implementation if DDR is to be successful. A better-funded mechanism for supporting PoA implementation could benefit future DDR initiatives.

### 7.2.2 CIVILIAN DISARMAMENT PROGRAMMES

The PoA is less precise in its treatment of weapons collection efforts that do not fall within a DDR process or an immediate post-conflict timeline. SALW collection efforts, both in the developed and developing world, are carried out in a variety of other environments that are not directly linked to peacekeeping missions. Some collection programmes are related to urban crime prevention in situations where youth gangs have proliferated, while others seek to prevent violence from breaking out in countries in proximity to those experiencing or emerging from conflict. They may also be carried out in parallel to a DDR process in order to encourage non-combatant civilians to turn in weaponry. Civilian disarmament programmes may focus on specific types of weapons that have been made illegal (e.g.

military assault rifles and rocket launchers) or specific types of users (e.g. members of youth gangs). They may also be accompanied by other measures and public awareness campaigns on issues such as safe storage or no celebratory shooting or even drives to get people to register weapons legally with authorities.

Despite the strong link between domestic SALW proliferation and the international criminal trade, one of the challenges encountered by the international community in supporting such initiatives is that they do not fall under a specific international mandate in the way that peacekeeping and DDR missions do.

In some cases, however, a national law may provide a sufficient mandate, as in Brazil, where the mandate for weapons collection and subsequent destruction came from a 2003 National Disarmament Statute that also included restrictions on carrying civilian weapons in public and requirements for the marking of ammunition. In 2004 and 2005 Brazil's government carried out perhaps the largest civilian voluntary weapons collection programme ever implemented in the developing world, collecting 459,855 weapons in exchange for cash payments of US\$100-300, which was accompanied by a drop in the homicide rate by 8% in 2004 – the first drop in recent history.<sup>2</sup> Much of the programmes' success can be attributed to the organisation and planning carried out by the National Disarmament Commission and 27 state commissions throughout the country. The broad-based inclusion of the army, police, NGOs, church groups and hospitals contributed greatly to the programme's success. public weapons destruction events also provided tangible evidence to participants that those weapons would not be used again.

The South African experience of early 2005 indicates that economic and material incentives are not always required to succeed in collecting weapons from civil society. The national police force recovered 80,147 firearms in a South African firearms amnesty programme implemented in the first six months of 2005. The programme, which was run by the police, also removed from circulation hundreds of hand grenades and mortars. The broad interest that many citizens had in surrendering legal and illegal weapons led to the amnesty programme's extension from March to June 2005. While the amnesty absolved participants from being prosecuted for the illegal possession of firearms, it did not absolve them from prosecution for crimes committed with those weapons. All weapons received were subject to forensic analysis to determine if they were linked to a crime. This latter feature of the South African amnesty programme responded to the prevailing criticism that these programmes can be used by criminals to get rid of guns with impunity.

In the United States, gun buy-backs continue to be implemented in cities throughout the country, particularly in co-operation with local police forces, despite the fact that the federal government has suspended the financial support once provided to municipal authorities to carry them out. For example, in Allegheny County, Pennsylvania the local government and housing authority have implemented a 'Goods for Guns' programme for twelve consecutive years, exchanging handguns for supermarket vouchers. In 2005, the programme only succeeded in collecting 231 firearms. Local police are clear that the programme does not recover weapons from hardened criminals but that it does reduce the risk of accidents, suicides, use in family disputes and theft. Cities and communities across the US continue to use gun buy-back programmes as ways to reduce weapons possession, raise awareness about violence and build links between police and the community. They take place despite the fact that the federal government and some states promote firearms possession through policy and legislation. In 2004 local communities in the states of California, Florida, Ohio and New Mexico carried out buy-back programmes, to name just a few.

<sup>2</sup> 'Vidas Populadas': a joint report of UNESCO with the Brazilian Ministries of Justice and Health, Brasilia, September 2005.

As with DDR, the participation of civil society organisations in voluntary weapons collection schemes is vital to their success. If carried out on a sufficiently large scale, as in Brazil, they can contribute to reductions in armed violence, particularly when accompanied by other complementary arms control and security measures. The recovery of military SALW such as grenades and mortars in peacetime collection schemes indicates that these programmes provide opportunities to remove dangerous weapons that are not justified for civilian use. Countries such as New Zealand have chosen to create a framework for a permanent weapons amnesty programme. Like DDR, an additional benefit of voluntary civilian disarmament programmes is getting civilians and security forces to work together constructively where they have never previously done so. As a short-term measure they may indeed reduce supply to prevent some acts of violence, but eventually must be supplemented by others measures to reduce both demand and supply

### 7.3 SALW DESTRUCTION AND DISPOSAL

Since 2001 at least 73 states have destroyed some SALW. The destruction of surplus, seized, collected and confiscated weapons, ammunition and explosives is a key means of reducing the stock of weapons available for illicit circulation, thereby reducing the burden placed on managing large stockpiles and security systems. Increasingly, SALW destruction is carried out in public ceremonies in order to build public faith in disarmament and raise awareness about issues related to arms and violence. Public destruction also demonstrates that weapons collected or confiscated will neither return to use nor fuel further violence, whether they come from an armed militia or a citizen. To date, there has been no global process on the disposal or destruction of SALW and/or ammunition. The PoA established strong commitments to dispose of these categories of weapons and there is particular emphasis that this should be done via destruction. A number of states have introduced new policies of destroying all or at least most surplus, collected and/or confiscated weapons.

The OSCE and its member states have made substantial contributions to this issue by establishing best practice for both the identification of and destruction of surplus SALW. However, parallel best practices have not yet been adopted in Asia, Africa and the Americas. Ultimately, the decision to destroy surplus SALW<sup>3</sup> is as much political as it is technical. While members of government delegations in international fora may agree to the comprehensive destruction of surplus SALW in principle, it is much more difficult to convince those government officials directly responsible for stockpile management to move forward in this regard without clearer mandates to do so. Only a few countries outside the OSCE are strongly encouraged to destroy surplus SALW through bilateral diplomacy as is, for example, Nicaragua by the US in the case of man-portable air defence systems (MANPADS) and there is little incentive to do so. Many OSCE member states are motivated to destroy surplus instead of selling or maintaining holdings by their ambitions to join the EU and NATO. There are no comparable economic and security motivations to be found in Africa, the Americas and Asia.

Destruction projects have been among the most widely supported SALW projects. Nevertheless, available resources for support remain far from commensurate to the size of the problem. Regional organisations such as the EU, NATO, the OSCE, the South Eastern European Small Arms Clearinghouse (SEESAC) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) have been the primary agents of action on small arms destruction in their respective regions. Other donor governments such as Germany, Canada, Japan, the UK and the US have also contributed resources and training to increase global capacity to destroy SALW. Unfortunately, with the exception of a few pockets of destruction activity in Afghanistan, Cambodia and the Pacific Islands, most of Asia, the Middle East and North Africa have neither benefited from available resources nor participated in emerging norms and practices in this area and would perhaps gain from further encouragement and support mechanisms at the global level.

<sup>3</sup> Organisation for Security and Co-operation in Europe, *Handbook of Best Practices on Small Arms and Light Weapons*, Vienna, OSCE, 2003.

Although there are numerous methods of destroying SALW, most fall into one of three categories: crushing, burning or cutting. The UN and OSCE have developed technical guidelines for destroying weapons and both provide technical assistance upon request from interested states. The US Department of State's Office for Weapons Removal and Abatement also provides bilateral assistance to governments seeking to destroy SALW. While political issues may have some effect on the way that surplus, confiscated or voluntarily collected SALW are destroyed, they tend not to substantially influence the choice of destruction method.

### 7.3.1 SURPLUS DESTRUCTION OF SALW AND AMMUNITION

Since 2001 at least 39 countries have destroyed surplus SALW and/or ammunition. The scale of resources and expertise required to destroy large surplus stockpiles of SALW and ammunition and the amount of political will that is necessary from donor and recipient countries has become increasingly clear through recent experience such as the planned destruction of 1.5 million SALW and 1.5 million tonnes of ammunition in the Ukraine. This project has also shown that large efforts of this sort cannot be financed by a single country. The first phase required technical and financial support from NATO, OSCE and the individual governments of US, UK, Germany and Canada in excess of US\$10 million. However, the size of the Ukraine's arms industry and military mobilisation during the Cold War mean that, in terms of scale and resources required, this is one of the larger international efforts to destroy surplus. While similar support is required throughout the world for the identification and destruction of surplus SALW, the scale of investment required in most other countries would be far more modest.

More robust international activity has taken place in regard to promoting and supporting the destruction of man-portable air defence systems (MANPADS) due to their attempted use and acquisition by terrorist groups against civilian and military targets (see Chapter 5 for a more detailed discussion of MANPADS). The G-8 countries and the General Assembly of the OAS governments have expressed support for the destruction of (surplus) MANPADs. While MANPADS represent both a real and potential threat, other categories of surplus SALW that are being sold legally and illegally hold greater responsibility for perpetuating armed conflict, terrorism and crime on a daily basis across the globe. Equal emphasis needs to be placed on promoting destruction of all surplus SALW, although the MANPAD issue provides a clear entry point for international collaboration.

### 7.3.2 DESTRUCTION OF VOLUNTARILY COLLECTED WEAPONS

The PoA calls for the destruction of voluntarily surrendered weapons, preferably in public ceremonies and involving actors from civil society. Destroying voluntarily surrendered SALW is generally a commitment made by those who organise disarmament initiatives to those giving up their weapons with good faith and in the name of peace. This guarantees that those weapons will neither be re-used against those disarming, their families and their communities nor recycled to fuel new conflicts or criminal use.

Ever since the UN-sponsored weapons collection programmes of the early 1990s in, for example, El Salvador, Mali and Mozambique, the destruction of SALW collected in voluntary surrender in buy-back and amnesty schemes has been common practice. It has also become customary to carry out symbolic 'Flames of Peace' with all or part of the recovered arms as a symbolic and visually powerful message. Bilateral support for the destruction of voluntarily surrendered weapons is significant, with the US providing considerable financial input into such initiatives. Whether or not voluntarily surrendered weapons are destroyed in such a dramatic fashion is less important than demonstrating both to those who hand in their weapons and the broader public that the weapons are being destroyed promptly and will not be used against them or their communities. As mentioned above, in Brazil the recent national

disarmament campaign required that all weapons surrendered be destroyed within 48 hours of their receipt, although compliance with this turned out to be difficult to achieve in all cases, due to a combination of logistical, technical and bureaucratic issues.

Public destruction events, whether they are with surplus, confiscated, voluntarily surrendered weapons or any combination thereof, can involve a diverse array of government and civil society actors. Recent experiences in Albania, Brazil, Cambodia and Mozambique among many others demonstrate that civil society and the media can participate in public destruction events by assisting in their planning and promotion, as well as organising civic activities and awareness-raising activities, using the destruction of small arms as a tool to focus the public's attention. In March 2006, 14,936 pistols, automatic and hunting rifles and grenade launchers were destroyed in Belgrade, Serbia at a private US-owned steel plant, with the support and presence of the Serbian police, German embassy and SEESAC/UNDP.

Careful analysis should be carried out before making the decision to integrate collected weapons into police or military arsenals, particularly after a voluntary collection scheme. It may be justified under certain circumstances, when government budgets are stretched and those weapons are appropriate for their use; however, collected weapons should never be re-sold to the public.

In the cases of WfD schemes, such as those in Albania, Cambodia and Mali, it is extremely important that the participating communities are able to see their weapons destroyed, as there are often (understandable) delays in the provision of promised development and infrastructure projects and there is no reason to perpetuate further doubts regarding the disposal of the weapons. Beyond WfD schemes, many voluntary weapons collection schemes open themselves up to public criticism when there is ambiguity as to when the weapons collected will be destroyed at all.

### 7.3.3 DESTRUCTION OF CONFISCATED WEAPONS

Since 2001, at least 55 states have implemented SALW disposal processes that include the destruction of confiscated weapons. The PoA directly calls on states to ensure that seized and confiscated SALW are destroyed whenever possible. In countries dealing with small arms primarily in terms of crime prevention, including post-conflict countries where crime, banditry and youth violence have replaced political and factional armed violence, the disposal of weapons confiscated by public security authorities has become an issue of increasing importance. This is both because of the often weak stockpile management capacity of some states and, at times, the dispersion of confiscated weapons among the police, judges and other actors in the legal system in cases when arms are being used as evidence in a criminal investigation. It is important that such weapons are destroyed as soon as possible. The South African government has therefore made the destruction of confiscated firearms an integral part of its national firearms policy.<sup>4</sup> Following the completion of relevant criminal investigations, the destruction of such weapons should take place within six months of seizure if not linked to an open case.

Co-operation between civil society and governments can enhance these programmes. In Brazil, for example, government/civil society collaboration led to the public destruction in Rio de Janeiro of 100,000 confiscated firearms in 2001, 10,000 in 2002, 4,158 in 2003 and 6,500 in 2004. In the state of Rio de Janeiro, civil society collaborated with the state police to computerise hand-written data on more than 100,000 firearms confiscated from criminals and in the process of doing so produced important intelligence and policy information on the origins of weapons used by criminals. Civil society was able to convince state officials and the state parliament to reform the law in order to reduce the period of time for which weapons must be stored before destruction in relation to a criminal or judicial proceeding. The Brazilian disarmament statute of 2003 further institutionalised the destruction of seized weapons

<sup>4</sup> Firearms Control Act, Government of South Africa, Pretoria, 2000.



throughout the entire country, requiring all seized firearms to be destroyed within 48 hours after being liberated from judicial proceedings. In December 2004, UN-LiREC and the OAS provided support for the Brazilian army to destroy an additional surplus and confiscated 10,048 weapons in the capital, Brasilia.

This example was successfully replicated by the provincial government of Mendoza, Argentina, which analysed and computerised confiscated weapons held by the Ministry of Justice and Security and facilitated their destruction. A relatively successful voluntary weapons collection scheme carried out in 2000-2001 led to a stockpile management improvement programme with the support of UN-LiREC. The provincial authorities were able to reform provincial law to allow for the destruction of confiscated weapons upon the accumulation of 100 firearms in police custody rather than waiting for 20 years as previously required. Other provincial governments in Argentina have also begun to follow the Mendoza example and, in addition, the National Arms Register in the capital, run by the Ministry of Defence, has reported the destruction of 33,977 SALW since 2001, using methods outlined in the UN Destruction Handbook.

In 2002, the Government of China reported that public security authorities confiscated 30,000 military and 2.3 million civilian small arms. If the Chinese government has not already destroyed the enormous quantity of small arms that it has seized, it is crucial that it develops a policy to do so in order to prevent leakage to illicit markets.

The role of local governments and security forces in the destruction of confiscated weapons should not be overlooked, particularly in larger, more decentralised countries. Many local governments are not aware of what is happening elsewhere with regard to weapons collection, destruction and stockpile management. Broader exposure to these measures could contribute to more thorough implementation of the PoA at local levels, when supported by national mandates.

## 7.4 EMERGING BEST PRACTICE FOR SALW COLLECTION AND DESTRUCTION

SALW collection and destruction is now widely accepted as an integral part of peacekeeping, peacebuilding and conflict prevention as well as part of the fight against organised crime and terrorism. Societies that experience armed violence in the absence of political armed conflict are also adapting these measures to contemporary approaches to crime prevention and good governance. The destruction of surplus SALW has been placed firmly on the international agenda; countries wishing to join the EU or NATO now have to make commitments that surplus weaponry will be destroyed rather than re-sold on the global market. The international community has learned a great deal regarding best practice for SALW collection and destruction in recent years. Key lessons include:

1. There is no single way of creating incentives for the voluntary surrender of weapons. Each context may require a specific approach, which may need to change over time. While exchanges in cash may not be advisable in most circumstances, they may be appropriate in some situations. At other times, collective incentives work best and sometimes a combination of both approaches is helpful.
2. In regions where more than one country is experiencing armed conflict, consideration should be given to the regional impact of choosing one SALW collection scheme or a DDR process in order to avoid setting negative precedents or creating the opportunity for ex-combatants to 'shop around' for DDR packages.
3. Using the formula of 'one soldier, one weapon' is no longer useful for calculating the number of SALW that should be turned in as part of a DDR scheme. In some scenarios, combatants may surrender more than one weapon and in others less.
4. Whether as part of a DDR process or a SALW collection effort focused on crime prevention, there are a myriad of opportunities for civil society to collaborate with authorities and the international community.



5. There is no single method of SALW destruction. Choosing the appropriate destruction method depends on multiple factors, including the quantity and type of weapons to destroy, resources and equipment available, environmental codes and other legal considerations.
6. The economic and security motivations of joining NATO and the EU are sufficiently compelling to persuade aspiring states to increase weapons collection and destruction activities.

Many of these lessons and other related best practices have been compiled in a series of manuals and field guides. Among these are:

- *Disarmament, Demobilisation and Reintegration: A Practical Field and Classroom Guide* (2004), GTZ, Lester B. Pearson Peacekeeping Centre, Swedish National Defence College and Norwegian International Defence Centre
- *Handbook on Best Practices on Small Arms and Light Weapons*. (2003) Organisation for Security and Co-operation in Europe
- *A Destruction Handbook: small arms light weapons, ammunition and explosives*. (2001) United Nations Department for Disarmament Affairs

In addition, the United Nations Department for Disarmament Affairs (UNDDA) is in the process of developing gender-sensitive guidelines for the implementation of the PoA similar to existing guidelines that were developed for landmine action. The mandate for these guidelines originates in the UNDDA's Gender Mainstreaming Action Plan.<sup>5</sup> Unfortunately, many officials responsible for security policy and practice do not yet see gender as a serious component of PoA implementation. This is a prime opportunity to operationalise the currently non-existent links between UNSC Resolution 1325 and the PoA.

## 7.5 ISSUES AND PRIORITIES FOR THE 2006 REVIEW CONFERENCE

In contrast to other issue areas highlighted in this report, SALW collection and destruction is well entrenched within the PoA. However, the UN PoA framework needs to further promote it and provide assistance towards it in the countries and regions where SALW collection and destruction has been weak, as well as building capacities and further institutionalising practices where efforts have already taken place. To reach these goals, the PoA would benefit from better integration of gender aspects, a more efficient global mechanism for providing financial and technical expertise and the establishment of UN guidelines for SALW collection and destruction. In this context, Biting the Bullet strongly argues for the following actions at the 2006 Review Conference:

1. The development of a robust implementation support mechanism for DDR and SALW collection and destruction should be negotiated that combines technical support with enhanced funding through a UNDP trust fund, various regional or national Millennium Development Goal processes, and/or other mechanisms. Recent developments at the level of OECD DAC should facilitate increased financial support.
2. In relation to the previous point, DDR and SALW collection and destruction programmes should be linked more systematically with other international programmes of support in the security sector reform, humanitarian and development spheres, also supported by developments in the OECD DAC revised guidelines.
3. The UN should adopt global guidelines for DDR and SALW collection and destruction using the current OSCE guidelines on small arms as a model. Further, the PoA should explicitly link to UN integrated standards.

<sup>5</sup> United Nations Department for Disarmament Affairs, *Gender Mainstreaming Action Plan*, New York, UN, 2003.

4. Governments should be further encouraged to destroy surplus and confiscated SALW and ammunition through more robust information and sharing of experiences among Member States, as well as through continued funding.
5. Member States should formally acknowledge UNSC Resolution 1325 on Women, Peace and Security within the text of the PoA and promote further sharing of information through UN and regional mechanisms in order to raise further awareness among governments as to the importance of gender sensitivity in DDR and SALW collection and destruction. In this context, support should also be provided for the final development, dissemination of and the implementation of UNDDA's gender guidelines.
6. The spirit of the PoA text related to civil society participation in SALW collecting and destruction needs to be fulfilled to a greater degree. Both local and international civil society organisations have a range of experiences in this field that could enhance the effectiveness and legitimacy of government efforts.

At the January 2006 Preparatory Committee, the Government of Canada called for the development of a formal assistance clause within the PoA for stockpile management and SALW destruction.<sup>6</sup> In March 2005, the OECD DAC called on its members to provide “support for controlling, preventing and reducing the proliferation of SALW in those activities which qualify as development spending internationally.”<sup>7</sup> These developments will be important for intensifying support for implementation of the PoA in years to come.

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<sup>6</sup> Government of Canada, 'Preparing for the 2006 Review Conference of the Programme of Action', Statement Submitted to the Preparatory Committee for the 2006 UN Small Arms Review Conference. A/CONF.192/2006/PC/CRP.2., 4 January 2006.

<sup>7</sup> Organisation for Economic Co-operation and Development, *Conflict Prevention and Peacebuilding: What Counts as ODA?* Paris, OECD, March, 2005.

## 8: IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

### 8.1 INTRODUCTION

The PoA is the primary international framework for addressing trafficking, proliferation and misuse of SALW. In recent years, the international community has come to recognise that this requires actions that go beyond the exclusive scope of action of the UN First Committee on Disarmament and International Security, within which the PoA was developed, to include areas related to human rights and humanitarian law, development, public health, the security of women and children, and good governance in general. This is because the real impacts of SALW proliferation and misuse (as opposed to the potential impacts of most other weapons systems dealt with at the UN level) include, but are by no means limited to, the national security concerns associated with traditional arms control mechanisms.

The PoA commitments of particular relevance here are:

- I.1. Concerned also by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects...
- I.4 ...reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace
- I.15 ...challenge posed by the illicit trade in SALW in all its aspects is multifaceted and involves inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions

The PoA as it currently stands does not systematically address the factors driving the demand for illicit SALW, nor does it tackle the real impacts of the uncontrolled proliferation and misuse of these on a global scale. The important measures that the international community is taking to modernise national legislation, establish SALW transfer controls, develop an instrument to trace illicit SALW, improve stockpile management and carry out SALW collection and destruction programmes will be insufficient if complementary measures are not taken to reduce and limit demand. The spread of SALW among a diverse set of actors that includes governments, civilians, insurgents, terrorists and criminals means that a comprehensive approach to the reduction of supply and demand combined with efforts to ameliorate the negative consequences of their misuse is vital to both national and human security.

Some may view the social and economic dimensions of SALW control as secondary to the main purpose of the PoA; namely, to address the illicit trade in SALW in all its aspects. However, it is becoming increasingly clear that in many cases these social and economic dimensions are important root causes of illicit trafficking and misuse. In fact, in contrast to other categories of weapons, the UN convened the 2001 Conference precisely because of the tangible impact that SALW were having on the citizens and institutions of member states in the wake of the Cold War.

This Chapter first outlines the impacts of SALW on three of the above-mentioned areas: a) human rights and international humanitarian law; b) development; and c) governance. It examines the weaknesses or gaps in the PoA itself in relation to each area, international attempts to address these issues and, finally, makes recommendations on how the PoA can be strengthened to address these areas. The Chapter concludes by framing how these issues can be taken forward in the context of the 2006 Review Conference.

## 8.2 HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

Whilst the importance of links between SALW proliferation and international humanitarian concerns is given some attention in Section I of the PoA there is no direct reference to human rights. However the PoA does contain specific commitments to respect and uphold international law, including the principles enshrined in the UN Charter (regarding the sovereignty of states, non-intervention and non-interference in state affairs) which in turn entails international human rights and humanitarian law and the responsibility to protect civilians in armed conflict.

SALW have a particularly grave impact on civilians in situations of armed conflict. The proliferation and excessive availability of SALW have been associated with the escalation, increased intensity, incidence and duration of armed conflicts. In addition to combatants, armed conflicts also greatly affect civilians, including men, women, boys, girls, the elderly and the disabled. Civilians are often the deliberate targets of armed attacks during armed conflict – in direct violation of international humanitarian law (IHL), which provides for specific protections to non-combatants. Violations of human rights and IHL include indiscriminate or unlawful killings, injuries and intimidation threats; sexual violence facilitated by armed intimidation; obstruction of humanitarian relief and the diversion of funds intended for government provision of citizens' basic needs to military expenditure. Personnel involved in humanitarian, peacekeeping and development efforts are also often subject to a range of violations to human rights including assassination, hostage taking, armed robbery, rape and arbitrary detention. Faced with threats from armed militia, humanitarian and development programmes may be forced to withdraw or restrict their interventions to more stable areas, preventing relief and assistance to the most needy and vulnerable populations.

SALW-related violations of human rights also occur in many other contexts to those defined by the international community as 'armed conflicts', most notably in post-conflict contexts, or in relatively politically stable areas which suffer from high levels of social or criminal violence, banditry and unrest. SALW aggravate patterns of forced displacement, allowing criminals to intensify their use of violence through intimidation, rape and driving people from their homes and communities. Furthermore, the presence of SALW in refugee and internally displaced persons (IDP) camps has been associated with increased intimidation and militarisation, in some cases closely linked with attempts to use such camps for recruitment and training areas for armed groups.

Women's particular roles as users, supporters, victims and assailants need to be properly recognised and addressed. Female combatants face substantially different problems to their male counterparts during disarmament, demobilisation and reconciliation (DDR) processes, often being excluded from benefit packages and not embraced back into their home communities after having broken gender stereotypes. In addition, women and girls are more susceptible at gunpoint than otherwise to rape, torture, forced prostitution, involuntary impregnation and HIV transmission.

Generally, young adult and adolescent men are understood to form the majority of the direct victims of armed violence. However, children are increasingly becoming victims through targeted attacks or by recruitment as child soldiers in armed militias, after which they are sometimes forced to commit human rights violations against their own families and communities. The lightness of weight and simplicity of use of most SALW enable even young children to perpetrate such violations. In addition, children are disproportionately affected by the secondary costs of armed violence, including disrupted education, disease and malnutrition.

An additional set of guidelines that can be used to prevent violations of human rights is the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms. These

principles have set out the agreed international standards on the use of force and firearms by state forces and centre on the difficult but important issue of what constitutes both legitimate force and the assumption that those responsible for making such decisions are sufficiently trained and equipped to do so. The robust implementation of these guidelines by government security forces would go a long way in ensuring that violations of human rights and, in some cases, IHL are not committed by police and military officers. Indeed the President-designate's non-paper for the 2006 Review Conference encourages the "implementation of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as well as the Code of Conduct for Law Enforcement Officials." (II/22)<sup>1</sup>

### 8.2.1 PROGRESS ON SALW IN RELATION TO HUMAN RIGHTS AND IHL

In the 2005 'World Summit' document, world leaders expressed grave concern at the negative effects on development, peace, security and human rights posed by the illicit trade in SALW in all its aspects.<sup>2</sup> Also in 2005, the UN General Assembly endorsed a resolution on addressing the negative humanitarian and development impacts of illicit or excessive SALW.<sup>3</sup> This latter resolution "calls upon States, when addressing the issue of the illicit trade in SALW in all of its aspects, to explore ways, as appropriate, to more effectively address the humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation, in particular in conflict and post-conflict contexts".

A year after the 2001 Conference, the UN Human Rights Commission (now replaced by the Human Rights Council) appointed a Special Rapporteur to prepare a comprehensive study on preventing human rights violations committed with SALW. The report was presented to the Commission in June 2005 and with it a set of draft principles for preventing human rights violations committed with SALW. Many of these principles were incorporated into initiatives within the PoA framework, particularly those relating to guidelines for controlling SALW transfers, such as the Transfer Control Initiative of the UK, Kenya, Brazil and several other co-sponsors, and the SALW Consultative Group Process convened by the Biting the Bullet project which involves some 33 states and civil society experts (as well as in proposals for an Arms Trade Treaty).

The January 2006 PrepCom to the Review Conference included a series of thematic debates aimed at identifying key issues related to the nexus between the illicit trade in SALW and human rights. Many governments, as well as NGOs and international organisations, made statements which included calls for the 2006 Review Conference specifically to address human rights and IHL issues and SALW. Unfortunately, several governments are reluctant for the Review Conference to specifically address human rights aspects of SALW trafficking and misuse, posing the risk that the issue will again be marginalised.

At the regional and sub-regional levels, some advances have been made into incorporating human rights language into frameworks and agreements established after 2001. The Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and Horn of Africa also recognizes that the "observance of human rights" is fundamental to a comprehensive strategy. Both the EU Code of Conduct and the OSCE Document on Small Arms include human rights considerations within their SALW transfer criteria, but these frameworks were established prior to the 2001 Conference. The 2003 Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects states as one of its objectives "to implement this Plan in a context of full respect for human rights and international humanitarian law". Advancing human rights language and discourse thus has been more directly addressed at the regional and sub-regional levels, though such progress remains largely at the normative and declaratory levels, without major impacts on the problems.

<sup>1</sup> President's non-paper for informal consultation, 18 May 2006, Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects.

<sup>2</sup> 2005 World Summit Outcome, UN Document A/RES/60/1, 24 October 2005.

<sup>3</sup> UN General Assembly Document A/C.1/60/L34/Rev 1, 21 October 2005.

There has been some limited progress at the micro level on personnel training in security sector reform (SSR) projects, where best practices have emerged in line with the above-mentioned Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials. The promotion of civil society engagement in SSR projects along with gender and age considerations in the training of security forces are emerging trends that should be built upon. Recent community based policing initiatives in Kenya and Malawi, for example, were reported to have increased respect of human rights.

### 8.2.2 WEAKNESSES AND GAPS IN THE POA

As noted, the most conspicuous omission from the PoA is any mention of human rights, despite the fact that the UN General Assembly, the World Summit and various sub-regional organisations already refer to human rights when addressing the SALW trade in all its aspects. This is often explained by the fact that the PoA was developed within a ‘disarmament and arms control’ framework, but such an explanation should not impede the future enhancement and implementation of the PoA.

The failure of the PoA to look more closely at the control of the legal trade and the issue of civilian possession also hinders efforts to reduce human rights violations committed by state security forces and private citizens. The PoA further does not specifically address the ever-growing private security sector, which has been implicated from time to time both in violations of human rights and international humanitarian law. Private security and private military companies are often less accountable than state security forces for their action and for the training standards for their employees, including standards for the storage and use of SALW so as to prevent their illegal diversion and/or misuse.

In relation to both international humanitarian law and international law more generally, the PoA includes important general commitments but does not elaborate on the specific meaning or implications of what constitutes the existing responsibilities of states under international law. Indeed, it is very likely that different governments have different understandings of the status and implications of existing international law, and of requirements for assessing the risk of and mitigating potential leakage or diversion, from, for example, official SALW stockpiles that may be used in violation of human rights and/or IHL. This situation leads to inadequate or inconsistent national standards, suspicions of bad faith and obstacles to international co-operation and co-ordination.

### 8.2.3 PRIORITIES FOR THE REVIEW CONFERENCE

It is now widely recognised that the Review Conference needs to sufficiently address the issues of human rights and international humanitarian law. It is important to aim to address such key issues within the UN framework but if progress is not made, it invites efforts to develop multilateral initiatives outside this framework, as was done, for example for the Ottawa Process for anti-personnel landmines.

One key priority for the Review Conference should be for governments to have a serious discussion of both the human rights implications of SALW and how these can be reflected in the Outcome Document and ameliorated through enhanced PoA implementation. Another priority should be the further elaboration of PoA commitments in the context of international law, not only related to sovereignty, self-defence and non-intervention, but also the right to life, liberty and security of the person as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights.

With these factors in mind, Biting the Bullet recommends that the following outcomes be considered at the Review Conference:



1. States should be encouraged to improve controls over the legal trade in SALW so as to prevent diversion of SALW towards end-users and uses that present significant risks of human rights abuse or violation of IHL.
2. States should be encouraged to establish appropriate controls over the legal civilian possession of SALW, including traceability, so as to prevent their use in potential human rights and IHL abuses.
3. States should review their national legislation, policies and practices to ensure that private security companies under their jurisdiction are not sources or misusers of SALW used for violations of human rights and IHL and that their employees not be involved in the same.
4. The international community should develop a robust framework for providing economic and technical assistance so that interested governments can enhance their adoption and implementation of the Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials, including for authorised private security companies.
5. Points 1, 2 and 3 above should taken into account the particular measures required to address the illicit trade in ammunition. Of particular importance here is the safe storage of government ammunition stockpiles and the regular destruction of surplus.
6. States should aim to establish a process within the PoA framework to elaborate and develop a set of principles on the importance of the links between PoA implementation and efforts to promote IHL and humanitarian concerns more generally.

### 8.3 IMPACT ON DEVELOPMENT

The trafficking, proliferation and misuse of SALW contributes to insecurity and armed violence that obstructs and undermines development in rural and urban communities, in developing and industrialised countries. This is the case in regions affected by large-scale or widespread armed conflict and also in relatively stable countries affected by high levels of armed violence and crime.

The impacts on development and poverty of armed violence and insecurity associated with SALW proliferation and misuse come in both direct and indirect forms. The direct impacts of violence can be enormous, in terms of development as well as human costs arising from death and injuries. The combined costs of medical treatment and loss of productive capacity of the dead and injured from armed violence in a country can amount to many US\$ billions. However, the indirect impacts of armed violence and insecurity on development are typically much higher.<sup>4</sup> They arise for example from the displacement of large numbers of people, deterred or disrupted economic investment, including foreign direct investment, reduced income from tourism, disruption of agriculture, constraints on communications and mobility, preventing important economic and trading activity such as taking goods to market.

Armed violence and insecurity tends to obstruct delivery of and access to public goods; undermine health and education programmes, making health and education workers reluctant to work in insecure areas and prevent travel to schools or health centres. The implications of consequent increased levels of ill-health, mortality (of children, women and men), and poor education and training can be enormous for poverty and development. Insecurity or armed violence typically limits or disrupts development and humanitarian aid. Impacts can be great in rural communities that are isolated and vulnerable even in the times of peace. Similarly, development within marginalised urban communities, particularly those with high levels of migration from rural areas, is also problematic in insecure environments, especially when armed youth gangs are on the rise or where demobilised ex-combatants may be settling into a given area without proper assistance in resettlement and reintegration.

<sup>4</sup> See for example the outputs from the series of detailed research studies on the impacts and inter-relationships of armed violence, poverty and development, conducted by CICS, University of Bradford as part of the Armed Violence and Poverty Initiative (AVPI). These can be found at [www.bradford.ac.uk/peace/cics/avpi](http://www.bradford.ac.uk/peace/cics/avpi). See also *Small Arms Survey, Small Arms Survey 2003: Development Denied*, Geneva, Small Arms Survey, 2003.



Further, insecurity and armed violence generally distort patterns of economic and social development, encouraging political economic systems that accommodate or make use of armed violence or conflict, and distribute resources according to coercive power rather than to poverty alleviation and community development. Once established, such systems reinforce and sustain violence and insecurity, and can be hard to transform into forms that contribute to wider development and peace-building.

The interrelationships between SALW related violence and insecurity, poverty and development are complex and context specific. Overall, however, it is clear that poverty alleviation and economic and social development are at severe risk where SALW trafficking, proliferation and misuse is widespread. Moreover, there is also emerging evidence that programmes designed to prevent and reduce SALW trafficking and misuse and enhance controls can significantly contribute directly or indirectly to poverty alleviation and development, including substantial confidence-building and community mobilisation potential. Such programmes come in a wide variety of types, and have so far not been primarily designed to contribute to development. Nevertheless, they have often done so, and there are opportunities to develop SALW programmes in order to enhance this.

With just a decade remaining to achieve the Millennium Development Goals, it is clear to many development practitioners that serious development interventions in conflict and post-conflict zones cannot be successful without simultaneously addressing the proliferation and misuse of SALW. The targeting of development and humanitarian aid workers by individuals armed with illicit SALW and disposed to their misuse, such as those referred to in Section 8.2 on human rights and IHL, also prevents development and relief assistance from reaching those who most in need and from having a long-term sustainable impact.

### 8.3.1 PROGRESS ON SALW IN RELATION TO DEVELOPMENT

Since the 2001 UN Conference there has been increasing recognition of the development impacts and implications of SALW, although some states continue to resist this, preferring to deal with SALW exclusively in an arms control and disarmament framework. In the 1990s the concept of a ‘Security First’ approach to external aid in insecure areas secured substantial support. This approach essentially proposes that an integrated approach is taken towards the design and implementation of external aid to conflict-prone or war-torn countries, in which measures to prevent and reduce armed violence and insecurity are appropriately integrated with development and humanitarian aid. This concept has now matured, and attracts high level support, for example in the address of the UN Secretary General to the World Summit in September 2005.

Within the PoA, the development impacts of the illicit trade in SALW were a strong and recurring theme at the 2003 and 2005 Biennial Meetings of States and the January 2006 Preparatory Committee. In December 2005 the UN General Assembly passed a resolution on the relationship between disarmament and development and a resolution on addressing the negative humanitarian and development impacts of the proliferation of SALW.<sup>5</sup>

It is also worth noting that, since 2001, for example, the UNDP Bureau for Crisis Prevention and Recovery’s (BCPR) Small Arms and Demobilisation Unit (SADU) has become one of the primary providers of economic and technical assistance for DDR and a variety of other programmes designed to build states’ capacity to implement the PoA rather than a specialised disarmament and arms control body, as is the case with other categories of weapons although the United Nations Development Programme (UNDP) began to engage on small arms reduction strategies in the 1990s, beginning with Mali. Between 2001 and 2004, the UNDP supported small arms reduction and/or DDR processes



<sup>5</sup> UN General Assembly Resolution A/RES/60/61, 8 December 2005 and UN General Assembly Draft Resolution A/RES/60/68, 8 December 2005.

regionally in Central America, East Africa, the African Great Lakes, Mano River Union and South Eastern Europe and through national programmes in the Central African Republic, Comoros, Congo-Brazzaville, Democratic Republic of Congo, Ghana, Kenya, Liberia, Niger, Sierra Leone, Solomon Islands, Somalia, Papua New Guinea, Albania, Bosnia-Herzegovina, Bulgaria, Kosovo, FYR Macedonia, Serbia and Montenegro, Argentina, Brazil, Colombia, El Salvador, Haiti and Honduras (5 sub-regions and 27 countries in total). The UNDP was also the primary engine responsible for the innovation of Weapons for Development (WfD) programmes, whereby disarmament was accompanied by the provision of development and attempts to reconstitute social capital. For a more thorough discussion of WfD see Chapter 7.

Several donor governments and bilateral development aid agencies have also become key facilitators for an integrated approach to assisting security and development, and for the provision of financial and technical aid for SALW control, disarmament and reduction. These include for example, Canada, the European Union, Germany, Japan, Sweden, the Netherlands, the UK Department of International Development (reinforced through its consortium arrangement with the Ministry of Defence and the Foreign and Commonwealth Office referred to as the Africa and Global Conflict Prevention Pools) and the USA. These examples demonstrate that many of the key donors involved in the implementation of the PoA acknowledge that their development agencies have an important contribution to make in this work.

Reflecting the need for greater international dialogue on the SALW and development nexus, several meetings have been convened with the purpose of advancing this agenda. Through the Armed Violence and Poverty Initiative (APVI) (involving several bilateral development agencies, the UNDP, developing country development partners and relevant civil society expert and organisations), important progress has been made towards improved understandings and policy initiatives. These are centred around the further development and elaboration of OECD DAC guidelines to appropriately integrate armed violence concerns and programmes into development policies and programmes, including National Development Frameworks, Poverty Reduction Strategy Papers, and donor country assistance strategies. In April 2006 there was an influential UK Wilton Park conference of the Armed Violence and Poverty Initiative (AVPI)<sup>6</sup> to follow up on a 2003 meeting convened by the UK Government to promote the integration of small arms controls and related interventions into mainstream development programming.<sup>7</sup> It is important to note that this process focuses on the issue of 'armed violence', rather than SALW per se, to clarify the significance and approach to the development community. It does, however, maintain a strong focus on SALW trafficking, proliferation and misuse.

Most SALW and development policy processes are not focussed around the PoA and the outcomes of the 2006 Review Conference. Nevertheless, it is widely recognised that the PoA provides a key political framework. Thus many governments and other stakeholders have stated strongly that they want the 2006 Review Conference Outcome Document to address this issue directly. To contribute to this process, for example, in March 2006 the Government of Norway hosted an expert seminar on integrating development considerations into the PoA and the overall Review Conference agenda.<sup>8</sup>

On 7 June, as part of the lead up to the 2006 Review Conference, the UNDP and Switzerland will host a high-level meeting on Armed Violence and Development with the intention of drafting a Geneva Declaration on Armed Violence. It is hoped that these and other related processes and consultations will result in a consolidation of recommendations, to be included in the Outcome Document of the Review Conference.

<sup>6</sup> Chair's summary – key conclusions from Wilton Park Workshop 'Securing development: reducing arms availability and armed violence', DFID, UNDP and Wilton Park, May 2006.

<sup>7</sup> *Tackling Poverty by Reducing Armed Violence: Recommendations from a Wilton Park Conference*, 14-16 April 2003.

<sup>8</sup> Recommendations from Expert Seminar on Integrating Development into the UN Programme of Action Process, Royal Ministry of Foreign Affairs of Norway, and PRIO, Oslo, April 2006

Throughout this process, civil society groups and experts have played an active role in raising awareness, advancing research and knowledge, and contributing to policy initiatives on the inter-relationships between trafficking, proliferation and misuse of SALW and development.

At the regional and sub-regional levels progress has been made in integrating development considerations into several agreements. The Andean Action Plan (also known as Decision 552 of the Andean Community of Nations) seeks “to ensure that all programs to prevent, combat and eradicate illicit trade in small arms and light weapons be complemented by wide-ranging development programs so as to reduce local demand for these arms and weapons”. In Sub-Saharan Africa, ECOWAS, SADC and Nairobi Protocol countries have all emphasized the inter-linkage between action on SALW and development. Uganda and Ghana, for example, are countries that have taken this further to include SALW issues in their Poverty Reduction Strategies.

One of the most important advances with regard to the SALW and development nexus was the 2005 OECD Development Assistance Committee’s (DAC) decision to include “support for controlling, preventing and reducing the proliferation of SALW in those activities which qualify as development spending internationally”. This means that, where appropriate, international aid for SALW reduction and DDR can be counted as overseas development aid, and thus be legitimate budget lines in development agencies that are limited to such aid. This will be in addition to resources to support such programmes that will also continue to come from non-ODA sources, such as foreign and defence ministries of donor governments. There are still some concerns amongst some traditional development practitioners about the risks of diverting resources from conventional development programming, which need to be seriously engaged with. However, these must be counterbalanced by the vast development aid resources whose impacts have been negated or reduced by the impacts of SALW-related armed violence and insecurity. Evidence now indicates that the notion of ‘diversion’ is an inappropriate framework for debate in this context: development programmes that do not appropriately engage with armed violence reduction and prevention are less effective, and vice versa. The issue is not one of diversion, but rather one of developing aid and co-operation policies and programmes in which armed violence and development issues are appropriately integrated with other aspects of development and humanitarian aid.

### 8.3.2 WEAKNESSES IN THE POA

Although the links between illicit SALW proliferation and development are widely recognised in principle, and embraced by a growing critical mass of actors in the international development community, appropriate integration of programmes and measures between these areas is often obstructed in practice, not least by institutional and sometimes legal barriers at the national, regional and international levels. For example, many development aid agencies remain reluctant to properly engage with efforts to prevent and reduce armed violence or control SALW, and SALW issues remain neglected in many countries’ Poverty Reduction Strategies. Strong normative statements to encourage and endorse effective and appropriate linkage or integration at the Review Conference will provide important support for those working to overcome such obstacles.

The PoA text recognises the negative impact of the illicit manufacture, transfer and circulation of SALW on poverty and development and calls upon states to explore ways to address these issues more effectively. However, given the limitations of current knowledge and lack of clearly-articulated best practice on how to go about this, the integration of developmental concerns into PoA implementation mechanisms is fragmented and in its infancy. There is a clear need for increased action-oriented research on the impact of SALW on economic and social development, and the development of evidence-based strategies to combat these problems. Some efforts in this regard have taken place such as the UK-sponsored Armed Violence and Poverty Initiative research project in co-ordination with the Centre for

International Co-operation and Security at the University of Bradford. Unfortunately, most official delegations to the PoA process and national commissions responsible for implementing the PoA consist of actors from the foreign affairs, defence and civilian security sectors and do not include institutions from the development sector. This is another factor that prevents development considerations from being embraced more systematically.

### 8.3.3 PRIORITIES FOR THE REVIEW CONFERENCE

In some contrast to human rights and IHL, the international community appears to have made good progress in building a consensus around the importance of developing integrated approaches in policies and programmes that properly recognise linkages between SALW proliferation, armed violence and development concerns. An important minority of governments have already begun to integrate SALW programming into their broader development strategies, either as donors or recipients. However, this has not translated into a genuine discussion of the development considerations of SALW proliferation and misuse in the official proceedings related to the PoA in general and the Review Conference in particular. Biting the Bullet therefore believes that the governments participating in the 2006 Review Conference should consider including statements in the Outcome Document that:

- Emphasise the importance of the inter-relationships between the PoA, development, poverty reduction and humanitarian aid
- Emphasise that such relationships are important not only in the context of large-scale armed conflict or post-conflict contexts, but also in relation to armed crime and social violence involving SALW
- Call for appropriate and effective integration of international, regional and national measures to control SALW, reduce armed violence, promote development, alleviate poverty, and address humanitarian needs
- Further welcome and encourage the growing engagement of the development and humanitarian aid institutions and agencies, including UN agencies, in programmes and activities that contribute to PoA implementation, including OECD DAC decisions that many efforts to support implementation of the PoA may qualify as development aid
- Call for national SALW action plans or other SALW reduction and control initiatives to be appropriately integrated into national development frameworks and poverty reduction strategies and include officials from development agencies and ministries in national commissions and co-ordinating bodies
- Support the development of a robust international mechanism for co-ordinating and facilitating financial and technical assistance for SALW affected countries

Within these and other important points, perhaps the highest priority for inclusion in the Outcome Document in this context is clear statement of the following two linked points:

- States should be encouraged to appropriately integrate policies and programmes to address SALW associated issues of armed violence and insecurity into their national development frameworks and strategies, and where appropriate into their Poverty Reduction Strategy Papers.
- States, international and regional organisations and other aid organisations, including development aid agencies and the international financial institutions, should take steps to ensure that they have the policies, programmes and capacities required to support and co-operate in the implementation of such national development frameworks and strategies, which integrate tackling SALW proliferation and armed violence into development frameworks.

## 8.4 IMPLICATIONS FOR GOVERNANCE AND SECURITY

High levels of armed violence and illicit SALW proliferation in both conflict-affected and non-conflict societies are often signs of a weak or unaccountable security sector. In countries where the government cannot provide security for the population, recourse to SALW is often widespread, and in some cases epidemic. Unprofessional, inefficient, factional and unaccountable security institutions threaten human and national security and the achievement of sustainable development and consequently pose a major obstacle to disarmament and arms control efforts. In these cases, violence can become a way of life and a means of making a living. The widespread availability of SALW also provides a market for arms trafficking, facilitates corruption and prevents the security and governance sectors from functioning effectively.

Security sector reform (SSR) can also be of central importance for stability and the prevention of armed violence. In many countries, the security sector is as much a threat to human security as other armed political and criminal actors. Civilian oversight and accountability is needed to ensure that civil-military relations are conducive to democratic politics and that human security is promoted as well as national security. This can be difficult to achieve where there are complex technical issues at stake, vested interests, and cultures of secrecy. Approaches in this area often take the form of building the capacity and expertise of a variety of state institutions, including governments, legislatures, judicial institutions, ombudsmen and complaints bodies.

An additional problem of a weak security sector is that it often leads to the tendency to privatise security. Private security companies, when authorised by the state, increase demand for legal SALW, but can also increase the supply of the illicit market if stockpile management is weak or there is internal corruption. Poorly trained private security guards can also be responsible for SALW misuse and in some cases have been implicated in criminal activity and human rights violations. While these problems are in many ways no different than those involving police or other government security institutions they are, in theory at least, accountable to government authorities, parliaments and the citizenry. In practice, however, private security companies are accountable to their owners. While in some countries private security authorities must be registered with the government and subject to state regulation, this becomes difficult to achieve, as most of these companies' owners are former security officials themselves. If these individuals previously held high ranks it is difficult for government authorities to impose regulations on them, even when they are no longer in service. Internationally, control over private security stockpile management is weak, particularly in the practical application of policy.

In post-conflict situations, action on SALW is crucial to supporting governance and building security. This is recognised in the PoA, particularly through its commitments on the demobilisation, disarmament and reintegration (DDR) of ex-combatants. DDR of these people into peacetime economic and social life is essential for restoring security. DDR programmes are complex, and include political negotiations, humanitarian relief, the technical aspects of weapon disposal and socio-economic interventions to provide livelihoods, training and skills. Such programmes are an important aspect of security sector reform during transitions to peace, but there is a need for better integration with long-term governance and peacebuilding, such as security sector reform processes.

### 8.4.1 PROGRESS ON SALW IN RELATION TO SECURITY AND GOVERNANCE

Some security sector reform efforts have been directly relevant to implementing PoA commitments. For example, innovative community policing efforts in Kenya, Malawi and elsewhere have incorporated aspects of small arms control into their work. The UNDP's initial efforts to support Weapons for Development programmes in Albania have developed into a broader partnership with the national government on SSR. Much of the important work co-ordinated the South Eastern Europe Clearing

House for the Control of Small Arms and Light Weapons (SEESAC) is linked to broader security sector initiatives dealing with information management and small arms control. The UNDP's multi-year intervention in Honduras, Central America, falls under a framework of justice and security sector reform and small arms control by improving the national firearms registration system, integrating data on armed violence collected by the police, health sector and judiciary, improving infrastructure for youth gang member rehabilitation and supporting the efforts of the police to develop a response line for victims of gender-based violence.

The 2003 OSCE Handbook of Best Practices on SALW provides (among many other related issues) guidance on how to manage weapons issues in the context of DDR processes and has been made available in all OSCE languages. A 2004 practical guide on DDR developed by the German Development Co-operation Ministry (GTZ), the Norwegian International Defence Centre, the Swedish National Defence College and the Lester B. Pearson Peacekeeping Centre in Canada makes strong links between good governance and SSR and how DDR processes are equally as important as confidence-building measures for sustaining peace as they are in reducing SALW proliferation.

As far back as 2001, the UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean (UN-LiREC) in collaboration with the Organisation of American States (OAS) began developing curricula for training police, intelligence and customs officials in Latin American and the Caribbean in collaboration for implementation of the PoA. UN-LiREC also joined forces with a Swedish initiative to create a Parliamentary Forum on Small Arms and Light Weapons in order to further the objectives of the PoA by strengthening the capacity of parliamentarians to legislate on SALW issues as well as providing proper oversight of national governments in their implementation.<sup>9</sup>

#### 8.4.2 WEAKNESSES AND GAPS IN POA

On a broader international scale, most of the PoA implementation directly involving the security sector has focused on the more technical hardware aspects of SALW control such as transfer controls, destruction of surplus, stockpile management and marking and tracing. In most regions, even this has not been sufficiently routine. Less attention has been paid to training and standardisation on SALW and the use of force by state security forces, for example, as related to the Basic Principles on Firearms and the Use of Force and the UN Code of Conduct for Law Enforcement Officials.

In addition, the PoA does not explicitly address a number of important issues related to private security companies, including transfer controls, standards to prevent diversion and misuse and stockpile management. The exponential growth in this sector – which in some countries now outnumbers state police – means it cannot be ignored in the context of comprehensive PoA implementation. The PoA text does not directly make reference to SSR, which can be essential to making sure that DDR processes lead to security and governance in post-conflict societies.

#### 8.4.3 PRIORITIES FOR THE REVIEW CONFERENCE

An effective and robust security sector and good governance are vital to comprehensive implementation of the PoA. This also requires established security actors to embrace new practices oriented towards human security and develop fresh relationships with actors from civil society, including traditionally marginalised groups such as women, youth and ethnic minorities. SALW control is most effective when integrated with other measures designed to improve security and reduce armed violence. Biting the

<sup>9</sup> See <http://www.parliamentaryforum.org>



Bullet therefore believes that in the Review Conference governments need to:

- Encourage the appropriate co-ordination or integration of DDR, SALW control and reduction measures, and SSR programmes, including to measures that help to prevent illicit trafficking and misuse by security forces
- Call for the promotion of programmes and measures that will help to reduce demand in society for SALW, including those which focus on human security from violence, rule of law and access to justice, good governance, appropriate capacity building and reform of police, judiciary and armed forces, and other parts of the security sector, regulation of private security companies; and appropriate use of SALW by state officials.
- Encourage and support programmes to prevent and reduce urban and rural violence and insecurity.
- Ensure that focused attention is devoted to groups specifically affected by SALW violence including young men, boys, girls and women.
- Guarantee that youth and gender issues are fully taken into account in efforts to promote peace, security, development and good governance.

## 8.5 ISSUES AND PRIORITIES FOR THE 2006 REVIEW CONFERENCE

This third edition of the 'Red Book' is the first to take a more detailed approach to analysing areas neglected by the PoA, particularly those related to reducing the global, regional and local demand that exists in much of the world for illicit SALW. This analysis does not lend itself to the same type of monitoring and assessment of SALW issues covered in the preceding chapters. However, it does allow for an initial overview of the state of global processes in the areas of human rights and international humanitarian law, development and security and governance with a focus on how PoA implementation has addressed these areas, if at all, and what the implications are of these findings for the 2006 Review Conference and the future of the PoA.

The problem of illicit SALW proliferation and misuse will not be effectively dealt with unless, in addition to traditional disarmament and arms controls, measures designed to restrict supply are accompanied by complementary measures to reduce demand and ameliorate the consequences of misuse. Broadly speaking, Biting the Bullet supports the initiatives and actions proposed at the Wilton Park Conference of the Armed Violence and Poverty Initiative and the Geneva Summit on Armed Violence, which pledged to look particularly at potential models of providing assistance to survivors of armed violence and establishing targets for armed violence reduction along the lines of the Millennium Development and Security Goals.

In conclusion, the primary recommendations made by Biting the Bullet on the issues covered in this chapter are:

### **In relation to human rights and international humanitarian law**

- States should be encouraged to improve controls over the legal trade in SALW so as to prevent diversion of SALW towards potential human rights abusers.
- States should be encouraged to establish appropriate controls over the legal civilian possession of SALW, including traceability, so as to prevent their use in potential human rights abuses.
- States should review their national legislation, policies and practices to ensure that private security companies under their jurisdiction are not sources of illicit SALW used for violations of human rights and IHL and that their employees not be involved in the same.
- The international community should develop a robust framework for providing economic and technical assistance so that interested governments can enhance their adoption of the Basic



Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials, including for authorised private security companies.

- Points 1, 2 and 3 above should take into account the particular measures required to address the illicit trade in ammunition. Of particular importance here is the safe storage of government ammunition stockpiles and the regular destruction of surplus.
- The Review Conference itself, under the leadership of its President, should elaborate and develop a set of principles on the importance of the links between PoA implementation and more general efforts to promote IHL and humanitarian concerns.

#### **In relation to development and poverty reduction**

- Emphasise the importance of the inter-relationships between the PoA, development, poverty reduction and humanitarian aid
- In relation to the previous point, emphasise that such relationships are important not only in the context of large-scale armed conflict or post-conflict situations, but also in relation to armed crime and social violence involving SALW
- Call for appropriate and effective integration of international, regional and national measures to control SALW, reduce armed violence, promote development, alleviate poverty, and address humanitarian needs
- Further welcome and encourage the growing engagement of the development and humanitarian aid institutions and agencies, including UN agencies, in programmes and activities that contribute to PoA implementation; including OECD DAC decisions that many efforts to support implementation of the PoA may qualify as development aid
- Call for national SALW action plans or other SALW reduction and control initiatives to be integrated into national poverty reduction frameworks and include officials from development agencies and ministries in national commissions and co-ordinating bodies
- Support the development of a robust international mechanism for co-ordinating and facilitating financial and technical assistance for SALW affected countries

#### **In relation to security and governance**

- Encourage the integration of DDR and other SALW reduction measures into broader SSR programmes, giving equal priority to measures that prevent illicit trafficking and misuse by security forces
- Call for the promotion of programmes and measures that will help to reduce demand in society for SALW, including programmes that focus on human security from violence; rule of law and access to justice; good governance; appropriate capacity building and reform of police, judiciary, armed forces and other parts of the security sector; regulation of private security companies; and appropriate use of SALW by state officials
- Encourage and support programmes to prevent and reduce urban and rural violence and insecurity.
- Ensure that focused attention is devoted to groups specifically affected by SALW violence including young men, boys, girls and women
- Guarantee that youth and gender issues are fully taken into account in efforts to promote peace, security, development and good governance

# 9: PROGRESS TOWARDS INTERNATIONAL CO-OPERATION AND ASSISTANCE ON SALW

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## 9.1 INTRODUCTION

International co-operation and assistance are essential elements of efforts to implement the PoA, and commitments to co-operate and to provide such assistance form a key part of Section III. Co-operation at the regional and sub-regional levels was a feature of much action on SALW prior to July 2001, and has continued to develop and expand since then (see Chapter 3). Similarly, both before and after 2001, a number of donors have provided important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. Support and co-operation has developed substantially in a range of areas, including policy development and co-ordination as well as at the operational and implementation levels. The key challenge now for the UN small arms process is to enhance the scale and effectiveness of such international co-operation and assistance.

Section III of the PoA is dedicated to outlining states' commitments towards international co-operation and assistance for action on SALW. This further ties together all other sections of the PoA and the norms that are contained in it. Some 18 paragraphs of this section specify undertakings to take measures including:

- Providing assistance, on request, with the implementation of the PoA
- Co-operation at the sub-regional, regional and international levels to achieve the aims and implement the measures of the PoA
- Development and strengthening of partnerships to share resources and information, and co-operation in implementing the PoA, including partnerships within governments, between states, regional and international organisations and with civil society groups
- Regional and international programmes for specialist training on stockpile management and security
- Establishing co-operation in tracing illicit SALW
- Supporting DDR and addressing development in post-conflict situations
- Exchanging information, on a voluntary basis, on relevant issues and practices, including systems for marking and developments relating to national controls, collection and destruction of SALW

This chapter does not examine the success and failure of all assistance and co-operation projects and programmes. The scope and range of projects and programmes supported and their varying contexts and aims militate against such a comprehensive and detailed assessment. Detailed evaluations of at least some SALW co-operation programmes have been conducted, some of which are available, which we have drawn upon as appropriate. However, there is insufficient information available to conduct such an 'across-the-board' assessment. A significant proportion of SALW programmes supported by international assistance have not been reviewed or evaluated in detail. Where evaluations exist, many of these donor programmes lack effective mechanisms for evaluating outcomes (rather than outputs) of SALW-related or other projects. The focus of this chapter is, rather, the practices of co-operation and assistance as well as identifiable trends and opportunities for improvement.

Overall, it appears that there have been some significant developments and changes in international co-operation and assistance relating to SALW since 2001. But some of these are still at an early stage. The community of possible donors, and the scale of available resources, has grown. Policies and practices of relevant multilateral and bilateral aid agencies donor practice has evolved in useful ways. Assistance is slowly beginning to move away from typical models of Northern patrons

assisting developing and transitional states - towards a stronger web of co-operative assistance relationships at all levels. While this is in its infancy, these first steps are encouraging. The range of projects on SALW that have benefited from co-operation and assistance has also broadened, and regional frameworks for supporting such action have developed. This is further reinforced by strengthened co-operation and capacity at regional levels.

However, the current scale, scope, and foci of SALW action are still insufficient to meet manifest needs. While there are encouraging signs of increased integration of SALW action with development programming and security sector reform, such integration is still limited. Information exchange and co-operation frameworks have not matured as well as they could have in the five years since the PoA was agreed. As a result, states have not been able to realise their commitment to ensure co-ordination, complementarity and synergy in their actions on SALW. The Review Conference therefore needs to tackle a number of issues and priorities in order to strengthen international co-operation and assistance and make it more effective.

This chapter assesses assistance and co-operation in relation to the following questions of importance for the Review Conference:

- How has the donor community, its practice and capacity changed since 2001?
- What have been the priority areas for and neglected dimensions of SALW-related co-operation and assistance?
- To what extent have SALW issues been integrated into wider programmes of international co-operation and assistance?
- Have mechanisms for information exchange and transparency matured?
- Have international co-operation and partnerships with civil society developed?
- Have these developments enhanced the capacity of the international community to tackle SALW?
- What are the priorities for the Review Conference?

## 9.2 DONORS AND ASSISTANCE PROGRAMMES ON SALW

The donor base for assistance to SALW programmes has undergone some significant changes since 2001. The ranks of donors and assistance agencies, and the resources available for SALW-related programmes have grown. A number of new donors have entered the field. The character of international assistance programmes appears gradually to be moving away from relatively inflexible and project-based donor aid to more flexible and sustained co-operation with greater scope for genuine partnerships, including south-south as well as north-south. While such emerging patterns are only in the early stages of becoming a feature of international assistance, these first steps are encouraging. Further, regional and international institutions have become increasingly involved in raising, providing, channelling and co-ordinating assistance.

Relationships of assistance and co-operation on SALW issues have therefore developed at all levels. There are also some indications that support for SALW action is beginning to be incorporated into broader development and governance programmes. The overall amounts of assistance being provided appear to have increased significantly. However, many of these developments are in their infancy and the scale and scope of assistance programmes remain inadequate to the task of supporting the full implementation of the PoA.

Donor governments and agencies have provided substantial quantities of support for SALW programmes on a bilateral basis. This includes supporting recipient governments and civil society organisations and providing funding or technical support to specific programmes. In addition, many states provide non-project specific funding to multilateral and regional institutions such as UNDP, which is then channelled into projects related to SALW.

### 9.2.1 BILATERAL ASSISTANCE

There is a small but growing base of bilateral agencies and donors providing financial and/or technical assistance to programmes on SALW. At least 26 states have provided some form of financial or technical assistance to action on SALW in other states since 2001. These include: Australia, Austria, Belgium, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, Switzerland, UK, and the USA. Many more have participated in international processes on SALW issues and provided mutual legal assistance to other states in relevant frameworks.

While it is impossible at present to produce a reliable and precise estimate of the total value of international assistance provided (the information is not available or collated), a preliminary analysis of the main bilateral donors' levels of support (see Box overleaf) indicates that approximately US\$200 – 250million worth of assistance has probably been provided to SALW-related projects over a five year period. Much of this amount consists of resources provided for post-conflict DDR programmes, which are important and relevant, but disarmament-related action within them generally accounts for a small proportion of total funding. The range of other types of SALW programmes probably amounts to between 15 – 25% this total, including civilian weapons collection, stockpile management and security, SALW destruction, legal reform, border controls, training, research, conferences and meetings, public awareness campaigns, and support for the development national action plans).

Thus such assistance has grown to a substantial scale. However, it remains an order of magnitude less than aid for landmine actions, and is probably only a fraction of what would be needed to meet legitimate and urgent needs in developing and transitional countries. It represents a small fraction of the money spent by the international community on post-conflict reconstruction or combating violent crime, and is incomparable to the terrible costs of small arms misuse during that period.

The amount of support provided by each donor varies enormously, and the majority of aid for SALW-related programmes comes from only small number of donors. Most of the 26 donor countries listed above have provided only quite modest support in resource terms, and in a limited number of areas – both thematically and geographically. Fewer than half of these donors have provided the equivalent of US\$1million per year or more for SALW related or DDR programmes, and there are very few large donors (that have provided sums in excess of the equivalent of several million US dollars per year). Those few medium and large donors that have tended to provide the equivalent of US\$1million or more include only Australia, Canada, Denmark, Germany, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, the UK and the USA.

According to information available to Biting the Bullet and in national reports to the UN DDA, smaller donors include Austria, Belgium, China, Czech Republic, Finland, France, Greece, Ireland, Italy, Lithuania, Luxembourg, Poland, South Africa and Spain. Smaller donors' support tends to be targeted at particular activities or regions. For instance, France has provided financial support to SALW work in West Africa by the UN Regional Centre in Lomé, the UNDP's Programme of Assistance and Coordination for Security and Development (PCASED) and ECOWAS' Small Arms Control Program (ECOSAP). Several of these donors, however, also provide more general financial contributions to regional and international organisations such as the EU and the UNDP, which may then be used in SALW projects (see section 9.2.3). In many cases, however, such assistance has been quite limited, with support provided to only one or two specific projects. For instance, like many other small donors, China has participated in numerous processes and has hosted a regional workshop, but its financial support has been relatively small, totalling just US\$31,800.

## The core SALW donor base: major and medium bilateral donors and their practices (in alphabetical order)

N.B. For the purposes of this illustration, a major or medium bilateral donor is one whose financial assistance appears, according to our information, to have amounted to an average of the equivalent to US\$1million per year or more over the five-year period. Other donors may be on the borderline of this level. Still others may have provided similarly important assistance that has taken a technical form (for which no values have not been estimated), or have provided insufficient data in their national reports upon which to base an estimate.

### Australia

Australia is a substantial donor of assistance relating to SALW, particularly within the Pacific region and South East Asia. It has closely co-ordinated with New Zealand on support to the Pacific region and has contributed substantially to efforts to implement the PoA in those regions. In recent years, it has provided support in relation to: the development of law and regulations; weapons collection and destruction; DDR; stockpile management; capacity-building; public awareness campaigns; policy research and trans-border co-operation to prevent or combat illicit trafficking. The main area of support has been in SALW stockpile management and security. Half of all Pacific Island states have received some assistance from either, or both, Australia and New Zealand. For example, Australia has provided seven new armouries in Papua New Guinea, costing US\$2.3 million in 2002 and 2003. It also built armouries in Fiji and, in co-operation with New Zealand, upgraded armouries both in the Solomon Islands and Vanuatu and built armouries in Samoa. In addition, the Australian Defence Force has provided expert assistance to military and police in Papua New Guinea to destroy surplus small arms and crime guns and, through the Regional Assistance Mission to the Solomon Islands, has supported weapons collection and destruction. Australia has provided support to civil society, for example, research by the Small Arms Survey.

### Canada

Canada is a significant donor, providing particular support to destruction programmes, civil society action, national strategies, awareness-raising, and technical and financial assistance to issues such as stockpile security and destruction of surplus arms. Canada directly supports small arms work through Foreign Affairs Canada, the Canadian International Development Agency and indirectly through the International Development Research Centre (IDRC). Also, the Royal Canadian Mounted Police has provided technical support for weapons destruction and stockpile improvements in several South American countries in collaboration with UNLiREC.

For example, Canada has acted as the lead nation for a NATO Partnership for Peace (PfP) Trust Fund Project to destroy 11,650 tonnes of surplus stocks of SALW ammunition, munitions and explosives in Albania. Likewise, it has supported OSCE destruction projects such as ammunition disposal in Moldova. Canada has also provided support to the NATO South East Europe Initiative (SEEI) Trust Fund Project to destroy SALW in Serbia and Montenegro in 2003 and has provided copies of the Firearms Registry Software to UNLiREC that will serve to register stockpiled or destroyed firearms under the 2003 Lima Challenge. Canada has provided and supported expert training on issues such as SALW for DDR practitioners. It has co-funded a 'train-the-trainers' course for police officers from throughout Latin America in the Costa Rica campus of United Nations University (UPEACE), aimed at increasing technical knowledge on SALW. It is expected that some 800 law enforcement officers will receive this training.

Canada has been a major donor to civil society organisations including Project Ploughshares, Instituto de Enseñanza para el Desarrollo Sostenible in Guatemala, Biting the Bullet, the Centre for Humanitarian Dialogue, the Small Arms Survey, Gun Free South Africa and the Centre for Conflict Resolution (South

Africa), International Physicians for the Prevention of Nuclear War (IPPNW), Physicians for Global Survival Canada, the Quaker United Nations Office, and the Geneva Process.

#### **Denmark**

The Danish government has provided approximately US\$7.5million in financial assistance since 2001.<sup>1</sup> This has been provided to DDR projects in a range of countries. The largest amount is US\$3.3million, given in support of DDR in Liberia through the UNDP Trust Fund from 2004 to 2006.

#### **Germany**

Germany has been a significant donor on a range of projects in several regions. It has provided financial and technical assistance to a range of projects including DDR, weapons and ammunition destruction, stockpile management, marking and tracing and awareness-raising. Germany has contributed funds to various projects including DDR and disposal project, both directly and through World Bank trust funds. It has also provided support to arrange of civil society organisations activities on SALW. It has supported the OSCE destruction project in Georgia, the NATO Partnership for Peace destruction in Ukraine and SEESAC destruction in Albania. It has provided financial and technical support to seminars and workshops on border security, marking, and stockpile management. In 2004 the German Technical Cooperation Corporation (GTZ) produced a practical field and classroom guide to DDR, which includes issues and problems which may arise in weapons collection projects. GTZ also provides various forms of technical assistance including: personnel to assist in the training of local specialists; safety equipment; cutting equipment, organisational support and electronic equipment for documentation.

#### **Japan**

Japan has been a donor to SALW activities since 2001 but, in the last few years, has particularly increased its assistance to practical projects. It supported a range of workshops, particularly in the immediate post-conference period and has, in addition, contributed financially to UNDP's SALW work, for instance providing US\$1.03 million to the UNDP SALW program in Kosovo in April 2003. It has also provided US\$3.35 million to UN DDA and the United Nations Institute for Disarmament Research (UNIDIR) for SALW-related work. A considerable amount of Japanese assistance has been targeted towards project support for particular disarmament and weapons management efforts in post-conflict situations. In this regard, the most substantial assistance in financial terms has been the Japanese support for the New Beginnings Programme in Afghanistan (the implementing programme for DDR). Japan pledged US\$35million as lead donor for this UNDP project. Japan's most comprehensive assistance, however, has been that provided to Cambodia. In 2003 the Japanese government undertook a significant expansion of its SALW-related assistance in Cambodia, aimed at complementing and reinforcing the EU's EU-ASAC programme in the country. Thus, in April 2003 the Japan Assistance Team for Small Arms Management in Cambodia (JSAC) was formed and began its multifaceted work, reportedly amounting to US\$3.7 million in aid. In addition, the Japanese government has provided technical assistance in police investigation techniques in Asia, and Central and Latin America.

#### **Netherlands**

The Netherlands established the 'Stability Fund', from which it can finance SALW projects up to an annual level of €3million (initially this was set at €2.27million but was then increased). This assistance has been provided to regional programmes such as the UNDP SEESAC, UNLiREC, the Nairobi Secretariat and others. The Netherlands contributes to the UNDP Small Arms Trust Fund with both earmarked and un-earmarked funds. In 2004 and 2005 it supported destruction projects in Afghanistan,

<sup>1</sup> Estimate based on figures in 2005 National Report.



Cambodia (through EU-ASAC), Ukraine, and Bosnia and Herzegovina. It has supported several DDR programmes and provides financial assistance to Civil Society projects, including the Small Arms Survey, *Biting the Bullet*, the Institute for Security Studies (South Africa), *Viva Rio* (Brazil). It has supported the Nairobi Secretariat, and has supported export control assistance for Ukraine and Slovakia.

#### **New Zealand**

New Zealand is a significant provider of assistance, particularly within the Pacific region. A major focus of this support has been stockpile management and security. It has worked with Australia to upgrade armouries in the Solomon Islands and in Vanuatu and to build armouries in Samoa. It has also supported the building of armouries in the Cook Islands and Tonga. The New Zealand Defence Force (NZDF) offers Pacific countries' defence and police forces assistance to improve armoury security and the storage, maintenance and management of their weapons through the Mutual Assistance Programme (MAP). Further, it has been a significant part of the Regional Assistance Mission to the Solomon Islands (RAMSI), which was deployed in July 2003 and has destroyed over 3,700 weapons. In addition, New Zealand hosted an International Firearms Safety Seminar in February 2006 and is currently assisting with the establishment of a permanent base of operations for the Oceania Customs Organisation in Suva. New Zealand has also supported civil society organisations, particularly through attending meetings and funding research.

#### **Norway**

Norway has provided approximately US\$1.5million to US\$2million per year in assistance to numerous SALW projects. This has included bilateral support to destruction programmes, assistance to civil society projects on SALW (including in particular the Norwegian Initiative on Small Arms Transfers (NISAT) and the Small Arms Survey), funding for UNDP Trust Funds, and OSCE and NATO PfP funds for SALW projects. The largest of these have been bilateral agreements with South Africa on the destruction of surplus and confiscated weapons and ammunition held by the South African Defence Force and by the South African Police Service. It has also supported numerous other projects.

#### **Sweden**

Sweden has provided over US\$50million in assistance to projects that have involved some aspect of work on SALW since 2001,<sup>2</sup> primarily through the Swedish International Development Co-operation Agency (SIDA). Most of this has been in support of DDR programmes and has not necessarily been for the specific SALW projects therein. Nevertheless, this is significant donor assistance that has been channelled to numerous places including Albania, Cambodia, Colombia, Guinea-Bissau, SADC, Sierra Leone and Sudan. The Swedish government also sponsored the Stockholm Initiative on DDR. Assistance has been provided to governments, the World Bank, UNDP, UN Regional Centres, research organisations, civil society groups, humanitarian organisations and others. In addition to DDR programmes, this support has contributed to awareness-raising, action-oriented research, the development of legislation and consensus building projects.

#### **Switzerland**

Switzerland has provided important financial assistance to a range of projects. In 2004 and 2005 this has averaged around US\$2million per year.<sup>3</sup> Much of this has been to research projects of civil society organisations such as the Small Arms Survey, Centre for Humanitarian Dialogue, Institute for Security Studies (South Africa), and *Viva Rio* (Brazil) and to international meetings processes such as the Geneva Forum and the *Biting the Bullet* Consultative Group Process. In addition, the Swiss Agency for

<sup>2</sup> Estimate based on Annex to 2005 National Report *Overview* of projects related to SALW 2001 – 2005.

<sup>3</sup> Estimate based on figures in 2005 National Report.



Development and Co-operation (SDC) has supported a range of projects with financial aid, such as the 100,000CHF that it donated to the UNDP DDR trust fund for Liberia, among others. Switzerland has also supported SEESAC activities in 2002 and 2003. It has provided technical assistance on stockpile management in the framework of the OSCE.

### **The United Kingdom**

The UK has provided major levels of support to a range of SALW-related projects. This has largely been conducted through the Joint Global Conflict Prevention Pool (GCPP) mechanism of the UK Foreign and Commonwealth Office, the Department of International Development (DFID) and the Ministry of Defence, which has led to a more co-ordinated approach to assisting SALW projects and programmes than would otherwise have been the case. The United Kingdom pledged £19.5million for SALW projects through this mechanism from 2001 – 2004 and £13.25million for the Small Arms Strategy of the GCPP from 2004 – 2007. This was provided to UN agencies, regional organisations, governments and NGOs to implement the PoA.

Assistance has been provided across most of the thematic issues covered by the PoA, to bodies including UNDP, UNLiREC, SEESAC, the Nairobi Secretariat, ECOWAS, OSCE, SADC and numerous countries in Central and Eastern Europe. The UK has supported national action plans and SALW commissions in Ecuador, Kenya, Tanzania and Uganda as well as work towards the development of a co-ordinated response to the SALW problem in Sri Lanka, and has provided crucial support to numerous civil society groups, including IANSA, The Small Arms Survey, Geneva Forum, SaferAfrica, and Biting the Bullet. It has funded and provided technical support to a large number of destruction programmes. For example, it has been lead donor of a destruction project in Bosnia and Herzegovina, contributing over £500,000 for destroying a target of 250,000 small arms and 10,000 tonnes of ammunition. Similarly, it has been a lead donor in an OSCE project on stockpile management, destruction and recordkeeping in Belarus and contributes to ammunition destruction in Albania, and the destruction of SALW, ammunition and surface-to-air missiles in Ukraine by NATO.

The UK has a separate and substantial Export Control Outreach Programme, which has held detailed bilateral discussions with seven developing or transitional SALW exporting states since 2003. The UK has also, for example, supported the Transfer Control Initiative and a range of associated regional meetings, as well as other regional SALW meetings and workshops.

### **The USA**

The USA is a major donor in a wide range of areas of PoA commitments, including, in particular, DDR, destruction programmes, stockpile management and security, export control assistance and a range of other law enforcement, training, tracing and related technical assistance.

Different agencies of the US government provide support to different types of programmes. For instance, the US Agency for International Development (USAID) primarily offers assistance in the reintegration aspect of DDR. The US has provided support for such post-conflict projects in Colombia (child soldiers), East Timor, Kosovo, the Philippines and Sierra Leone, among other countries.

The State Department's Office of Weapons Removal and Abatement has provided technical and financial assistance in destruction programmes in over 23 countries. The budget for these activities has substantially increased over the last three years, with US\$3million per year from 2001 to 2004, increasing substantially to US\$7million in 2005 and US\$8.75million in 2006. Thus far, these programmes have destroyed over 800,000 small arms and light weapons, 80 million rounds of ammunition, and destroyed or disabled over 17,000 Man Portable Air Defence Systems (MANPADS), with a commitment for an additional 7,000.

The Department of State and the Department of Defense's Defense Threat Reduction Agency (DTRA) offers SALW stockpile management and physical security briefings and training to countries requesting assistance.

The State Department's Bureau of Non-Proliferation (NP) co-ordinates US export control assistance for 25 countries and is seeking to expand to another 17 under the Export Control and Related Border Security Assistance (EXBS) programme. This support includes issues such as arms brokering regulation, legal and enforcement tools. In addition, the US has provided a range of support for law enforcement training, regional agreements, Interpol's Weapons Electronic Tracing System (IWETS) and tracing centres. The United States also provides specialised law enforcement training such as customs inspection and maritime interdiction through the EXBS programme.

### 9.2.2 NEW SOURCES OF BILATERAL AID

Most of the major and medium bilateral donors are OECD countries and long-established members of the so-called 'donor community'. However, a number of non-OECD developing and transitional states have also provided critical support. This is a significant contribution to the broadening of the donor base of SALW assistance. Such donors can provide useful assistance because they have intimate knowledge of many of the challenges of conducting SALW programmes and experience of ways in which such challenges can be tackled. Most commonly these donors have provided assistance to their neighbours, and therefore often share common understandings of key SALW problems with recipients. Countries like South Africa are emerging as significant contributors to their neighbours, and others such as Brazil have contributed to regional projects. For example, South Africa has provided a range of assistance to neighbouring states through bilateral co-operation and implementation of the SADC Protocol. Operations to collect and destroy weapons and assistance and training for police have been particularly significant. Although most of this assistance has been regional, some technical assistance has been provided further afield; for example, members of the South African Police Force participated in a feasibility study in Nicaragua on the operationalisation of legislation based on South African laws. In Latin America, in 2004, the Brazilian National Public Security Secretariat, in co-operation with UNLiREC and UNDP, created the Regional Public Security Training Center, through which Brazil has been offering training courses and capacity building activities to Latin American and Caribbean government officials and civil society representatives who work on public security issues. SALW is a priority area of capacity-building for the centre.

Assistance from and between developing countries has been small but increasing and is potentially significant. Thailand has provided some training and operational assistance within the Association of South East Asian Nations (ASEAN) and co-operates with neighbours in the prevention of trafficking, but otherwise is not a donor for SALW projects. It is likely that such assistance occurs more frequently and on a larger scale than clearly discernible information suggests, as it may often not be reported as bilateral aid.

It seems likely that the growth of sub-regional and regional agreements and fora for co-operation, as supported in the PoA, has contributed to this broadening of the donor base for SALW. It is thus increasingly the case that relationships of assistance are moving away from typical models of Northern patrons assisting developing and transitional states - towards a stronger web of co-operative assistance relationships at all levels. Although this is in its infancy, and still requires dramatic upscaling and resourcing from the international community, these first steps are encouraging.

### 9.2.3 MULTILATERAL AND REGIONAL AID AGENCIES AND MECHANISMS FOR ASSISTANCE

Multilateral and regional organisations have also developed substantial international assistance programmes in key areas of action on SALW. Among the most significant examples are the EU, the

UNDP, UN DDA and UN Regional Centres, OSCE, NATO and the Stability Pact. As with the practices of bilateral donor relationships by states, regional and multilateral support has built upon foundations established before the UN PoA was agreed and have developed since 2001 (see Box below for description of these mechanisms and their development since 2001).

Each regional or multilateral donor organises its assistance differently. Most of these multilateral and regional bodies rely entirely on specific financial donations from the major donors (with the exception of the EU). In some cases, these funds are given to SALW funds from which a range of programmes can be supported. In most cases these organisations do not maintain permanent SALW funds, but seek to mobilise and pool donors' assistance in trust funds created on a programme-by-programme basis. Indeed, even within more general SALW trust funds, donors often earmark their funds for particular projects. The EU is an important and instructive exception to this dominant model of regional and multilateral assistance.

## REGIONAL AND MULTI-LATERAL DONORS

### UN Agencies

#### **The UN Coordinating Action on Small Arms (UNCASA)**

The UN Coordinating Action on Small Arms (UNCASA) mechanism was established by the Secretary-General in 1998. It is tasked with serving as a mechanism for consultation, information exchange and priority setting among UN Departments, Agencies, Funds and Programmes dealing with issues related to SALW. Numerous UN agencies are part of UNCASA in order to work together on small arms issues, and some have jointly supported and developed projects. The UNCASA has recently enhanced its mechanisms for information exchange and co-ordination.

#### **The United Nations Development Programme (UNDP)**

The UNDP is one of the leading international assistance agencies in SALW areas. Its programmes now range over virtually all areas addressed by the PoA, including: support for disarmament and weapons collection and destruction programmes; strengthening legal and administrative controls over weapons; conducting national surveys, and security sector reform.

The UNDP was involved in SALW issues before the PoA was agreed. It has since developed a wide range of assistance programmes on a variety of aspects of implementation of the PoA. It has developed a range of mechanisms designed to assist and enhance action on SALW.

Through its Small Arms Trust Fund (established in 1998) it has conducted country projects in, for example: Albania, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Kenya, Kosovo, Macedonia, Niger, Papua New Guinea, the Democratic Republic of Congo, Sierra Leone, the Republic of Somalia and the Solomon Islands. It also supports regional projects in Central America, the Great Lakes region of Africa, and South East Europe (through SEESAC).

The Geneva-based Small Arms and Demobilisation Unit has provided assistance to a wider range of countries through supporting 25 countries to prepare National Reports on PoA implementation, and, more recently, holding a series of workshops to support a further 80 states.

#### **UNDP - Stability Pact**

The UNDP and the Stability Pact established the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) at around the same time as the PoA was established. This

is a regional clearing house to promote and facilitate reduction and control of SALW in South Eastern Europe, and to provide, support and 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. SEESAC has emerged as a leading centre for developing detailed good practice standards for the range of different programmes and systems involved in controlling or reducing SALW.

#### **UN Department for Disarmament Affairs**

Since 2001 the UN Department for Disarmament Affairs (UN DDA) has periodically responded to requests from governments to provide technical or substantive support in the implementation of the PoA. It is not established primarily as an assistance agency, and thus normally depends on partnerships and ad hoc arrangements in order to respond to such requests. Nevertheless, it plays a useful role, particularly in promoting some precedent-setting initiatives in the early years of the PoA. Countries it has helped in this way include Argentina, Cambodia, Kenya, Papua New Guinea and Sri Lanka.

Additionally, UN DDA and UNDP have jointly developed assistance tools for states reporting on the 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. They were submitted to the UN DDA and are available online.<sup>4</sup>

#### **The United Nations Department for Economic and Social Affairs**

The United Nations Department for Economic and Social Affairs (UNDESA) has contributed to action on small arms by UN agencies. It is, for example, the implementing partner in the UN DDA-funded project to support the National Commission in Sri Lanka.

#### **UN Regional Centres**

There are three UN Regional Centres for Peace and Disarmament. The involvement of each of these in SALW initiatives has varied, but has been increasing since 2001. The UN Regional Centre for Peace Disarmament and Development in Latin America, (UNLiREC), based in Lima, and the UN Regional Centre for Peace Disarmament and Development in Africa (UNREC), based in Togo, have been the most active of these centres. However, the Centre for Peace and Disarmament in Asia and the Pacific (UN-RCPDAP) based in Katmandu, Nepal has been developing a stronger profile on SALW over the past couple of years – at least in terms of discussions in workshops – although this support is still significantly weaker than what is required. Such regional centres have created clearing house programmes; supported conferences and workshops; provided assistance for weapons destruction; carried out capacity-building and training of officials and assistance to NGOs. UNLiREC has been active in assisting states to review their stockpiles, destroy surplus weapons and upgrade stockpile facilities, co-operate in preventing and combating illicit arms trafficking and co-operate on tracing illicit firearms. Programmes of the UN Regional Centre in Africa have included the Small Arms Transparency and Control Regime in Africa (SATCRA), which aims to promote methods for marking and tracing, harmonisation of legislation, information exchange and monitoring, and stockpile management.

#### **Regional and multilateral donors**

##### **The North Atlantic Treaty Organization (NATO)**

Through its Partnership for Peace, NATO assistance has focused on three areas of action: general training, stockpile management, and weapons destruction. Tailor-made projects are established with

<sup>4</sup> See <http://www.undp.org/bcpr/smallarms/PoA.htm>

specific Trust Funds. NATO has thus provided assistance for the destruction of weapons in Albania, Moldova and Georgia and, more recently, Ukraine. It has also assisted in defence reform projects in Ukraine and, with the Stability Pact, in South Eastern Europe. Operations by NATO forces in the Balkans have included support for the handing in and destruction of weapons and for weapons searches and DDR in Afghanistan, Bosnia and Herzegovina and Kosovo. In addition, the NATO South East Europe Initiative has destroyed 23,223 SALW in Serbia and Montenegro.

#### **The Organization for Security Co-operation in Europe (OSCE)**

The OSCE is a significant supporter of SALW projects, particularly within its own region. It has to fundraise for each specific project from member states, and has done so successfully for a number of projects. It has conducted a number of training workshops in Central Asia as part of a programme to promote effective border control management to combat and prevent small arms trafficking in this region. It has carried out a range of programmes to encourage weapons collections and to support destruction of surplus weapons and ammunition in Georgia as well as providing multi-ethnic police training in Serbia and Montenegro. Following the development of the OSCE Best Practice Guides covering a range of key issues under the PoA, the OSCE has provided an important framework for disseminating and promoting use of these guidelines, particularly in the Balkans, Caucasus, Central Asia and Eastern Europe. A particular focus for OSCE assistance has been in the field of stockpile management and in the disposal of large surplus stocks of weapons and ammunition.

#### **The European Union (EU)**

The EU is relatively unique among regional organisations in the sense that EU structures involve the regular and reliable resourcing of European Commission budgets for the purpose of providing assistance. Other regional and international bodies depend on more ad hoc funding from states to be able to conduct such activities. Through the EU Joint Action on Small Arms, funded under the Common Foreign and Security Policy (CFSP) budget, the European Commission has thus provided assistance to: Cambodia (EU-ASAC); UNLiREC; UNDP-SEESAC; UNDP projects in Albania and four projects for weapons collection and DDR in Côte d'Ivoire, Liberia, Tanzania and Sierra Leone.

Assistance provided within this framework totals around US\$3 – 4 million per year. Much of the support provided through the EU Joint Action has been for joint projects, channelled for example through UNDP/SEESAC or UNLiREC. However, it also has important assistance projects of its own. Perhaps the most important of these is the EU-ASAC assistance programme to Cambodia. Established in 2000, this has been a precedent-setting programme, not only for the scale and timescale of the project, but because of the relatively comprehensive design and the flexibility provided by its structure for the programme manager to take opportunities as they arise and develop the profile and approach of the programme accordingly over time. The activities of this project have included national weapons collection; local and regional 'weapons for development' schemes; weapons destruction; registration and secure storage of arms (of the military and police); public-awareness campaigns and the drafting and introduction of laws and regulations to enhance controls on SALW and other arms.

The EU has recently taken another step forward to enhance its capacity with regard to SALW assistance. In December 2005 it agreed an EU Small Arms Strategy. This strategy and its action plan outline a range of priorities for future assistance, including issues, regions, and the need to further mainstream SALW in a range of programming areas such as security sector reform.

Many donors have relied, to some extent, on providing assistance to multilateral and regional donors as a means of ensuring de facto co-ordination and complementarity of assistance, avoiding duplication and enhancing the value of assistance by pooling resources. In many cases this has proved to be

relatively successful. However, there remains much room for improvement. For example, while the OSCE has often been successful in mobilising and drawing together donor assistance for important projects for the disposal of large surplus stocks in the former Soviet states, in some cases important projects have failed to attract donor assistance. In 2003, Belarus requested assistance from the OSCE for the destruction of 300,000 surplus SALW that had been designated for destruction. An initial assessment visit was undertaken in April 2004 by a multinational assessment team led by the OSCE's Conflict Prevention Centre (CPC). After a subsequent four assessment visits conducted between December 2004 and March 2005, experts from the UK, Switzerland, Spain and the CPC developed a project proposal on security of SALW stockpiles. Unfortunately, the project has yet to attract donors and in November 2005 Belarus withdrew its request for assistance. Similarly, there are cases in which regional frameworks have been provided with significant budgets but have failed to deliver strong action on SALW with them. For instance, the Programme of Co-ordination and Assistance for Security and Development (PCASED), was developed by UNDP to support the ECOWAS Moratorium, but was disbanded at the end of 2004 as a result of the feeling among both civil society groups and donors that it was not performing as intended.

## 9.3 PRIORITY AREAS AND NEGLECTED DIMENSIONS

### 9.3.1 'PICK AND MIX': THE FOCI OF SALW SUPPORT PROGRAMMES

From the late 1990s to 2001, the range of types of SALW programmes assisted by donors was worryingly narrow. The few donor countries and agencies that were involved tended to support only voluntary weapons collection, weapons destruction, public awareness, campaigns, arms export control systems and workshops. There were various reasons for this, including donors' perceptions that these were of low political risk. In contrast, areas requiring engagement with armed forces that were seen to be the sphere for defence co-operation programmes, such as stockpile management and security were relatively neglected. Similarly, donors have tended to avoid programmes with an overtly political aspect to them but which are nevertheless critical to developing effective action on SALW (such as supporting the development of SALW policy through building the analytical capacity to develop policy within political parties to ensure that they play a role in the development of national policy and practice). Prior to the PoA, donors tended to focus overwhelmingly upon a handful of countries and short-term single-issue projects (such as weapons collection and destruction and so forth). Much of this assistance, while valuable, was not designed to build sustainable action to combat illicit SALW and their misuse.

The commitments in the PoA cover wider ground than most donor practice as it was in 2001. Although some agencies were already moving towards more comprehensive agendas, it does seem that the PoA has contributed to the broadening and consolidation of donor agendas.

While the PoA encourages action and assistance in implementing all of its commitment areas, some particular issues are specifically highlighted in Section III. Paragraph 6 commits states, and international and regional organisations to helping build states capacities in:

- The development of appropriate legislation and regulations
- Law enforcement
- Tracing and marking
- Stockpile management and security
- Destruction of SALW
- Collection and exchange of information



Some areas receive more operational commitments and emphasis. These include:

- Regional and international programmes for specialist training on stockpile management and security (Section III, Para 8. See Chapter 6)
- Establishing co-operation on tracing illicit SALW, in particular by strengthening mechanisms based on the exchange of relevant information (Section III, Para 10 and 11. See Chapter 5)
- Support DDR and address development in post-conflict situations (Paras 16 and 17. See Chapters 7 and 8)

The extent to which international co-operation and assistance has reflected these emphases has varied considerably. However, it is worth noting that most of the main areas of donor assistance and co-operation did receive explicit emphasis in the PoA.

**Those issue areas that the PoA highlighted with operational commitments have seen significant action.** DDR programmes, stockpile management and, in particular, destruction programmes have been a major focus for donor assistance. However, the specific operational commitments made in relation to these areas have not been fully implemented. For example, the PoA operationalises its commitment enhance action on stockpile management and security by calling for the creation of regional and international programmes for specialist training. While several donor states have provided assistance on various aspects of stockpile management and security and some regional organisations such as SEESAC and the OSCE have tackled these issues, no co-ordinated global programmes for specialist training have materialised (see Chapter 7). Regarding co-operation on tracing, the development of the international agreement on marking, recordkeeping and tracing has been one of the major achievements of the UN SALW process. However, practical implementation of measures to enhance co-operation in tracing has lagged behind the process of negotiating this instrument. Some pre-existing initiatives in this area have slowly continued to develop. For instance, the United States and Canada have provided financial support (of US\$125,000 and Can\$300,000 respectively) for enhancing the Interpol Weapons Electronic Tracing System (IWETS). The Royal Canadian Mounted Police (RCMP) have reportedly also developed a prototype IWETS system and donated it to Interpol. However, the development of practical frameworks and assistance in this regard has been unnecessarily slow.

**Those areas that were highlighted by the PoA, but were not accompanied by specific operational commitments appear to have received less donor attention.** These areas are the development of appropriate legislation and regulations and law enforcement. As noted previously, 68 states have amended some aspects of their legislation on SALW manufacturing and transfer, though few of these requested or received international aid for this. Assisting states in reviewing and developing appropriate legislation and regulations necessarily takes the form of technical expert assistance rather than substantial amounts of financial assistance. Relatively few donors have engaged in this. The USA and the UK are the most significant providers of bilateral assistance in relation to the review of legal frameworks, (but mostly in relation to transfer control laws). Of the multilateral and regional assistance providers, the EU has provided aid for regulatory reform (e.g. Cambodia), and in South East Europe SEESAC has given this significant attention through its arms law consultations.

Similarly, the EU Code of Conduct and associated EU regulations and commitments have been of crucial importance to supporting the processes of legislative reform in new member states. Other regional frameworks have offered important opportunities for sharing technical expertise and learning lessons on these issue areas and international processes associated with arms transfer controls have been important. However, few others have fed practical assistance directly into changes in domestic legislation. One positive development in this area is the emergence of good practice in co-ordinated action for reviewing legislation and improving co-ordination through the process of commissioning a



SALW survey including a legislative review, establishing a national commission to consider the findings and then developing a national action plan to address the problems identified during the survey process (see Chapter 4). While these processes have occurred in 20 states and have been supported by parts of the international community, they remain the exception rather than the rule. Thus, most regional agreements have been important in highlighting issues for reviews of legislation, but many have not provided a strong framework for technical or financial assistance to review processes.

Assistance in law enforcement is relatively common but the tackling of SALW issues within those frameworks has tended not to be prioritised, and certainly has not been well tied into the UN SALW process. It is likely that the tackling of SALW issues in law enforcement assistance (training, assistance in reforms, operational assistance) will increase as states move to implement the more specific commitments and requirements of the Firearms Protocol. Nevertheless, progress on mainstreaming SALW action in law enforcement assistance has thus far been neglected. Likewise, many states claim in their national reports to provide mutual legal assistance. However, there is little public information on how well this is functioning in practice, or the degree to which it is focusing on or facilitating action on SALW.

### 9.3.2 THE SCOPE AND SCALE OF SALW PROJECTS

Single-issue projects continue to be the norm. A few de facto multi-dimensional programmes have now in practice been running for several years (such as in Albania, Cambodia, El Salvador, Honduras and Sierra Leone) but surprisingly, few new ones have been established recently. This is disappointing, since experience shows that such relatively multi-dimensional and longer term programmes are relatively effective (see information exchange and lesson learning below). Further, because some of these programmes have been multi-dimensional in a de facto manner rather than necessarily by strategic design and support, some opportunities have been lost. Within these programmes, managers have often had to triumph over erratic short-term funding from multiple donors, each with their own complex disbursement and reporting requirements. Further, donors are sometimes only able or willing to allow their resources to be used in only one or two aspects of the programme – thus even relatively comprehensive multi-dimensional programmes have suffered from the limitations of donor policy and budgeting frameworks and practices.

The primary responsibility for ensuring the comprehensive implementation of the PoA lies with states. The primary limitation on the comprehensiveness of action on SALW is the failure of most states to develop a comprehensive strategy for themselves. The donor community has continued to support the development of such national strategies, and this has yielded among the clearest and most significant results of implementation. National Action Plans have been developed for Kenya, Namibia, Tanzania, and Uganda, and is in the process of being developed in Albania. These types of programmes invest in sustainable and comprehensive programmes, ‘owned’ by the government and people of the countries concerned. As experience in this area has grown, the importance of mapping studies, extensive consultation processes, and surveys conducted in these processes has become increasingly apparent. These processes have three further advantages of great relevance to international co-operation and assistance:

- They involve a comprehensive review and strategic plan of all critical areas of needed SALW action.
- They involve national commissions, which should enhance the capacity of all relevant ministries and departments to work together on these issues.
- They are developed by the governments of the countries concerned and donors together, thereby developing partnerships and creating great potential to match assistance to needs.

Nevertheless, both the donor and recipient community prioritising the development of national strategies remain very limited.

Most SALW projects have been small and short-term. Some newer programmes are going beyond this, although limited to project cycles that tend to last one to three years. For instance, the NATO Partnership for Peace (PfP) project for disposing of surplus SALW and ammunition is set to run for 12 years in four phases. This has involved the establishment of a trust fund for the purpose of carrying out the project. Multiple donors will feed into it. In November 2005, the EU pledged €1million towards the first phase of the project, which is being led by the USA and expected to cost €7million over three years. However, this type of long-term SALW project remains rare outside of the comprehensive programmes mentioned above. In most severely SALW-affected countries, the sustainability of action on SALW therefore remains vulnerable to the vagaries of donor frameworks.

### 9.3.3 REGIONAL FOCI AND SUPPORTING REGIONAL CO-OPERATION

Since the 1990s, assistance for action on SALW has consistently had a focus on supporting regional and sub-regional co-operation. As previously noted, national implementation of PoA commitments has been found to correlate with the presence of such frameworks. In part, this is because of the value of such co-operation, and in part it is because the strong support for their development has built upon donors' regional foci. It is also because the PoA commits states to supporting regional agreements, many of which, or the predecessors of which, were in place prior to the UN Conference. Before 2001, therefore, substantial donor support was provided for workshops, conferences and institutional capacity-building relating to the developing of sub-regional co-operation in SADC, ECOWAS, the Horn of Africa (Nairobi Protocol), South and Central America, Caribbean, Eastern Europe, Central Asia, South Asia, East Asia, the Pacific and elsewhere. Since 2001, such international support for regional co-operation has continued, clearly contributing to significant aspects of regional and national implementation of the PoA and the commitments contained in regional and sub-regional agreements. Co-operation in some regions and sub-regions has developed well, including in some regions with a recent history of tension or violent conflict between states, including in Central and Eastern Africa and in South Eastern Europe. However, this support has sometimes not been effectively translated into action. Further, and perhaps inevitably, it has also led to the relative neglect of those regions that have lagged behind in the development of regional or sub-regional agreements on SALW. Regional co-operation, and major programmes of national action (with a few notable exceptions) in other geographical regions now attract relatively little donor resources each year. Much less donor assistance appears to have been provided to regional or national programmes in ASEAN and throughout much of Asia (with a few notable exceptions) and in the Middle East and North Africa. This reflects a failure to ensure a comprehensive approach to international assistance as well as more limited opportunities to provide support, arising from limited political will and buy-in to the PoA, and low prioritisation of SALW in those regions. Nevertheless, there are now some important steps towards stronger engagement on SALW issues in these regions.

## 9.4 INTEGRATING SALW INTO WIDER ASSISTANCE PROGRAMMES

The extent to which SALW projects can be integrated into wider assistance programmes will be key to enhancing the effectiveness of SALW action, to targeting its impact appropriately and to ensuring greater sustainability. There will continue to be an essential role for SALW-specific aid programmes. But in most countries and regions, SALW-related problems are part of a wider set of problems and processes, relating for example, to crime, governance, development, conflict, peace-building, and security sector issues. It is more effective where possible to address these in an integrated or comprehensive way. Moreover, the resources available to provide assistance for development or post-conflict reconstruction are vastly greater than those dedicated to SALW, and it is important that efforts to implement the PoA can make some use of these larger aid resources.

### 9.4.1 DEVELOPMENT PROGRAMMING

Since the 2001 UN Conference there has been increasing recognition of the need to mainstream SALW activities within development assistance. Action-oriented research and some donor policy has clearly reflected this and built a strong empirical basis for promoting and developing this integration. The OECD Development Co-operation Committee (DAC) recently expended the guidelines for what types of programme assistance can be officially included as overseas development aid so that most aspects of SALW programming can now be included. This increased the scope for many development aid agencies to support SALW-related programmes. Several key donors have now established policy in favour of appropriate integration of SALW and development programmes, though most still have not really done so. However, even amongst such leading aid agencies, practical progress towards such integration remains limited.

There has been increasing awareness and discussion of the importance of strengthening co-ordination between SALW and other programming, and of 'mainstreaming' SALW concerns into wider development, humanitarian or peacebuilding programmes, as noted in Chapter 8. For example, an international workshop was convened at Wilton Park in 2003 by UK DFID with the University of Bradford and Saferworld to examine the links between poverty and SALW problems and the challenges and opportunities for integrating SALW into development programmes. This was followed up with a series of major studies into this issue and an informal series of workshops involving groups of major donors seeking to develop OECD DAC guidance on this issue. A follow-up workshop was held at Wilton Park in April 2006, and the UNDP and Switzerland will host a high level conference on armed violence and development issues on 7 June 2006, hopefully resulting in agreement on a set of important principles (see Chapter 8).

Effective integration of SALW issues and development aid requires substantial development and reform of both development and SALW community awareness, understanding, capacity and communication. They are still two relatively distinct communities.

Mainstream development practitioners tend to have over-simplistic understandings of the significance and roles of arms and conflict for poor communities and developing countries. They tend to regard engagement with conflict and security issues as risky and politicised, and the SALW issue as excessively technical and focussed on arms rather than societal relationships. They are unfamiliar with the range of different types of SALW programme, and their potentially productive links with development efforts. They lack much relevant experience and capacity. They are under strong institutional or procedural pressures to neglect SALW-related issues or to priorities elsewhere. In many cases, the policies or mandates of development aid agencies of international financial institutions still impose strong constraints on what can be done.

Similarly, many of those in the SALW reduction and control communities are unfamiliar with the institutional frameworks and practices of development and development aid programming, or with good practices and procedures in this field. They are often themselves unfamiliar with the issues involved in appropriately integrating SALW and development programming. They sometimes overstated their case. The vocabulary used can itself be a barrier. For this reason, after the 2003 Wilton Park conference noted above, those concerned with integrating SALW and development aid programming decided to focus in this context of the concept of preventing and reducing 'armed violence' rather than SALW controls per se.

If SALW and armed violence issues are to be appropriately integrated into development and development aid programming, they must be specifically addressed in the national development frameworks (NDF) or Poverty Reduction Strategy Papers (PRSPs) of those developing countries in which

SALW-related problems are a serious issue for poor or vulnerable communities or for the country's development. These are the strategic documents that guide the development programmes of the developing country governments, and to which development aid agencies are now committed to respond. Similarly, SALW and armed violence issues need to be taken properly into account in the country or regional strategies that development aid agencies develop to guide their aid programmes. Until recently this was almost never done. Even in countries severely affected by SALW-related violence and insecurity, the development institutions responsible for preparing NDFs, PRSPs, or country and regional strategy papers rarely regarded such issues as a matter for them. This is now changing. For example, Uganda's recent poverty eradication action plan (i.e. its PRSP) specifically includes SALW related issues in some detail. Similarly in Ghana, at least a strong reference to such issues is included. This will enable and promote appropriate integration of SALW and armed violence issues into future development programming. However, without sustained effort and capacity-building (in both donor agency and recipient countries) this potential will still not be realised.

The change in 2005 of OECD DAC guidelines of eligibility for overseas development assistance (ODA), noted above, is strategically important in this context. A number of development aid agencies are restricted to provide only aid to programmes that are 'ODA-eligible', and they use OECD DAC guidelines to determine such eligibility. Most aspects of SALW programming are now permitted, including voluntary weapons collection, destructions, legal and governance reform, public awareness and so on. To contribute to efforts to capitalise on these changes, in February 2006 a process was established through the relevant OECD DAC sub-committee to develop elaborated guidelines on ways to appropriately integrate armed violence and development issues in various contexts. These developments need to be internationally recognised and specifically welcomed, for example in the Review Conference Outcome Document.

However, not all SALW-related assistance programmes are now ODA eligible. Aid directed towards the armed forces remains outside this framework. This severely limits the scope for some development agencies to support military stockpile security or destruction of surplus stocks, for example. The time is probably not ripe to try directly to overcome this through OECD DAC. It is a higher priority for governments that wish to assist countries affected by SALW or armed violence (either conflict or crime related) to ensure that they have put into place mechanisms to flexibly provide aid as required. This requires establishing mixed ODA and non-ODA budget lines, to enable flexibility. For example, the UK and Netherlands have now established mechanism to provide such flexible funding, so that they can focus on supporting the integrated programmes that the partner countries need rather than on their own bureaucratic constraints. This is now emerging good practice, and should be encouraged more widely.

In March 2006, the Norwegian government hosted an international meeting aimed at identifying and examining ways of appropriately integrating development into the PoA. The meeting identified seven priority areas for discussion, including: the community dimension; demand factors; gender and age sensitivity, relations between civil and security forces, assistance to survivors of SALW violence, regional co-operation and international assistance.<sup>5</sup> It generated some 45 specific recommendations. Among the most important of these in this context are for the outcome document from the 2006 Review Conference:

- To encourage development partners, including aid agencies and international development institutions, to take measures to ensure that they have the mandates, policies, capacities and programme in place to enable them to assist countries in developing and integrating development policies and programmes into which SALW issues are appropriately integrated

<sup>5</sup> Recommendations from Expert Seminar of 'Integrating Development into the UN Programme of Action process, Royal Ministry of Foreign Affairs Norway and NISAT, Oslo, April 2006.

- To ensure that the World Bank and other international financial institutions have the policies, capacities and programmes to support such integrated development – SALW programmes in affected countries
- To take measures to overcome organisational divisions between programmes relating to development co-operation and SALW control and armed violence.

#### 9.4.2 SECURITY SECTOR REFORM

The limited progress in developing integrated programming that explicitly links SALW with poverty alleviation, governance, or post-conflict peacebuilding unfortunately also applies in areas where the links and opportunities are obvious. In security sector reform (SSR), the opportunities for tackling a range of SALW issues are clear – including stockpile management and security, identification and destruction of surplus arms and ammunition and enhanced law enforcement. There are often opportunities for the revision of legal frameworks, for building or enhancing good practices with respect to state use of firearms, awareness-raising activities, weapons collection programmes and numerous other SALW actions. However, SSR programmes have often missed these opportunities. For example, the efforts of the EU-ASAC programme to be complementary to SSR in its SALW projects have been successful in their own right, but other security sector reform programmes in Cambodia were unable or unwilling to become directly linked with an SALW programme. More recently, Armenia, Azerbaijan and Georgia all entered into an Individual Partnership Action Plan (IPAP) with NATO in 2004, which provides for a range of changes in their security sectors, including initiatives related to SALW. In addition, work on SALW is being considered as a component of the Internal Security Sector Review (ISSR) process in Kosovo.

There are slow but encouraging signs that this may be changing. SSR is an evolving area of programming and SALW issues are increasingly being taken into account, as practice in implementing SSR is solidified and improved. For example, OECD DAC is in the process of developing an implementation framework and associated guides for SSR that will include the integration of SALW projects within SSR.

### 9.5 INTERNATIONAL INFORMATION EXCHANGE AND TRANSPARENCY MECHANISMS

The PoA contains a range of commitments relating to information exchange and transparency. Some of these are framed around particular issues, in which information exchange is operationally important. For instance, there is an emphasis on information exchange as a key means of operationalising PoA commitments on marking and tracing, including strengthening mechanisms on information exchange to help with tracing (Section II, Para 11) and voluntary information exchange on marking systems (Section II, Para12). Largely, however, they are more general commitments that are not specifically attached to particular areas for action on SALW. The PoA thus commits states to make public laws, regulations and procedures relevant to issues covered in the PoA and to submit to regional and international organisations, on a voluntary basis, information on issues such as SALW destroyed in their jurisdiction and illicit trafficking (Section II, Para 23).

There has been little systematic implementation of these commitments. No systematic information exchange has developed on weapons and ammunition destroyed, although some states have provided illustrative information in annual reports to the UN DDA, and reports to other regional fora such as the OSCE. While many states have given basic descriptions of their legislation and other controls on SALW in their national reports, only 18 have taken advantage of the opportunity to provide copies of those laws and procedures to the UN DDA, and this has slowed since the first years of PoA implementation (13 of these had provided this information by 2003).

The only global information exchange that has so far taken place at a significant level has been the production of national reports on implementation of the PoA. 135 states have submitted at least one national report on implementation of the PoA to the UN DDA. The scope and regularity of these have varied hugely. 43 states that have reported have done so only once, while only one has provided reports for all five years (as of May 2006). Nevertheless, the level of reporting has broadly increased over the past five years. Most national reports have so far been submitted prior to or during the Biennial Meetings of States (BMS). Assistance has been provided to 25 states in preparing them by the UNDP and UN DDA support project. Further, UNIDIR, with partners, has produced two in-depth examinations of reporting.<sup>6</sup> These analyses have found that reporting has increased and improved overall, but that there remains significant scope for improvement. While some states have used this reporting and the BMS process to share detailed information on systems and standards in place, and some have identified areas in which assistance is needed, overall the character of information exchange is still uneven, and the utility of information provided has varied. Opportunities for feeding that information into a lesson-learning process have been very limited.

The growing amount of public information on SALW issues from independent researchers is substantially augmenting this system of reporting. This information tends to be more analytic and comprehensive and draws on the national reports and numerous other sources of information. For example, *Biting the Bullet*, in co-operation with IANSA, have produced the series of in-depth 'Red Book' reports, of which this is the latest, on states' implementation of all aspects of the PoA, including action on SALW within the PoA framework and other multilateral, regional, bilateral, and national initiatives.

Additionally, the UN CASA mechanism has reportedly launched an internet-based database intended to serve as a platform for information exchange among its members and for the dissemination of key information and data to member states.<sup>7</sup> Further, in December 2005 CASA adopted a strategic framework aimed at improving and strengthening co-operation among its members, as well as better responding to requests for assistance from member states. However, no further information on how well these mechanisms are functioning is yet available.

Informal frameworks for information exchange that have enhanced both the depth and regularity of information exchange have also developed. For example, the Geneva Forum (a joint initiative of the Quaker United Nations Office (QUONO), UNIDIR, and the Graduate Institute of International Studies) set up the Geneva Process on Small Arms, in which approximately 30 states and several civil society organisations meet every two months to discuss key issues and experiences of action on SALW. Similarly, there is a New York Small Arms Forum that undertakes similar informal information exchange. Civil society-led processes have also provided key opportunities for information exchange between states. International meetings convened by civil society organisations and governments on issues such as transfer controls, transfers to non-state actors, civilian possession controls, regional actions on small arms, and numerous other issues have contributed to the sharing of information and experiences on those key issues among states and between states and civil society. While such forums and meetings do not involve the production of formal national reports, they provide valuable space for sharing information, building common understandings of key issues, challenges and approaches, and developing partnerships.

At the regional level, information exchange mechanisms exist for a wide range of issues. These, however, remain largely nascent mechanisms with little practical implementation. The primary exception to this

<sup>6</sup> Kytömäki, Elli and Yankey-Wayne, Valerie, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, Geneva, United Nations, 2003 and Kytömäki, Elli and Yankey-Wayne, Valerie, *Five Years or Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, Geneva, United Nations, 2006.

<sup>7</sup> *Report of the Secretary General on Small Arms*, 17 February 2006. UN Doc S/2006/109.



limitation is in Europe. The OSCE Document contains commitments to exchange information on: national marking systems; manufacture control procedures; export policy, procedures and documentation, and control over brokering; and destruction techniques and procedures. Information is also shared on national procedures concerning: stockpile management and security; numbers of small arms seized and destroyed; and small arms imports to and exports from other OSCE participating states. Since 2001, some further enhancement to this mechanism has been made. For example, the May 2004 Decision by the OSCE on principles for export controls on MANPADS also commits participating states to report transfers of MANPADS using the OSCE Document's information exchange mechanisms.

Overall, improvements within the OSCE information exchange mechanism have been gradual. A set of templates was designed in 2002 to assist participating states to prepare their national submissions in a more standardised format. However, increasing the yield of the information exchange and enhancing the comparability of national submissions remain key challenges and the quality and scope of reporting appears to vary from country to country. At the beginning of 2004, the OSCE Conflict Prevention Centre (CPC) was tasked with examining the information exchanged by participating states on the implementation of the OSCE Document.

Additionally, for many European states, information exchange takes place through EU mechanisms. Within the EU, the European Council's Working Group on Global Arms Control and Disarmament matters (CODUN), with representatives from the 25 member states, meets on a monthly basis to discuss small arms issues and other disarmament issues. CODUN has been the main mechanism for information exchange on the PoA among EU member states. Further information exchange takes place through COARM, the Working Party on Conventional Arms, which is focused on arms transfer issues such as the EU Code of Conduct on Arms Exports (see section 9.5.2).

Other regional institutions have formally developed such information exchange systems, but reporting within them has been less well developed than in the OSCE. In the Americas, UN-LiREC and the OAS Commission for Inter-American Drug Abuse Control have developed the Small Arms and Light Weapons Administration (SALSA) system to serve as both a public and private portal for exchanging information on national legislation and policy actions. Several Latin American states, such as Nicaragua, Paraguay, Peru and Uruguay, have used SALSA to support their preparation of national reports on PoA implementation. The website also has a private interface where Latin American governments can exchange confidential information related to imports, exports, transit and confiscated SALW, although this does not appear to be in use yet.

In Africa, the SADC Protocol and Nairobi Protocol have provisions for information exchange between their parties. For example, the Nairobi Protocol states have committed themselves, among other transparency measures, to exchange information between law enforcement agencies on illicit trafficking, establish national databases to facilitate information exchange and to "develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession." Further, meetings between National Focal Points (NFPs) have occurred for the Nairobi Protocol states and, recently, for the SADC Protocol states in which NFPs share information.

### 9.5.1 ISSUE-SPECIFIC INFORMATION EXCHANGE

Some information exchange mechanisms have been established on specific issues both prior to and after 2001. Issue specific information exchange processes have tended to be better implemented and have seen some significant improvements. In these areas the information exchange process is more clearly linked with particular purposes. This has meant that more systematic and detailed information has



been provided, but it has also meant that much of this exchange is confidential. For instance, information exchange within the EU, the OSCE and the Wassenaar Arrangement is largely confidential.

Overall, however, systematic information exchange processes on SALW have developed only very modestly and inadequately since 2001. In terms of the types of information exchanged between states there have been three issue areas that have received greatest attention:

- Legal/authorised arms transfers (usually of all arms and ammunition)
- Illicit trafficking
- Marking, record-keeping and tracing

### 9.5.2 ARMS TRANSFERS

At least 23 states publish national reports on their arms exports, although considerably more exchange information on SALW transfers is contained in confidential reporting and information exchange mechanisms within regional and multilateral agreements. This has increased substantially in the past five years, largely as a function of the maturing of regional and other multilateral arms export control regimes rather than being given a particular imperative from the UN SALW process. Reports on arms exports usually apply to all arms and military equipment rather than focusing primarily on SALW. However, increased global action on SALW has led to greater attention and, in some cases, detail in these reports coverage of SALW.

At the regional level, the EU has continued to add to provisions for information exchange in its post-PoA instruments related to SALW such as the Common Position on Arms Brokering. It has also made some steps forward in operationalising and strengthening its pre-existing information exchange within the scope of the EU Code of Conduct on Arms Exports. All 25 members exchange information confidentially within COARM, new member states have begun producing annual reports on exports, and a central database, managed by the EU Council Secretariat, has also been developed in order to log all denials issued (which are also circulated to EU candidate countries) as well as the details of bilateral consultations between member states. Additionally, the EU is also considering introducing a post embargo ‘toolbox’, which is to incorporate “a set of temporary procedures which could be applied vis-à-vis countries with respect to which the EU has decided to lift an existing embargo” which are understood to contain a number of mechanisms including information exchanges. This, however, is not yet agreed and is not operational.

Among supplier groups, one of the most systematic improvements in transparency and information exchange has been within the Wassenaar Arrangement. Transparency within this 34 member group has been enhanced since the 2003 plenary agreed to add SALW (including MANPADS) as a category within the scope of mandatory reporting requirements. However, information exchange within this mechanism is confidential, and there is no public information on how comprehensively this aspect of the regular information exchange has developed or how useful it is.

Globally, some states have included a broader range of SALW than are required in the voluntary reporting to the UN Register of Conventional Arms Transfers. This voluntary transparency measure has been developing progressively for over a decade, but has recently begun to cover some light weapons such as MANPADS and often includes information on mortars of calibres below its initial 120mm limit. While the inclusion of MANPADS within the seven categories of major conventional arms covered by the UN Register was agreed in 2003 to be carried out on an exceptional basis, a number of states have taken to reporting on them – particularly on national military holdings.<sup>8</sup> The lowering of the

<sup>8</sup> 2005 Report on the UN Register of Conventional Arms, UN Doc A/60/160, July 2005.

category threshold for artillery systems from 100mm to 75mm has facilitated greater coverage of light weapons mortars that used to be excluded (such as common 81mm and 82mm mortars). Additionally, some states have provided further information on SALW within this framework, including, for example, Dutch information on SALW exports and imports. In 2005, however, that information was held separately in the UN DDA rather than being integrated into the annual report on data submitted to the Register. While the submission of greater information on SALW to the UN Register reflects reinforced global concern and awareness of the importance of these issues, the Register remains focused on major conventional arms and is not designed for exchanging systematic information on SALW exports, imports or holdings.

In addition to these multilateral information exchanges, a number of bilateral exchanges have developed. For instance, the February 2004 United States – Russian Federation Agreement on Co-operation in Enhancing Control of MANPADS includes a quarterly information exchange on transfers of this type of weapon.

### 9.5.3 ILLICIT TRAFFICKING

The development of information exchange mechanisms on illicit trafficking has enjoyed some success in a few regions. While no information on illicit trade routes has been made public by governments, it appears that some states confidentially exchange this information on a regional or bilateral basis. This has largely taken the form of ad-hoc information exchange and co-operation rather than annual reporting and systematic incorporation into intelligence-led interdiction.

Some law enforcement frameworks have enjoyed a degree of success in systematising such information exchange mechanisms, but even these have not been as well developed as they could have been. In South Eastern Europe, developments have taken place regarding cross border co-operation among law enforcement, border and customs control agencies. In April 2002, the South-Eastern Europe Co-operative Initiative (SECI) Regional Centre for Combating Transborder Crime established a sub-group within its Anti-Terrorism Task Force to “prevent, detect, trace, investigate and suppress illicit trafficking in SALW by establishing direct, sustainable and rapid channels of information exchange”.<sup>9</sup> The sub-group consists of a network of police and customs officers from South Eastern Europe, who share intelligence on illicit SALW seizures. The first SALW seizure information exchange, Operation Ploughshares ran from November 2002 to April 2003.<sup>10</sup> From March to September 2005, following a proposal by Albania, a second, more detailed, information exchange on SALW seizures was implemented under the name Operation Safe Place.<sup>11</sup> This operation sought to identify individuals and groups engaged in the illegal trade, transfer and possession of illicit SALW and to collate data on the types of goods being trafficked. Whilst relatively successful, both operations suffered from financial and operational resource limitations.

In some regions, regional information exchange has faltered, but bilateral co-operation has progressed. In 1998, the MERCOSUR countries agreed on paper to a joint firearms register covering all importers, exporters, intermediaries, brokers and vendors, although this has never become operational. However, the governments of Brazil and Argentina, including members of their national and provincial parliaments, have shared extensive information related to SALW and ammunition produced for their owned armed forces that has ended up in the hands of organised crime. In addition, Brazil and Paraguay have worked towards greater transparency and information exchange in order to prevent the illegal re-exports of

<sup>9</sup> Saferworld Briefing Paper, *The SECI Centre's Activities in Combating Firearms Trafficking in South Eastern Europe*, London, Saferworld, 30 November 2004.

<sup>10</sup> The following five SECI states actively participated in Operation Ploughshares: Albania, Bulgaria, FYR of Macedonia, Moldova and Turkey.

<sup>11</sup> By 30 May 2005, seven SECI states had exchanged information under the auspices of Operation Safe Place: Albania, Bosnia and Herzegovina, Greece, FYR of Macedonia, Moldova, Romania and Turkey.

weapons from Paraguay to neighbouring countries. In both of these ad hoc cases the involvement and participation of civil society organisations, the media and parliamentarians has been instrumental in bringing the issue to the public agenda.

New steps are beginning to be taken in other regions towards enhancing such information exchange. For example, in the Pacific, reporting on illicit trafficking within the Oceania Customs Organisation (OCO) appears relatively under-developed for some nations but there are some moves towards enhancing these processes. Additionally, the recent EU SALW Strategy commits EU member states to “devise mechanisms approved by the Member States for the exchange of information on SALW trafficking networks, in particular in the context of monitoring UN and EU embargoes.”

At the global level, in addition to the PoA, the UN Firearms Protocol envisages a confidential information exchange on a range of issues relevant to illicit manufacturing and trafficking in SALW. Now that it has entered into force, these information exchange commitments should be implemented. States committed themselves to exchange information on: “organised criminal groups” taking part in illicit manufacturing and trafficking firearms, their parts, components and ammunition; methods used for concealment; methods and means, points of dispatch and destination and routes used in trafficking; and – critically – “legislative experiences and practices.” These commitments are similar to the PoA’s commitments on exchanging information on illicit trafficking, which are as yet implemented primarily on an ad hoc basis. Within the Firearms Protocol, states also committed themselves to other information exchanges. For instance, states are committed to exchanging “relevant case-specific information on matters such as authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, their parts and components and ammunition.” (Article 12, Para 1). However, it is not clear that all ratifying states have developed the capacity to effectively engage in these processes. Many states themselves lack detailed information on all of these issues, and the failure of the MERCOSUR mechanism on such information exchange is disappointing. Nevertheless, information exchange in this area should be enhanced by implementation of numerous regional agreements that will build the capacity of states to engage in such information exchange.

#### 9.5.4 MARKING, RECORD-KEEPING AND TRACING

The International Tracing Instrument calls for information to be exchanged on the basis of requests for assistance in tracing and for this to be done on the basis of guarantees of the confidentiality of that information. It emphasises that the information shared should be as full as possible, and that explanations should be given if information is withheld on the basis that it might impinge upon ongoing criminal investigations or confidentiality laws. Further, it commits states as soon as possible after the adoption of the instrument, to submit to the UN DDA the name(s) and contact information for the national point(s) of contact appointed in line with the instrument, and information on the national marking practices related to markings used to indicate country of manufacture and/or country of import as applicable. Finally, states then request the Secretary General to collate the information provided and to issue it to member states.

#### 9.5.5 THE EFFECTIVENESS OF INFORMATION EXCHANGE AND TRANSPARENCY

The UN process has clearly and substantially contributed to the quantity and quality of information on action on SALW that is available. However, most information exchange remains fragmented, ad hoc, and is not well integrated into learning lessons or enhancing the capacity of states and civil society to take action on SALW.

Many international and regional agreements and initiatives have reporting requirements that can create significant challenges for many states that lack the technical capacity to produce reports. While that capacity has been enhanced in many states through the process of producing national reports on PoA

implementation, significant challenges remain in living up to the demands for regular and substantial reporting from multiple frameworks.

It is important to note that information exchange is not transparency. While information exchange has in some cases improved, this has often been at a technocratic level and there have been very few cases of governments providing more public access to information. Indeed there are some examples of states actively working against the movement towards greater openness in SALW control, such as Pakistan and Egypt and others preventing NGOs from participating in the 2006 Preparatory Committee.

PoA commitments in this area are framed largely around the exchange of information that would “contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.” This aim, however, has not been realised. The provision of limited and often unrevealing generalised or technical information has been equal to, if not more common than, the provision of information in forms, and of types that would contribute directly to the learning of lessons on the nature of illicit trade and the identification of effective means of tackling it by effectively implementing the PoA.

## 9.6. INTERNATIONAL CO-OPERATION AND PARTNERSHIPS WITH CIVIL SOCIETY

The PoA encourages partnerships between governments and civil society and since 2001 such partnerships have been fruitfully developed in many countries. Civil society groups can contribute across the whole range of measures envisaged in the PoA. It appears that wherever governments have been open to co-operation on tackling SALW issues, at least some local or international NGOs and other civil society groups (such as professional bodies, women’s groups, or community representatives), have proved interested and capable as co-operating partners.

Civil society organisations (CSOs) fulfil many roles in action on SALW. NGOs, academia, the media, community groups and others can be valuable partners in tackling SALW problems. Civil society can act as a generator of ideas, an independent monitor of action and as a partner in implementation. CSOs have conducted surveys and other research, organised meetings and processes to bring states together internationally, regionally, and sub-regionally; contributed to the formulation and design of policy, developed the capacity of states and other civil society organisations to work on SALW, provided oversight to action on SALW; raised awareness of SALW issues and problems; and many other essential tasks that have greatly enhanced and shaped global action on SALW.

At the global level, civil society groups have played a significant role in furthering understandings and agendas on tackling illicit SALW. Both prior to and since the 2001 Conference, civil society groups and experts have been closely involved in the UN process itself. This has involved substantial contributions to the Biennial Meetings of States in thematic discussions; the production of ‘Red Book’ reviews of implementation, and numerous other studies; and participation in other UN SALW processes such as the Group of Government Experts on Tracing Illicit Small Arms and Light Weapons (GGE) and the Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG), and the broad-based consultations on brokering. Similarly, some NGOs have well-developed international networks that enable them to facilitate contacts between donors, international institutions and government agencies in severely affected countries, thus contributing to the development of international co-operation and assistance, as well as to the wider dissemination of lessons learned from experience.

The development of partnerships between states and civil society has progressed well in some places, but remains weak in others. Co-operation and partnerships with civil society have yielded positive

experiences in many countries. In many cases, a well-functioning national commission or national coordinating body with systematic civil society representation or engagement has proved to be a key institution in efforts to develop and implement effective national plans to implement the PoA and similar regional agreements. However, in many cases such co-operation has been unstructured and ad hoc and dependent on the development of relationships between particular NGOs and government departments. Very few states have developed extensive, active and systematic engagement and co-operation between government and civil society across a range of issue areas. Even in countries with wide civil society engagement with government, there are important gaps or distortions in the patterns of engagement. For example, ‘grassroots’ organisations are often relatively unrepresented in national commissions compared to policy research institutes or single-issue lobbying organisations. Systems need to be established to provide wide range of access points according to organisations’ capacities and experience. The great majority of countries would achieve real benefits by moving to establish specific structures to ensure systematic information exchange and engagement across the full range of issue areas.

Civil society campaigns can draw attention to problems with government policies and programmes. Although this criticism is sometimes uncomfortable, the overall impact is generally to help to mobilise political will and to overcome bureaucratic obstacles and develop more sustainable initiatives. However, much support for civil society organisations and the development of partnerships has focussed on implementation, rather than more critical but essential roles. Obviously, substantial NGO co-operation and engagement with government tend to be limited in countries where the institutions of democratic governance are poorly developed or non-existent, or where society is highly polarised. In this context, quasi-official NGOs can also play a useful role, facilitating two-way communication between government and citizens who otherwise lack mechanisms for engagement. Co-operation 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, experience with partnerships between government and civil society on issues relating to the PoA is now sufficiently broad and established that the time is ripe for international elaboration of useful mechanisms and principles to facilitate them with a view to developing an appropriate annex to the PoA at the Review Conference.

## **9.7. HOW HAS THE CAPACITY OF THE INTERNATIONAL COMMUNITY TO SUPPORT ACTION ON SALW DEVELOPED?**

International co-operation has matured significantly in the five years since the PoA was agreed and the donor base for action on SALW has grown and diversified. Its approach is beginning to mature into the early stages of movement towards mainstreaming SALW assistance. However, while the five years since the approval of the PoA have generated considerable experience on supporting action on SALW, the extent to which the international community, primarily donors, has developed its capacity through this experience appears to be mixed. It is through the development of this capacity that efficiencies in co-operation and assistance can grow, and their effectiveness and sustainability can be enhanced.

### **9.7.1 HOW WELL HAVE INDIVIDUAL DONORS DEVELOPED THEIR CAPACITY TO ENSURE EFFECTIVE ASSISTANCE?**

Inevitably, as donors have expanded their activities in SALW areas, there have been processes of building expertise. However, often such expertise is held by individual staff members and SALW programming is often the responsibility of one or two persons who usually also have other briefs. The turnover of such staff is often frequent, and since 2001 most major donors have been through several

changes of staff, requiring that capacities are constantly being rebuilt. Given that most of the donors mentioned above have struggled to retain technical capacity or institutional memory on SALW programming, the scope for advantageous consolidation through co-ordination frameworks and international programmes is substantial but at the moment, still only potential.

Similarly, as various states have entered the ranks of SALW donors, there have been numerous processes in which new donors try to find a niche for themselves and develop their profile. While various international meetings and workshops have clearly contributed to channelling these processes in a constructive direction, they have been unable (and not designed) to avoid duplications. Further, and most importantly, donors new and old tend to focus on particular types of projects: largely those in which their limited budgets can make a discernible and visible contribution. This has contributed to a focus on public destruction projects, weapons collections, awareness raising and other relatively small scale focused actions.

Beyond individual donors' capacities, the key to the building of overall donor capacity is clearly expressed as an aim of commitments on international assistance: Section III of the PoA begins with an appeal to co-operate to ensure "co-ordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, sub-regional and national levels." Unfortunately, these aims of co-operation have not been met. The overarching picture of assistance and co-operation for action on small arms is fragmented and ad hoc. While numerous positive steps have been made, many opportunities for more effective tackling of the illicit trade in SALW in all its aspects have been missed due to a lack of the "co-ordination, complementarity and synergy" recommended in the PoA.

The commitment to enhance synergies in assistance has been neglected. Some donors have made significant progress in this area internally, but synergies are lacking internationally. For example, the UK has developed assistance policies and a Global Conflict Prevention Pool mechanism that has enabled the UK to provide support for a wide range of different types of SALW programmes through a single programme management team that is able to draw on expertise from all of three constituent ministries (Foreign, Defence, and Development). However, few donors have followed this example and developed the types of internal capabilities to build such synergies; and regional and multilateral frameworks are not yet adequate to the task. Most donors have preferred to attempt to achieve such results by contributing funds to multi-donor supported programmes through regional and multilateral frameworks, which has a number of benefits in terms of complementarity of actions (although this remains limited). Co-operating in this way imposes substantial transaction costs on recipients or programme managers and relies on a good level of donor co-ordination, which has been seldom achieved in recent years. Donors have a responsibility to ensure that they have the capability to provide flexible and timely support for implementation of the full range of PoA commitment areas.

Overall, there is considerable need for individual states within the international community to build their capacity and willingness to engage in effective action on SALW. Few donors have dedicated SALW budget lines, and few have established mechanisms within themselves (pooled or otherwise – for example, through better national co-ordination mechanisms) to ensure complementarity in the assistance provided by their various ministries. Further, few have taken sufficiently seriously their responsibility to ensure that their support is co-ordinated and mainstreamed with broader programming areas and goals. Donor support can only be effective where there is real political will and at least some basic capacity to implement programmes to tackle SALW problems. Many states that could benefit from donor support in tackling SALW problems may lack the desire or capacity to manage that support at the current time. The capacity to ensure effective support for action on SALW is thus lacking among potential beneficiaries as well as among donors.



### 9.7.2 INTERNATIONAL MECHANISMS FOR CO-ORDINATION, COMPLEMENTARITY AND SYNERGY IN ASSISTANCE

The growth of the donor base and the broadening of its agenda(s) have made co-ordination among donors and between donors and recipients' institutions even more crucial. Each donor country or institution has its own policy frameworks, goals, priorities, funding cycles and limitations. Co-ordination is therefore an inevitable challenge.

In principle, it is best for the recipient government or regional organisation to co-ordinate the donor assistance that it receives. In practice, this still rarely appears to take place. Many recipient countries have not developed sufficiently strong interest or capability in such co-ordination. 101 countries lack national co-ordination mechanisms, and those that exist may lack the capacity or strategic direction to effectively distribute resources to SALW action. Since 2001, increased international support has been made available to countries to systematically develop both their own comprehensive national SALW strategies and action programmes and the associated national institutions and partnerships that are required to implement these strategies. However, this remains a relatively uncommon feature of national implementation.

Donors inevitably have significant structural power, and are in a position to insist on their own priorities, whether or not these are based on better assessments of needs and opportunities. In this context, some recipients can even be tempted to try to benefit from poor donor co-ordination by playing one against another or through obtaining multiple funding for the same activities. The SALW community is increasingly alert to such bad practices and seeks to avoid inadvertently imposing priorities or allowing duplication. However, strong mechanisms are required for real co-ordination to take place. They are also required to identify cases when SALW control is not the national priority and when insisting that this is the area that a state will support would only contribute to donor distortion of the needs and desires of recipient governments.

The co-ordination of assistance to ensure a degree of complementarity and effectiveness often needs some kind of mechanism involving a lead agency. At a regional level, this can be done by clearinghouse mechanisms. Such mechanisms have proven effective means of co-ordinating assistance in some regions. In South Eastern Europe, SEESAC assistance has developed into a capable and influential co-ordination mechanism for aid. This is partly because donors have increasingly channelled SALW-related support through SEESAC, and it would increasingly be recognised to be bad practice to launch a bilateral support programme in this area without at least consulting with SEESAC. Similarly, numerous donors use UNLiREC as a regional clearinghouse in Latin America and OSCE for the limited programming that occurs in Central Asia. In some other regions, however, the role of regional and sub-regional institutions has not included acting as a clearinghouse. Similarly, at a country level donor co-ordination is often poor until some form of a 'friends of the country' mechanism emerges, where a lead country or agency takes responsibility for convening regular donor meetings and exchanges.

International information exchange should be contributing to co-ordination, complementarity and synergy, and also to the effectiveness of SALW programmes and their integration into broader programming. Information exchange on action on SALW has developed since 2001, and has so far yielded numerous national reports, but little in regard to the foundations of a systematic framework. The critical mass of experiences - at which point information exchange could productively have contributed to the efficiency and effectiveness of implementation - has passed. There is, therefore, a clear need for renewed and refined efforts for systematic information exchange mechanisms to be developed and implemented at the global and regional levels.

Information exchange should have a purpose of learning lessons and building capacity to achieve the aims of action on SALW and co-operation and assistance in support of that action. Recent experience highlights two challenges with regard to this:



- Information exchange is not taking place for the wealth of lessons that are available
- Lessons are not being learnt from the information that is being exchanged

Effective identification, dissemination and learning of lessons from experience with SALW assistance programmes is widely agreed to be essential to improve their relevance and effectiveness. However, until very recently, SALW programmes were subject to remarkably little, if any, evaluation and review. Lessons tended to be generated mainly through anecdote, or a few influential studies. In the last few years there has been an increase in activities in this area. Unfortunately, many of these evaluations and reports are likely to remain confidential or be circulated only among a narrow group. There is a need to ensure the wide sharing of such studies and to resource systematic examination of the full range of programmes to draw reliable lessons.

Nevertheless, a number of reasonably reliable crosscutting lessons from experience have already been identified about how to design and implement different types of SALW programmes. These include the importance of:

- Sustainability
- Full engagement with relevant local communities and stakeholder interests
- Appropriate comprehensiveness and flexibility
- Linkages with development, post-conflict reconstruction and peacebuilding, security sector reform and related issue areas

These lessons have been widely disseminated. But many donors have in practice been extremely slow to actually learn and apply these lessons and mistakes are repeatedly made.

Overall, the capacity of regional and multilateral frameworks to provide complementarity and synergies between projects has not been well developed. The lack of global programmes to add value and facilitate the aims of donor co-ordination is a dominant feature of the donor landscape, which has grown but remains fragmented and limited. While national and regional frameworks for assistance have developed in constructive ways, there are critical opportunities to make them more effective and minimise their failures. These lie in the development of global programmes, accompanied by a dramatic increase in the scale of assistance.

### **9.7.3 THE NEED FOR INTERNATIONAL MECHANISMS FOR ENHANCING DONOR CAPACITY AND EFFECTIVE ASSISTANCE**

The key to effective co-ordinated, complementary and cost-effective assistance will be appropriate frameworks and resources at all levels. The implementation of the PoA, and particularly its commitments on international co-operation and assistance appear to have reinforced the growth of the global donor base and, albeit in a less than comprehensive way, the development of some national and regional capacities for co-ordination. However, national and regional capacities remain under-developed and the lack of global programmes is notable.

There is a well-known need to match assistance to needs. In the first instance there remains much to be done in terms of identifying needs. Nevertheless, overall PoA implementation is already well enough advanced and key problems have been sufficiently well identified to begin practical action where it has not yet begun. Further, many structures already exist that could, and are supposed to, be used for co-ordination with and between donors to enhance the effectiveness of assistance. National points of contact, often supported by and working with national co-ordination mechanisms, exist in most countries but are not fully capable of fulfilling their roles. National points of contact and national co-ordination mechanisms are not merely simple bureaucratic appointments for occasional contact with the

UN system, but are the foundations of implementation of other commitments. In many cases the functioning of these foundations is significantly enhanced by the development of national strategies or action plans. Donor support has increasingly been provided to initiatives developing such strategies and this is welcome. Further, a range of lessons can be learned about how such strategies can be developed (see Chapter 4). National and regional plans and programmes of work should focus on enhancing synergies and ensuring full and complimentary implementation. International programmes in key areas should draw together lessons from the past five years (and more) of experience and developing good practice, and should assist co-ordination and complementarity with a specific focus on building synergies in assistance.

There have been calls for some form of permanent assistance mechanism, for the strengthening of regional mechanisms, and for the creation and strengthening of trust funds. These should be a priority for the Review Conference. In particular, there is a need for the elaboration of what a possible permanent assistance mechanism could look like. It is evident that the need for much more substantial assistance is urgent and critical. It is also clear that greater co-operation and co-ordination is needed to ensure that this is effective and sustainable. These pressing priorities should not be hostage to the development of a single permanent assistance mechanism. If, as debate evolves on this issue, the creation of a single global instrument proves to be slow or problematic, urgent global level action should still take place. This can take place through global programmes on particular areas of programming in combination with enhanced national and regional co-ordination. These will necessarily involve groups of interested states and inter-sessional processes of some type. Whether or not these coalesce into single or multiple (co-operative) assistance mechanisms is important, but is second to the urgency of their aims.

The requirements for such frameworks are already in place. After five years of PoA implementation there is now a wealth of experience of supporting action on SALW, which provides a strong basis for the development of key practical lessons on how to ensure more effective and efficient action. Further, there is sufficient breadth of experience of technical assistance and co-operation to show that assistance on SALW is not the preserve of wealthy nations. Bilateral and multilateral co-operation and sharing of experiences of national implementation is not only open to all states, but is of benefit to the 'donor' as well as the 'recipient'.

## 9.8 PRIORITIES FOR THE 2006 REVIEW CONFERENCE

In conclusion, therefore, since agreement of the PoA in 2001 by the UN Conference on Small Arms, the broadening of the donor base has enhanced action on SALW, and both good practice and information exchange have developed. However, each of these developments has been much too limited. The capacity of the donor base to provide effective assistance to action on SALW has not been sufficiently expanded to achieve adequate implementation of the PoA's commitments on international co-operation and assistance, or to contribute sufficiently to effectively combat the illicit trade in SALW in all its aspects. However, there are now enough experiences of donor assistance in critical areas of SALW programming to learn lessons on the effective and efficient provision of SALW assistance. The Review Conference can learn from these experiences and provide for the establishment of international programmes that can achieve the essential co-ordination benefits. Thus the two critical priorities for the Review Conference must be to:

- Encourage a dramatic increase in the scale of assistance
- Facilitate the establishment of practical frameworks for co-ordination, complementarity and synergy

This will require the development of strong and well supported international programmes through a single, or multiple co-ordinated, international programme(s) or permanent assistance mechanism(s).

This should encourage the further development of co-operation and partnerships at all levels, including between governments and civil society, at the sub-national, national, sub-regional, regional and global levels and in relation to SALW policy and operational programmes of action. It should also encourage, where they do not exist, regional and sub-regional agreements on small arms and provide concrete support to their development.

A priority for the Review Conference is to encourage the integration of SALW assistance, where appropriate, into development, security sector reform, post-conflict peacebuilding, and other broader programmes, and should contribute to the development of initiatives and frameworks for achieving this integration. This could include, for example, supporting the incorporation of SALW and PoA implementation into national poverty reduction strategies or organising national level donor conferences for supporting national programmes of action. Such integration needs to include: encouraging the practice of developing mechanisms for enabling flexible funding that can focus on supporting integrated programmes that reflect needs; and ensuring that development actors and international financial institutions have the policies, capacities and programmes required to support appropriately integrated development-SALW programmes in affected countries.

The Review Conference should specify further voluntary information exchange mechanisms on issues that can command wide support, and emphasising the need for these to feed into practical frameworks. In particular it should encourage regional, and possibly cross-regional, co-operation and lesson learning as well as effective, operational, thematically organised international processes. It should agree to create a process to develop international mechanisms for identifying and tracking needs and matching assistance to those needs.

# 10: CONCLUSIONS AND IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE

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It is now five years since the PoA was agreed. States are coming together in June/July 2006 to review progress in implementation of the PoA and to consider ways of enhancing implementation and further developing the PoA so that it performs well as a comprehensive framework for action on small arms and light weapons.

This 2006 Red Book has examined and assessed progress across the world in implementing the PoA, building also on the information and findings of the 2003 and 2005 Red Books. In addition to detailed review of national and regional experiences with PoA implementation, this book has examined progress in each of the key thematic issue areas. It adopted this approach in order best to contribute to debates and decision-making at the 2006 review process.

This concluding chapter aims to present our overall findings and conclusions, as well as to bring together our analyses of the main implications for issues and priorities for the 2006 Review Conference

The PoA established a range of international norms, commitments and measures that together provide a relatively comprehensive framework to tackle the 'illicit trade in SALW in all its aspects': that is, to prevent, combat and reduce SALW trafficking, proliferation and misuse. As we have noted, the PoA document agreed in 2001 reflected some difficult compromises, and has significant gaps and weaknesses. Overall, however, the PoA continues to provide the main global framework for international action to address this urgent set of problems.

After our detailed examinations of progress towards implementing the PoA, in this book and also in the 2003 and 2005 Red Books, what is our overall assessment?

## 10.1 OVERALL ASSESSMENT OF PROGRESS TOWARDS IMPLEMENTATION

Unfortunately, there is no evidence that the overall scale or impact of the problems of SALW trafficking, proliferation and misuse have reduced over the last five years. Reductions in deaths, injuries and insecurity from armed violence associated with SALW are apparent in some areas, because of a multitude of factors including successful peace agreements. But in other areas, there has been an increase. On a global level, trafficking and inadequate control of SALW remains a massive problem.

It was always clear that it would take many years to effectively tackle the complex SALW problems that the PoA addresses. After five years, it is still too much to expect that the PoA, and its associated international, regional and national agreements and programmes, will actually have had measurable impacts on the overall problems; though we would hope to see such progress in at least some countries and regions. Moreover, it is important to recognise how limited available information is on the scale and character of the SALW-related problems, either in 2001 or 2006, making comparisons very uncertain.

Thus, in this book as in the rest of this 'Red Book' series, our assessment of progress in implementation focuses not on the impact on the problems but instead on the extent to which states and others have actually taken actions to implement PoA commitments. More specifically, to what extent have governments, together with relevant international, regional and civil society organisations, substantially progressed in relation to:

- Taking measures to implement their PoA commitments
- Improving their understandings of the problems, issues and dynamics

- Learning lessons about effective PoA implementation from experience
- Developing the necessary partnerships for effective action
- Progressing towards further development of shared international understandings, co-operation and agreements on important outstanding SALW issues

By these criteria, our studies identify and examine many useful and substantial actions that have been taken to implement the PoA and its associated regional and international agreements. Particularly in some countries and regions, for example, governments have taken steps to establish the structures for PoA implementation, and to ensure and enhance controls on authorised SALW manufacture, transfers and holdings to reduce risks that they are diverted to illicit or unauthorised uses or users. There are now numerous examples of good and successful practices to collect, reduce or destroy SALW, in a variety of contexts. There has been progress towards expanding international co-operation and assistance. Many lessons have been identified, and sometimes they have been learned. Good partnerships have developed, and there has been progress towards shared international understandings on some outstanding issues, such as SALW transfer control guidelines. The establishment of a new International Tracing Instrument is evidence of at least some progress towards follow-on agreements.

Overall, however, implementation of the PoA has been uneven, patchy and inadequate. While it is important to recognise some positive developments ('the glass has begun to be filled'), it is at least as important to face the fact that implementation is not on track towards overall effective action ('the glass remains almost empty'). This was our overall assessment in the 2005 Red Book, and one year on the situation is only marginally more encouraging.

Firstly it is useful to highlight ***the need to launch or strengthen international programmes to enhance implementation of key aspects of the PoA***. Even in areas of relative success for the PoA - such as establishing norms and promoting programmes for SALW stockpile security, destruction of surplus arms, and tracing illicit SALW - the focus of international action needs to be improved and the scale increased dramatically if it is to be adequate. This has major implications for priorities for the Review Conference.

Secondly it is useful to focus on the ***patchiness of implementation efforts***. There has been substantial progress on some thematic issues in certain countries and sub-regions. Progress in these sub-regions and countries was already apparent by 2003, and they have mostly maintained their momentum. Most OECD and EU states had already established relatively well-developed systems for controlling SALW transfers by 2001, and they have generally maintained if not improved these since then; in addition several of them have developed substantial international assistance programmes. Amongst the regional and sub-regional organisations ECOWAS, EU, Mercosur, the Nairobi Protocol (Horn of Africa/Great Lakes) countries, OAS, OSCE, SADC, Nadi Framework (Pacific) and the Stability Pact (South Eastern Europe) have developed regional agreements and programmes on SALW which have continued (unevenly) to develop and promote action. A number of relatively severely affected countries have used a combination of internal resources and external assistance to establish and start implementing substantial national SALW plans of action. These include countries such as Botswana, Kenya, Namibia, Tanzania and Uganda in East and Southern Africa. Brazil and South Africa are examples of industrialising countries that have taken substantial steps to strengthen domestic controls as well as to contribute to regional and international programmes.

In addition there are a select number of countries emerging from conflict, such as in Sierra Leone or in Cambodia, in which the local and international authorities have invested substantially in post-conflict DDR and relatively comprehensive weapons reduction and control programmes that have made a difference.

However, most countries do not fall into these relatively positive categories. By far the majority of countries remain in the categories of those that are either mildly committed but relatively ineffectual implementers of the PoA, or reluctant participants in the PoA process that are performing at or below minimum acceptable levels. Many of these have not really even put in place the basic mechanisms and procedures for PoA participation. A vastly increased effort needs to be devoted to promoting more effective action to tackle SALW trafficking, proliferation and misuse within such countries.

**Promoting adequate minimum standards and levels of action across all parts of the world** is emerging to be a key challenge for the PoA. All international action on commitments to address complex problems is bound to be to some extent uneven and patchy. But one of the key aims of global agreements such as the PoA is to establish norms, programmes, and mechanisms to promote effective action in all regions and countries, not just those in which substantial regional agreements have become established. The Review Conference provides a key opportunity to clarify, strengthen and develop the norms, programmes and mechanisms of the PoA so that they are adequate for the task of promoting and supporting implementation in countries that are not also supported by substantial regional processes.

Thirdly, **it is important to learn lessons from implementation experience since 2001 in relation to the present gaps and weaknesses in the PoA.** Governments and regions that have demonstrated commitment and action to implement the commitments in the 2001 PoA document have also typically found it to be important to take actions in areas on which this document remained vague or virtually silent. Examples include: transfer control guidelines; measures to regulate civilian possession; development of detailed good practice guidelines; integration of policies and programmes to address SALW and promote development; action on SALW ammunition; improvement of public service for civilian protection and access to justice and of security sector governance and accountability; integration of SSR, SALW and DDR programmes in severely affected communities; and restrictions on SALW transfers to non-state actors, including MANPADS. When considering whether and how to address such issues, the Review Conference could usefully draw inspiration from those countries and regions that have been relatively active in pursuing these issues in the last five years.

## 10.2 ASSESSMENT OF IMPLEMENTATION PROGRESS FOR KEY POA THEMATIC ISSUE AREAS

Before proceeding to more detailed discussion of the implications of our overall assessment for the 2006 Review Conference, it is important to provide more detailed assessments of progress in implementing each aspect of the PoA. These draw in turn on the detailed findings of Chapters 4 – 9.

### 10.2.1 PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

A large number of countries have still not really put into place the basic elements for PoA implementation to which they are committed: points of contact and national co-ordination bodies.

Most states (150) have now at least appointed a **national point of contact** for the PoA, and most have duly informed the UN. However, even this has not been achieved by a significant minority of states. Further, many national points of contact lack capacity or awareness of their role; or have lapsed into inactivity or been transferred to new posts without updating the UN DDA. States thus need to reaffirm the importance of establishing a national point of contact, and take action to promote universal compliance with this most basic commitment.

The PoA commitment to establish or appoint “***national coordination agencies or bodies and institutional infrastructure***” responsible for policy guidance, research and monitoring of action on SALW has been neglected by more than half of states. As of May 2006, 90 out of 191 UN member states have established national co-ordination mechanisms including officially designated national co-ordination agencies or bodies, as well as 16 states with no formal national commission but for which there is, nevertheless, evidence of significant national coordination. This represents an improvement on previous figures of 37 formal national coordination agencies in 2003 and 79 in 2005. So overall the building of these foundations has been slow but increasing steadily. Action is needed to promote universal implementation. In those countries where such coordination mechanisms have been established, a range of benefits have been found though the building of their capacity is often a challenge requiring further international support and co-operation between states. Likewise, the composition, aims and activities and impacts of national coordination mechanisms or bodies have been mixed. National co-ordination mechanisms/bodies have tended to be more effective where they:

- Include an appropriately wide range of agencies and departments. While it is critical to involve the key security and criminal justice agencies and those directly involved with developing and enforcing regulatory controls on SALW possession and transfers, it is also important to ensure good links with, and participation of, others such as health, education, finance, planning, public information and local government
- Maintain a national and relatively comprehensive approach, with an appropriate balance between local initiatives and development of national policies and programmes
- Involve civil society organisations and experts, either formally through including CSO representatives on the co-ordination body or through ensuring good access and consultation.

The development of a ***specific national strategy*** to address SALW problems, and implement the PoA is a key initial action undertaken by many coordination mechanisms. In some cases, a formal national Action Plan has been developed in which national needs and priorities are researched, analysed, and fed into specific programmes of action at the national level. While the development of national strategies is not an explicit requirement of the PoA, experience has shown that, in order to be effective, national co-ordination mechanisms need to develop a clear strategy or action plan for their work. Where they exist, national strategies or action plans tend to be relatively comprehensive. Such national action plans are currently at varying stages of implementation. But it is already clear that the approaches and methodologies developed to establish such plans hold considerable potential to enhance action on SALW in a wider range of countries in the future. This is an area that has emerged as a key focus for increased international co-operation and assistance.

#### **The significance for national implementation of regional agreements and programmes**

The ***correlation between national implementation of PoA commitments and the existence of substantial regional agreements and frameworks for action remains a clear feature of international action*** on SALW. This correlation was identified in the 2003 and 2005 Red Books, and has grown stronger over time. As a general rule, where a sub-region has developed substantial regional agreements and programmes of action to address SALW issues, the states within that sub-region have made more progress towards national implementation

This appears to be a dynamic, mutually-reinforcing, phenomenon, and not simply a reflection of initial presence of a critical number of interested states. The existence of (sub-)regional norms, programmes and mechanisms for co-operation and consultation has tended to enhance high-level awareness, lesson-learning, capacity and practical activity – at national levels and between neighbouring countries and communities. It has often helped to mobilise co-operation and assistance not only from within the



region, but also from international organisations and bilateral aid agencies: UN agencies and international and regional organisations often find it particularly convenient and attractive to establish links with regional organisations and programmes. Regional agreements build confidence that action could deliver useful results (since SALW problems often have a strong cross-border dimension), and help to avoid damaging inconsistencies in approach between neighbours. The enhanced national and cross-border actions then feedback into the further development of regional initiatives. These processes are now developed, for example in South America, Central and South East Europe, the Pacific (Nadi Framework), and Southern, West and East Africa.

**Sub-regional agreements and institutions are not a panacea** and cannot compensate for deep lack of interest or strong obstacles to progress within a country. In several of the above regions where there are substantial regional agreements or programmes, there are individual countries that have made little or no progress towards implementing the PoA. Moreover, there are also some examples of states that have made substantial individual progress in the absence of a regional agreement (such as Cambodia and Sri Lanka). But states in the latter category do suffer from their relative isolation. In the absence of substantial global programmes within the PoA framework, many of them have tended to rely greatly on the ad-hoc mobilisation of international support and assistance.

There are a **number of lessons that can now be identified** and learned about the building of regional infrastructure and capacities in formal regional and sub-regional institutions and other frameworks for co-operation. There are both positive and negative experiences of supporting regional bodies, and the next phase of international action on small arms should learn from both.

### 10.2.2 PROGRESS TOWARDS CONTROLLING SALW TRANSFERS

The **illicit trade in SALW is inextricably linked to authorised SALW transfers**. Effective and responsible transfer controls are key to preventing destabilising accumulations and misuse of these weapons. This has been fully acknowledged in the PoA itself, which emphasises the range of areas over which states should exercise effective and responsible control. These include the effective regulation of the import, export, transit, retransfer and brokering of SALW. The PoA also elaborates and encourages these norms with further commitments that, while not representing fully elaborated good practice, reaffirm the key importance within these systems of assessing authorisations against strict guidelines and criteria; exercising effective end-use/end-user controls; supporting the enforcement of UN arms embargoes; and border controls.

Most states have some **basic laws and procedures on export and import** of SALW. Fewer (some 79) have controls on transit and transshipment, and even fewer (about 37) have specific controls over brokers and brokering. Further, while a majority of states have some laws and procedures on import (135) and export (111), this still leaves a substantial group of between 25% and 30% of states that lack even the frameworks required to exercise control over all aspects of SALW transfers let alone the capacity to enforce controls. Accordingly, the inadequacies and divergences in states' approaches to the regulation of SALW export and import control are likely to be significantly contributing to the illicit trade in SALW. There appears to be a considerable need for the elaboration of international standards and good practices in this regard, to clarify the implications of the commitment for states to adopt adequate laws, regulations and administrative procedures for the control of SALW.

The **quality and scope of national SALW transfer control provisions** will have a significant bearing upon efforts to prevent and combat the illicit trade in SALW. As well as being comprehensive in scope, i.e. involving all types of SALW transfer activities including export, import, retransfer, transit/transshipment, licensed production, brokering and transportation, such national controls need to

be sufficiently detailed and applied with enough consistency and rigour to prevent the exploitation of loopholes by unscrupulous entities and to close opportunities for the illicit trade and misuse of SALW.

The PoA's commitments on export controls are more elaborated than those on import or transit. The relative lack of commitments and emphasis specifically on import and transit controls means that opportunities may have been lost to promote controls in these aspects of a transfer. Most states have some laws and procedures on import controls, but further international elaboration of key elements and principles is needed.

On transit controls, **most states lack specific controls over the transit of SALW**, beyond those that apply to all commercial goods: only some 79 states appear to have specific controls on transit of SALW and similar conventional arms. Transit controls are often the weak link in the transfer control chain. Regional measures have begun to elaborate commitments that transit should be licensed. But overall, transit controls lag behind other areas of transfer controls at the national, regional, and global levels. The development of international assistance programmes involving the provision of resources, technical equipment and expertise would constitute an important step towards bolstering national efforts to implement transit controls. Comprehensive systems for information sharing amongst all parties concerned in SALW transfers should also be developed.

Many transfer control systems do not adequately tackle the range of issues associated with licensed production overseas (LPO). LPO and/or transfer of manufacturing equipment for SALW and ammunition, parts, or components raises a range of issues creating gaps in the coverage and effectiveness of transfer controls, and the risk of diversion. However, coverage of these issues in national systems is a common weak point. There is scope for international information exchange and lesson learning on the nature of this issue and approaches and implications of ensuring effective coverage of LPO in transfer controls.

**Controls on the brokering of SALW transfers are a key weak point** in many national systems of laws and regulations on SALW transfer controls. The PoA contains several commitments on brokering, some of which are rather weak or vague. The follow-on commitments in the PoA on this issue led to broad-based consultations at the global level that have now resulted in a General Assembly decision to establish a new Group of Governmental Experts (GGE) on the subject.

Considerable national progress has been made on this issue since the PoA was agreed, but still only a small minority of states (a total of 37) have legal controls over arms brokering activities. Regional and multilateral progress has been made, such as the OSCE good practice guidelines on regulations to control SALW brokering activities and the Norway-Netherlands initiative. It seems clear that since 2001 shared international understandings on key issues relating to regulations to control brokering activities have developed substantially. The time appears to be ripe for a crystallisation and more comprehensive elaboration of international commitments in this area to build upon the progress by some states and several regions on brokering controls. The new GGE on SALW brokering should therefore focus on issues that directly help to prepare for international negotiations to develop an international instrument to control arms brokering activities. The Review Conference should encourage such a focus, and otherwise contribute to the early establishment of such an instrument.

Many illicit SALW are diverted from legal transfers. The PoA explicitly draws attention to this and contains a range of commitments that relate to **reducing the risk of diversion** including assessing the risk of diversion (as the only specific guideline for transfer controls that is elaborated in the PoA); the use of end-user controls; marking and tracing commitments; and so forth. While only illustrative information is available, it is very worrying that the basic commitment to assess the risk of diversion when considering authorising a SALW transfer is, on the basis of publicly-available information, explicitly conducted in only

41 states, all but a few of which are within Europe and North America. Although some further states may also make such assessments, it is a high priority for all states to develop effective systems to prevent diversion, which is one of the primary objectives of many PoA commitments.

PoA commitments on **end-use, end-user control and retransfer notifications** all contribute to the management of the risk of diversion. Yet most states do not appear to be taking effective or systematic action at the national level to ensure they have such control systems in place. PoA commitments relating to assuring the end-use of exported SALW are clear but not elaborated. Many states still lack the systems and procedures required to use authenticated end-user certificates (EUCs) as an element in efforts to prevent and combat diversions of exported SALW. Further, commitments by states to make every effort to notify original exporting states prior to retransfers are not being routinely implemented or integrated into national systems of transfer controls. Thus, a range of key elements of practical or administrative systems for ensuring control over SALW transfers are lacking in many states.

**International guidelines for national decisions on whether to authorise SALW transfers** are closely linked to the issue of ensuring technical systems for control are in place. They complement and reinforce each other. However, the main PoA commitment relating to such guidelines (Section II, Para 11) is formulated in terms of SALW exports. Since 2001, a wide international consensus has developed to the effect that such international guidelines should apply for all states that should be directly involved in authorising SALW transfers: exporting states, importing states, transit and transshipment states and states with jurisdiction over relevant brokering activities. Moreover, decisions taken on the basis of such guidelines should as far as possible involve consultations between the importing and exporting states where there are differences between them.

As for the substance and formulation of such guidelines, there are several regional or multilateral guidelines for national decisions on whether to authorise a proposed SALW transfer. These generally include a guideline to consider the risk of diversion, and not to authorise the transfer if that risk is high.

The PoA's commitments on the content of such international guidelines or criteria for national decisions on whether to authorise SALW transfers are important, but their implications remain largely unelaborated, specifying only that the risk of diversion be assessed and that authorisations be consistent with states existing responsibilities under international law. Since 2001, there have been many consultations and international or regional meetings to develop shared understandings on how to clarify and elaborate these commitments, particularly through the Transfer Control Initiative, and the Small Arms Consultative Group Process. There is now considerable potential and support for some elaboration of these PoA commitments to help ensure that relevant national officials are clearer about how applications to authorise an SALW transfer should systematically be assessed, and to facilitate consultation and consistency between governments. Thus a key aim for the Review Conference is, as far as possible, to agree on a set of guidelines and good practices for SALW transfer controls elaborating on the existing commitment to avoid risks of diversion and reflecting states existing obligations under international law. These should be developed in relation to the full range of transfer controls, including export, import, transit, and brokering license applications.

On enabling **timely and reliable tracing of illicit SALW**, the PoA contains a number of strong and specific commitments. These have been considerably elaborated and reinforced by the commitments in the UN Firearms Protocol and the new International Tracing Instrument. These contain quite stringent obligations on marking and recordkeeping, and the Tracing Instrument establishes relatively well-developed procedures and obligations for timely and reliable co-operation in tracing investigations. A substantial number of states do not yet have in place the national rules, standards and capacities required to comply with these agreements, and there is an urgent need to rectify this. There are

substantial international resources and mechanism available to support such tracing co-operation, including Interpol and its IWETS database, as well as information systems and reference tables to enable reliable identification of seized weapons.

At this point, the main priority is to accelerate national implementation of the norms and commitments of the UN Firearms Protocol and the International Tracing Instrument, and to establish the mechanisms for the effective reporting, technical co-operation, consultation and assistance required. Although there are a large number of bilateral requests for tracing illicit firearms for 'ordinary' criminal investigations each year, it is important to promote use of tracing co-operation for illicit weapons associated with conflicts, and to use the new instrument to identify and close-down diversion points.

The follow-on and review mechanisms for the International Tracing Instrument are closely tied to those of the PoA. The 2006 Review Conference is the first formal opportunity to review this new instrument and to take measures to promote rapid implementation. It is important that it serves this purpose well. It also needs to address the two outstanding issues from the Open-Ended Working Group that negotiated the International Tracing Instrument: namely to establish a process within the UN framework to address SALW ammunition, and to clarify the application of the instrument in UN post-conflict peace missions.

The **implementation of concrete measures to prevent certain types of illicit flows of SALW** has also developed since 2001, but considerably more action is required at all levels. Illicit trafficking across borders and flows that breach UN arms embargoes are key parts of the illicit trade that the PoA addresses. In both areas national action has been relatively limited. Moreover, critical regional and global action to enhance capacities to prevent such illicit flows has been limited. In relation to **enhancing border controls** a range of regional commitments exist and have begun to be implemented. The development of capacity to adequately cooperate in border controls remains a resource intensive activity requiring much greater international support. In relation to UN arms embargoes, the development of more effective transfer controls will go a long way to making UN arms embargoes more enforceable. However, further international action is required to enhance the capacity of the international community to effectively monitor and implement arms embargoes.

While overall progress on transfer controls has been slow at the national level, and regional and global processes on guidelines are developing, transfer controls have moved on apace in some specific areas, most notably in relation to **MANPADS**. In other areas that proved impossible to get agreement during the 2001 conference, international progress has also been made. Notably, the issue of **controlling SALW transfers to Non-State Actors (NSAs)** which proved so divisive in 2001 has moved on to a more constructive foundation. While many disagreements remain over the best way forward with this issue, considerable progress has been made in the Small Arms Consultative Group Process in building common understandings of the issues and possible ways to develop appropriate responses.

Overall, there have been some very **encouraging developments** in transfer controls that have gone further than the minimal commitments in the PoA. This is the case both in terms of the level of sophistication of systems introduced and amended, and in terms of their breadth reflecting a growing awareness of the importance of all aspects of transfer controls. Nevertheless, this represents fragmented progress and many states and regions lag far behind. Thus the Review Conference is faced with several tasks to strengthen the UN SALW process' engagement with transfer control issues, and with important opportunities to do so.

### 10.2.3 PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR ALL AUTHORISED SALW

States are committed to ensure responsibility for all authorised SALW. This requires ensuring effective controls over authorised small arms, light weapons and ammunition from the point of manufacture

onwards. These should apply to all authorised arms, including those in the hands of all states' military, paramilitary and police forces, all private security companies, gun dealers, and authorised civilian possession. These controls should aim to ensure that authorised holdings of SALW and ammunition do not find their way into the illicit trade, are safe and secure, and are not misused by their own forces or by other authorised holders. Implementing these commitments and making efforts to enhance the effectiveness of these controls have been an important aim for many states. However, the PoA does not elaborate the implications or different aspects of its strong overall commitments in this area, and detailed good-practice guidelines are lacking. Many states have not succeeded in developing effective controls although they aim to do so.

The PoA's commitments on **controlling manufacture of SALW** are not elaborated. The great majority of states have at least some laws to regulate SALW manufacture, but many national regulations are out of date, lack sufficient scope, or do not reflect contemporary good practice. Further, the issue of controlling craft production is a pressing concern in several places. While there is a growing body of experience of the nature of these issues and regulatory responses, little national action and no international co-operation and support has tackled this issue. In the absence of detailed guidance from the PoA process, many governments appear uncertain of what they need to do. Where reforms of production controls have taken place they have tended to be relatively minor amendments.

In fact, there is wide agreement among experts on the requirements for effective controls in this area. These are reflected, for example, in the relevant OSCE Best Practice Guidelines or in the manufacturing-related commitments in other relevant agreements, such as the OAS convention. However, governments are often reluctant to draw upon norms and guidelines developed within a different region. Thus useful good practice guidance from other regions is often not fully used. This is an aspect of the PoA that requires global initiatives to promote effective implementation.

The **management and security of stocks of SALW** in the hands of state agencies (military, police, paramilitary, border guards etc) and authorised bodies (such as private security companies) is central to the PoA and to reducing the illicit trade in SALW. Weak stockpile management and inadequate security contributes to the illicit trade in small arms and light weapons on a daily basis by allowing the leakage of SALW (including ammunition) into the hands of illicit dealers and black markets. One of the key successes of the 2001 Conference was its strong confirmation that safe and secure management of states' holdings of SALW is a legitimate issue for international concern and action, and establishment of strong overall norms and standards. The PoA identifies key elements of stockpile management and security. A number of regional agreements and best practice guidelines exist that reflect very similar principles of good management and security of stocks.

Most states have some form of system for stockpile management and security. Many of these are in practice inadequate. At least 30 governments have reviewed these systems to enhance their effectiveness in line with aspects of good practice outlined in the PoA and elsewhere. Unfortunately, this implies that the great majority of states have not.

Internationally supported SALW programmes in some regions have concentrated particularly on **strengthening stockpile controls and security**. There has been a range of largely bilateral or regional support since 2001 for particular projects for promoting secure and effective SALW stockpile management. However, there have not yet been the global programmes to promote SALW (and SALW ammunition) stockpile management and security that the PoA envisioned. Although the great expansion of international assistance and co-operation programmes in this area is welcome, efforts remain rather partial and ad-hoc. The scale of the response measures is dwarfed by the scale of the urgent problems. There are almost certainly vast quantities of SALW and ammunition still kept in insecure or inadequately

managed conditions. Assistance programmes to promote stockpile security and management are now substantial, but need to be increased by an order of magnitude across the world. There is also a clear need for more effective integration of SALW stockpile management and security with broader security sector reform or post-conflict stabilisation processes.

Ammunition stocks are a particular challenge and the **vast quantities of unsafe, insecure and at-risk ammunition** are an urgent priority that was not specifically addressed in the PoA. In addition to risks of loss, theft or capture, SALW ammunition also poses risks to the safety of people in or near to the storage depots, since ammunition contains explosives which can become unstable if poorly stored or handled. There has been some international progress on this issue. The specific challenges of ammunition stocks require the development of specific norms and programmes on ammunition, within the broader context of enhanced programmes on SALW as a whole. The relative overall lack of attention to SALW ammunition storage issues means that opportunities have been lost to achieve effective action on this issue.

By treating ammunition as a residual category for action, a number of entry points and opportunities to efficiently engage with the issue in the context of broader stockpile reforms, SSR, DDR, and post-conflict programmes may have also been missed. The human cost and opportunity costs of the neglect of ammunition implied by the PoA's failure to reinforce norms have been significant. Thus, the destruction of vast stocks of at-risk ammunition is an urgent international priority.

The need for emergency standards and a process for identifying and disposing of those urgently at-risk and dangerous stocks is clear. The foundations for such action have already been laid in the PoA and have recently been reinforced in the UN General Assembly Resolution (A/Res/60/74 of December 2005) which calls for states to identify their surplus stocks of ammunition, explosive materials and detonating devices if they represent a security risk, and if external assistance is needed to eliminate surplus stockpiles or to improve their management through bilateral frameworks or international and regional organisations. It also requests the Secretary General to seek the views of states on the risks arising from such stocks and on national ways of strengthening controls on conventional ammunition. These are useful first steps, but it is also clear that the results of these processes will identify a large and urgent need to address conventional ammunition. Efforts to build international programmes on ammunition should begin in earnest immediately, should respond to already evident needs and should adapt to newly identified problems as they arise.

**Civilian possession and associated trade and controls over stockpiling and manufacturing** were among the most intensely debated issues at the 2001 Conference, and, up until the last moments of negotiation, the PoA contained stronger commitments on these issues. While the PoA now contains negligible commitments on civilian possession, states have increasingly recognised that adequate implementation of the PoA requires effective control over the possession and trade of small arms by and for civilians.

Many states and regions have continued to prioritise the issue of civilian possession and trade of SALW as a key dimension of ensuring responsibility and control of authorised SALW holdings. Changes in the regulatory frameworks and their enforcement have been undertaken by at least 52 states since 2001. Key areas of action have included strengthening systems of licensing and registration, further strengthening of widely held principles such as prohibition of civilian possession of military-type weapons; restrictions on the types of weapons and their possessors; controls on lawful purposes and carrying; the range of criminal sanctions and enforcement systems; and linking with weapons collections, particularly through amnesty programmes.

In many regions **disparities in legal frameworks and enforcement within regions** are a key factor enabling the illicit trade. In order to reduce such loopholes and ensure that legal civilian markets are not



used as a source for illicit trafficking into neighbouring states, several regional agreements have developed specific commitments on key principles and aims of the regulation of civilian possession, trade, and manufacturing. However, the implementation of regional standards remains in its infancy in many places. The benefits of regional action and harmonisation are undermined by a lack of complementarity and lesson-learning that could have been encouraged by the PoA. It is important to note that considerable political sensitivities continue to surround these issues, but that also there may at least be scope for international action including sharing information and experiences, developing harmonised standards, and ensuring more effective controls that remain clearly within the context of nationally established standards and systems of regulation of civilian possession of SALW.

Overall, ***ensuring responsibility for authorised small arms, light weapons, and associated ammunition has been one of the most widely implemented areas*** of national action on SALW since 2001. Some states have prioritised implementing controls over state stocks; others have prioritised the weapons and ammunition authorised for other bodies such as private security companies, private dealers, and civilians. Fewer states have prioritised action on manufacturing controls, and many ammunition stocks have been neglected and require urgent attention. Across the range of areas of action needed, further international support and much greater national action remains essential if the illicit trade and misuse of SALW that feeds off authorised stocks is to be curtailed.

#### 10.2.4 PROGRESS TOWARDS SALW DISARMAMENT, COLLECTION AND DESTRUCTION

SALW disarmament and disposal through destruction are key areas of programming supported by the PoA. Programmes to collect SALW from civilians and to promote the disarmament of ex-combatants in post-conflict situations have been prominent areas of action on SALW since before 2001. Similarly, commitments in the PoA to dispose of SALW through destruction have been reflected in substantial activity by the international community. Nevertheless, significant gaps and opportunities remain for learning lessons from good practice and increasing the scale and effectiveness of disarmament and destruction programmes.

***Disarmament, demobilisation and reintegration (DDR)*** has become a common integral part of much post-conflict stabilisation and reconstruction programming. It has attracted a significant amount of the international community's financial and technical assistance, though many aspects remain insufficiently developed, supported or implemented. The body of international experience on conducting DDR has been substantially augmented since the PoA was agreed. However, while lessons are being identified, they are not yet being consistently learned and applied in the design and implementation of DDR programmes. Some progress on learning and applying lessons has been made as this wide experience has been consolidated and reflected upon in some international initiatives such as the Stockholm Initiative and the new UN Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS).

The PoA is less precise in its handling of weapons collection efforts that do not fall within a DDR process or an immediate post-conflict period. Nevertheless, since 2001, a substantial number of countries have carried out ***civilian disarmament programmes*** outside a DDR framework. These have taken various forms of voluntary weapons collections including gun amnesties, weapons for development and weapons buyback processes, and in some cases forcible weapons collection programmes. As with DDR, the participation of civil society organisations in voluntary weapons collection schemes has proved to be important to their success. If conducted appropriately, such programmes can carry additional benefits of developing working partnerships between government and civil society that can contribute to longer-term processes to reduce both supply and demand for SALW.

Across the range of disarmament initiatives and contexts there are important lessons to learn about the use of ***incentives for weapons handover***, the value of partnerships with civil society, the need for



addressing the needs of women, children and the elderly, as well as young men, in post-conflict settings, and the disposal of collected weapons. Overall, while there has been commendable progress in implementing disarmament initiatives, there is considerable scope for enhancing such programming and improving its effectiveness. For instance, there is a need for enhanced co-ordination between DDR and civilian SALW collection, control and destruction, and a clear need for identified lessons to be learned in the design and implementation of SALW reduction and control programmes.

The ***destruction of surplus, confiscated and collected small arms, light weapons and ammunition*** have been a priority area for national action in several states – both post-conflict states and those facing considerable challenges in controlling large or insecure stocks. The destruction of surplus, confiscated, and collected stocks is a key means of reducing the burden on stockpile management and security systems and ensuring that unwanted or at risk SALW and ammunition stocks are not diverted into illicit circulation. Further, public destructions can build confidence in peace and disarmament processes and raise awareness of SALW issues.

While the PoA gives a strong emphasis to disposal of these categories of SALW through destruction, it stops short of an unqualified commitment to do so. Nevertheless, numerous states have followed this route and have introduced policies of destroying all surplus and/or all confiscated or collected SALW. International support has been provided to many programmes for disposal, but their coverage and scale remains patchy and inadequate to the global task. While there have been no global programmes for destruction, a range of international initiatives have contributed to destruction, including through regional agreements and frameworks such as the OSCE, or initiatives targeted at particular types of weapons such as MANPADS. Overall, however, destruction processes remain inadequate, and the scale of at-risk stocks of ammunition, and stocks of SALW and ammunition that are prone to diversion, remains large and presents an urgent challenge.

Overall, there has been ***considerable national and international action on SALW disarmament and destruction initiatives***. Across all areas of programming for disarmament and destruction key lessons at both the policy level and operational level need to be learned. For instance, across the range of programmes here, partnerships with civil society organisations have significantly enhanced the success of the programmes. In contrast, however, action to ensure that gender and age dimensions are effectively handled has tended to be limited, and in clear need of improvement. In each area there is a need for more effective lesson-learning, sharing and dissemination of good practice, and stronger frameworks for co-operation and assistance to ensure more comprehensive and effective action.

#### 10.2.5 IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

Since 2001 the international community has increasingly recognised that ***addressing the proliferation and misuse of SALW requires action beyond the 'disarmament' framework*** that effectively tackles the human rights, humanitarian, development, and governance aspects of SALW. It is in these areas that the impacts of the illicit trade and misuse of SALW are acutely felt. Further, development, governance, security and human rights issues also lie at the root of much of the demand for illicit SALW and constrain the capacity of states and civil society to take effective action to control SALW. Thus, it is increasingly recognised that action on SALW should fully recognise the wide impacts of the trafficking, proliferation and misuse of SALW, and where appropriate be integrated with broader programming that directly engages with these issues.

Action on SALW should also ensure that it addresses the particular needs of women, children and the elderly, as well as young men. Gender and age are typically very important factors in both post-conflict

settings and other situations. For example, women's particular roles as users, supporters, victims and assailants need to be properly recognised and addressed. Young adult and adolescent men are understood to form the majority of the direct victims of armed violence. Moreover, there is a need to more effectively address the needs of survivors of SALW-related violence. Survivors are often left with severe disabilities and trauma that have direct and indirect impacts upon livelihoods, health systems, and other areas. It is important that action on SALW and on development adequately addresses the needs of survivors.

In addition to the clear need for development and governance programming to take greater account, and make more effective use, of SALW programming, the converse is also crucial. Specific actions on SALW need to pay greater attention to human rights, development and governance issues and impacts. While this is happening in key areas of action on SALW, such as the development of stringent transfer control guidelines, the strengthening of controls over civilian possession, and conducting weapons for development projects etc., overall this remains patchy and confined to a few initiatives. However, there are some encouraging signs of the development of global foundations for more effective handling of the linkages between action on SALW and human rights, humanitarian issues, development, governance, and security that will benefit all areas of programming.

In the 2005 'World Summit' document, world leaders expressed grave concern at the **negative effects on development, peace, security and human rights posed by the illicit trade in SALW** in all its aspects.<sup>1</sup> Also in 2005, the UN General Assembly endorsed a resolution on addressing the negative humanitarian and development impacts of illicit or excessive SALW.<sup>2</sup> This latter resolution 'calls upon States, when addressing the issue of the illicit trade in SALW in all of its aspects, to explore ways, as appropriate, to more effectively address the humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation, in particular in conflict and post-conflict contexts.' Further, the work of the UN Special Rapporteur on Prevention of Human Rights Violations Committed with Small Arms and Light Weapons has produced important conclusions on human rights and SALW.

An emerging and strengthening area of action relates to the **integration of SALW programming with development and governance programmes**. Thus far this remains an emerging approach with a handful of donors, programmes, and affected countries taking steps to integrate SALW programmes with poverty reduction strategies, security sector reform programmes, and so forth. Since 2001, and particularly in the last few years, greater attention to these issues has developed at the policy level. Key international developments have taken place that are building support and understanding of the implications of tackling armed violence in development programming, thereby making action on SALW more effective, and ensuring that development and governance and security programmes effectively tackle the critical problems of SALW. Prime among these are the decision by the OECD DAC to make most types of SALW programming eligible as overseas development assistance (ODA), enabling a wider range of development aid agencies to not only support SALW-related programmes but also programmes that integrate SALW and development. In 2003 an important Armed Violence and Poverty Initiative was launched, which has helped to enhance knowledge of the inter-relationships between reducing armed violence and poverty alleviation, and promote support for action amongst the key donor communities. In the lead-up to the 2006 review conference, a series of significant international meetings have taken place on this issue, including in Oslo (March 2006) Wilton Park, UK (April 2006) and a high-level meeting in Geneva (June 2006) – all aimed to promoting effective and appropriate integration of SALW development issues and programmes. Thus, there is a growing and accelerating international impetus to more effective and systematic integration of armed violence issues into development frameworks and programming.

<sup>1</sup> 2005 World Summit Outcome, UN Document A/RES/60/1, 24 October 2005.

<sup>2</sup> UN General Assembly Document A/C.1/60/L34/Rev 1, 21 October 2005.

## 10.2.6 PROGRESS TOWARDS INTERNATIONAL CO-OPERATION AND ASSISTANCE ON SALW

International co-operation and assistance are essential elements of efforts to tackle the illicit trade in SALW and commitments to co-operate and to provide such assistance form a key part of the PoA. Co-operation at the regional and sub-regional levels was a feature of much action on SALW prior to July 2001, and has continued to develop and expand since then (see Chapter 3). Similarly, both before and after 2001, a number of donors have provided important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. Support and co-operation has occurred in a range of areas, including policy development and co-ordination as well as at the operational and implementation levels. The key challenge now for the UN Small Arms Process is to enhance the scale and effectiveness of such international co-operation and assistance.

Overall, it appears that there have been **some significant changes in international co-operation and assistance** since 2001, but many of these are only just beginning. In relation to the provision of financial and technical assistance, the donor community providing assistance to SALW programmes has undergone some significant developments and changes since 2001.

The ranks of donors and assistance agencies, and the resources available for SALW-related programmes have grown. A number of new donors have entered the field and the character of international assistance programmes appears to be gradually moving away from relatively inflexible and project-based donor aid to more flexible and sustained co-operation with greater scope for genuine partnerships, including south-south as well as north-south. While this is only in the early stages of becoming a feature of assistance, these first steps are encouraging.

Regional and international institutions have become increasingly involved in raising, providing, channelling and co-ordinating assistance. Relationships of assistance and co-operation on SALW issues have therefore developed at all levels. The range of projects on SALW that have benefited from co-operation and assistance has also broadened, and regional frameworks for supporting such action have developed. This is further reinforced by strengthened co-operation and capacity at regional levels.

In spite of maturing co-operation and an evolving support base for action on SALW, **the scale of available assistance remains inadequate** to the tasks of effectively enhancing action in the above areas. Accordingly, there is considerable need for individual states within the international community to build their capacity and willingness to engage in effective action on SALW.

Few donors have taken sufficiently seriously their responsibility to ensure that their support is co-ordinated and mainstreamed with broader programming areas and goals. While there are encouraging signs of increased integration of SALW action with development programming and security sector reform, such integration is still limited. Additionally, while the growth of the cooperative relationships and the support base for action on SALW has been accompanied by a broadening of its agenda(s), the scope and foci of projects that have benefited directly from this still remains concentrated on single-issue and relatively short-term projects rather than comprehensive approaches. They also tend to cluster around high profile cases.

There is also a tendency to prefer relatively short-term projects with highly visible and tangible outputs, such as weapons collection initiatives. Equally important, yet less visible, longer-term programmes on aspects such as institutional development and capacity-building, appear often to have been neglected. In part this reflects limitations in the way donors have built their capacity to respond to needs. Donors new and old tend to focus on particular types of projects – largely those in which their limited budgets can make a discernible and visible contribution. Further, SALW programming can be a technical area in

which a small number of staff gains particular expertise, this means that both new and old donors may struggle to develop institutional memory on supporting SALW programmes. Thus, the scope for advantageous consolidation through co-ordination frameworks and international programmes is substantial but, at the moment, still only potential.

This limitation and potential is also a feature of the international community's capacity to support SALW programming. In this regard, it is important to note that **information exchange and co-operation frameworks have not matured as well as they could have** in the five years since the PoA was agreed. The UN process has clearly and substantially contributed to the quantity and quality of information on action on SALW that is available, and the record of national reporting has improved significantly over the past five years. Issue specific information exchange processes have tended to be better implemented and have seen some significant improvements. Nevertheless, most information exchange remains fragmented and ad-hoc. Critically, much information exchange that is occurring is insufficiently oriented towards learning lessons and enhancing implementation.

International information exchange should be contributing to co-ordination, complementarity and synergy, and also to the effectiveness of SALW programmes and their integration into broader programming. The critical mass of experiences – at which point information exchange could productively have contributed to the efficiency and effectiveness of implementation – has passed. There is, therefore, a **clear need for renewed and refined efforts for systematic information exchange** mechanisms to be developed and implemented at the global and regional levels. Effective identification, dissemination and learning of lessons from experience with SALW assistance programmes is widely agreed to be essential to improve their relevance and effectiveness.

Nevertheless, a number of reasonably reliable crosscutting lessons from experience have already been identified about how to design and implement different types of SALW programmes. These include the importance of:

- Sustainability
- Full engagement with relevant local communities and stakeholder interests
- Appropriate comprehensiveness and flexibility
- Linkages with development, post-conflict reconstruction and peacebuilding, security sector reform and related issue areas

These lessons have been widely disseminated. But many co-operation partners have in practice been extremely slow to actually learn and apply these lessons and mistakes are repeatedly made.

Crucially, while there have been numerous improvements in co-operation and assistance, states have not been able to realise their commitment to ensure co-ordination, complementarity and synergy in their actions on SALW. There is a pressing need for the Review Conference to examine ways in which international co-operation and assistance can be improved in this regard, expanding and matching co-operation and support with needs.

### 10.2.7 PROGRESS IN PARTNERSHIPS BETWEEN GOVERNMENTS AND CIVIL SOCIETY ORGANISATIONS

The PoA encourages partnerships, as appropriate, between governments and civil society. The evidence presented in this and previous Red Books demonstrates that there are many good examples across the world of fruitful co-operation between governments and civil society groups on SALW issues.

There are numerous examples of **partnerships between governments** of SALW affected states and between these governments and donor agencies on SALW initiatives. However, it is clear that this co-operation could and should be far more extensive. In addition to the limitations of assistance, donors and partner governments also seem to have difficulty in reaching a shared consensus of how to conceive and implement SALW projects. Donors have their own priorities, as do national governments and in this context developing common understandings of how best to construct and implement initiatives to tackle SALW proliferation is a major challenge.

**Nevertheless government-donor agency partnerships have emerged in relation to an extensive range of initiatives.** These are evident in the assessment of the SALW problem in particular countries, the development of national institutional frameworks for tackling SALW, the disarmament, demobilisation and reintegration of combatants, weapons collection and destruction projects, stockpile management initiatives, and public awareness raising projects.

The range and extent of donor agency and government collaboration on small arms initiatives means that there is no shortage of valuable experience or lessons learned from the wide range of partnerships that exist. Nevertheless, the sharing of these lessons has not taken place consistently so as to benefit future alliances and projects. The international community thus needs to find a way of allowing lessons learned and experiences from all types of partnerships to be shared much more systematically for the benefit of all who have an interest in tackling the spread and misuse of SALW.

Moreover, the evidence presented throughout this and previous Red Books confirms that **civil society groups can contribute across the whole range of measures** envisaged in the PoA, not just through public awareness campaigns. Such partnerships have developed at both the policy level and the programmatic level with civil society organisations contributing valuable expertise and experience, lessons learned, and also key benefits to the implementation of SALW projects including building trust with communities, ensuring responsiveness, sustainability and ownership of projects and their goals; and in many cases actually taking a leading practical role in programme implementation. Some NGOs have well-developed international networks that enable them to facilitate contacts between donors, international institutions and government agencies in severely affected countries, thus contributing to the development of international co-operation and assistance. An increasing number of states systematically include civil society organisations in their national coordination and strategy formation and implementation.

It appears that wherever governments have been open to co-operation on tackling SALW issues, at least some local or international NGOs and other civil society groups have proved interested and capable as co-operation partners. Members of IANSA have actively sought such co-operation.

Nevertheless, **many countries lack traditions of close co-operation and partnerships between governments, local authorities and civil society groups, particularly NGOs.** This is particularly true in relation to the control of SALW and combating illicit trafficking, which are still regarded in some quarters as sensitive issues where private citizens and NGOs have a limited role to play. Relationships between governments and some NGOs can be mutually suspicious and even adversarial. However, there has been significant progress in this respect since 2001 and there is good evidence that these barriers to government-civil society co-operation are being overcome, often as part of a wider trend in most regions.

Government engagement with civil society varies greatly, often tends to be ad-hoc and relates largely to a select range of civil society organisations. Countries would achieve real benefits by moving to establish specific structures to ensure systematic information exchange and engagement across the full

range of issue areas. There are inevitable tensions between government and independent civil society groups, but experience shows that where these are recognised and responsibly managed they are quite consistent with developing useful co-operation and mutual benefit.

Overall, experience with partnerships between governments, and between governments and civil society, on issues relating to the PoA is now sufficiently broad and established that the time is ripe for international elaboration of useful mechanisms and principles to facilitate them. **The Review Conference needs to place much greater emphasis on the importance of partnerships in efforts to tackle SALW.** The Review Conference could usefully discuss the benefits of international partnerships on SALW and recommend increased investment in all types of partnership. It could also provide for the establishment of a framework in which states and international institutions can exchange information on lessons learned arising from partnerships on the SALW issue.

### 10.3 THE IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE AND THE NEXT FIVE YEARS

In each of the above areas there have been strengths and weaknesses in actions to implement the PoA: with innovative approaches, and neglected dimensions. From all of these the international community can learn how to more effectively tackle the illicit trade in SALW, and how to reinvigorate the evolving global actions on small arms. The time is now ripe for lessons to be learned from that action and to consolidate and reinvigorate international action to promote implementation of the PoA and to clarify and elaborate its commitments.

This section does not aim to provide detailed proposals for the Outcome Document of the Review Conference; such issues and priorities have been developed throughout the preceding chapters and also in the Biting the Bullet Report *'Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference'* (January 2006). Rather, it clarifies the implications of the preceding analysis of the nature and challenges of PoA implementation to date for the next phase of international action on SALW.

The Review Conference should build upon the experience of the past five years and learn lessons from the challenges and successes of national, regional, and international action. In particular, it should strengthen the UN SALW process by taking account of the reasons for success and limitations. The preceding analyses throughout this report show that many of the reasons for limited and uneven implementation reflect:

- The unevenness of the foundations for national and regional action
- Inadequate development and implementation of the types of global programmes required for full and successful implementation
- A lack of sufficient clarity and elaboration of the implications of the PoAs' commitments in key areas
- The presence of gaps in the PoA that reduce its effectiveness as a comprehensive approach to tackling illicit SALW

These factors contributing to limited implementation lie within the scope of the UN small arms process, and are within the reach of the Review Conference to address. The Review Conference provides an important opportunity to promote and reinvigorate efforts to implement, elaborate and strengthen the PoA. It should be 'forward-looking' – agreeing an Outcome Document that supplements, elaborates and strengthens key aspects of the PoA, and also establishing follow-on processes, in order to ensure that the PoA process remains the central global framework for action on SALW issues.



As noted, many detailed implications of our study of the last five years for the Review Conference have been highlighted in this and previous chapters of this book. The following sub-section highlights some of these.

The Review Conference should take action to help to **reinforce the foundations of action on SALW**, in particular by supporting states in building their capacity to take effective action on SALW and by ensuring that lessons are learned from national and regional experiences on how to build such foundations effectively and efficiently. This should include:

- Calling upon those states that have not yet done so, to create a functioning national point of contact and, particularly, a national co-ordination mechanism, and to provide advice and support where necessary to the formation and capacity building of these basic foundations
- Encouraging and supporting the development of national strategies on small arms and light weapons and, where appropriate, to integrate these strategies with national poverty reduction strategies; crime-prevention; and post-conflict stabilisation and peace-building strategies
- Encouraging and supporting the development, strengthening, and implementation of regional and sub-regional and other multi-lateral agreements and frameworks for action on SALW
- Re-emphasising the importance and benefit of developing partnerships amongst states and between states and civil society

It should **affirm and consolidate the progress made so far, and promote enhanced future action**, by establishing processes for learning lessons, and by affirming emerging and strengthening good practices. For instance, the Review Conference should reinforce the progress made by states in relation to SALW transfer controls. It should acknowledge the need for all key aspects of transfers to be controlled by rigorous national systems including import, export, transit, licensed production overseas and brokering and should elaborate on the key components of such national systems. The Review Conference should also establish that these systems should include stringent guidelines for authorising each transfer process. The need for effective implementation systems should also be elaborated, including requirements for end-user certificates, effective border controls, and strengthened capacities for states and the international community to monitor and enforce arms embargoes. It should encourage and facilitate the development of best practice and clear international standards on all aspects of SALW transfer controls, including elaborated principles based upon states existing responsibilities under international law and key elements and principles for national transfer control systems (see below). It should also acknowledge the need for an international agreement on controlling illicit SALW brokering and should recommend that the Group of Governmental Experts reflect this imperative.

It should **create or facilitate the creation of international programmes on key areas**, including all of those called for in the PoA and not yet implemented. These will include information sharing, learning lessons, developing and disseminating good practices, promoting international programmes to enhance implementation, and other activities. Key areas where PoA implementation would be enhanced by such programmes include:

- Stockpile management and security, including international programmes to substantially scale up efforts and assistance to ensure responsibility for all authorised SALW and ammunition by disseminating, promoting and implementing effective standards and mobilising the resources required.
- Measures to promote early and full implementation and use of the International Tracing Instrument, and the UN Firearms Protocol, including establishing appropriate mechanisms for technical analysis and review, and also for co-operation and assistance.
- National controls on SALW transfers (including end-use/end-user controls)



- DDR, including an international follow-on processes to the UN IDDRS and Stockholm Initiative guidelines for effective DDR, and exploring ways of better supporting DDR and integrating it with security sector reform, development and other efforts to promote security and control SALW in post-conflict environments.
- Weapons collections in both post-conflict situations and other contexts
- The destruction of surplus, confiscated and collected SALW
- The disposal of unsafe and insecure, surplus, confiscated, and collected ammunition

It should **clarify and elaborate the implications of the PoA's commitments** in key areas. Among the strongest candidates here are: international guidelines for national decisions on whether to authorise SALW transfers; processes for the UN and the international community to directly address measures to control and reduce SALW ammunition; and the need to better integrate action on SALW with programmes of action on related impacts and implications, especially development, security, human rights and humanitarian issues and programmes. In particular, these should:

- Build upon the considerable progress made by several international initiatives since 2001. The Review Conference should seek to undertake a detailed elaboration of the commitments set out in Section II, Paragraph 11 of the PoA with a view to agreeing on a set of detailed principles based on states' existing obligations under international law, or to establish a process whereby this is undertaken so as to facilitate agreement on a comprehensive set of international SALW transfer control principles at the earliest opportunity.
- Clarify and elaborate the implications of PoA commitments for taking action on SALW ammunition, or otherwise clarify and encourage mechanisms within the UN framework where SALW ammunition issues can be addressed. International progress is needed to ensure that action on SALW can tackle problems associated with ammunition appropriately and effectively. This should include processes that explore the challenges and solutions to problems related to the safe and secure storage of ammunition, the urgent need for large-scale destruction programs, as well as measures to ensure that transfer controls, marking, record-keeping and tracing systems are able to appropriately and effectively cope with ammunition issues.
- Clarify and elaborate the humanitarian, human rights, development and governance dimensions of the PoA. In particular it should build upon the growing impetus for more effective and systematic integration of armed violence issues into development frameworks and programming. This should clarify and elaborate implications on the basis of the PoA, UNGA Resolution 60/68, the forthcoming Declaration on Armed Violence and Development, and the decision by the OECD DAC to make most types of SALW action ODA eligible, the OECD DAC's Implementation Framework for SSR, the Armed Violence and Poverty Initiative and others. It should elaborate and develop a set of principles on the importance of the links between PoA implementation and efforts to promote human rights law and IHL and humanitarian concerns more generally. The review conference should establish a process for further clarification and elaboration in these important areas.

The Review Conference should **address gaps in the PoA framework** that continue to undermine its effectiveness as a comprehensive framework for action on the illicit trade in SALW. Recognising that a majority of states support strong standards and responses to these gaps, the Review Conference should aim to establish or permit continued and enhanced processes of international action on these issues. These include: transfers of SALW to Non-State Actors (NSAs); national controls on civilian possession; action on MANPADS; and addressing demand. For instance:

- The Review Conference should seek to reflect the concern of most states that there is a need for a strong response to the problem transfers of SALW to non-state actors (NSA) that are not authorised by the government of the recipient state. The Review Conference should therefore establish or

permit the continuation of information sharing and exploration of these issues and options for developing responsible solutions to this pressing area of concern.

- The Review Conference could usefully promote the development of understandings of basic principles about the national regulation of civilian possession of SALW. This may be possible in the Outcome Document itself, but also through follow-on meetings and processes. It should encourage the development of model regulations and best practices, support regional efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement and establish an international information exchange and technical assistance programme within the UN small arms framework that would enable states that wish to cooperate on issues of controlling civilian possession to do so.

Across all of these areas of action the Review Conference should **reaffirm and expand support for international co-operation and assistance**. Recognising that good implementation of action on SALW is reliant upon the will and capacity of states, international co-operation and assistance is crucial to the development of partnerships and capacities in this regard. A range of steps can thus be taken by the Review Conference to support and consolidate encouraging trends. In particular it should:

- Emphasise and strengthen commitment to ensure coordination, complementarity and synergy in co-operation and assistance. This will require the development of strong and well supported international programmes through multiple co-ordinated international programmes or permanent assistance mechanisms.
- Encourage the further development of co-operation and partnerships at all levels, including between governments and civil society, at the sub-national, national, sub-regional, regional and global levels and in relation to SALW policy and operational programmes of action.
- Agree to create a process to develop international mechanisms for identifying and tracking needs and matching assistance to those needs.

The Review Conference Outcome Document will need to **agree follow-on processes**, including subsequent Biennial Meetings of States and a further Review Conference, and on Intersessional Processes and Meetings. These follow-on mechanisms should be given a strong role to ensure the continued relevance and strengthening of the UN small arms process. Thus the Outcome Document of the Review Conference should:

- Convene future Biennial Meetings of States to review and assess action on small arms (including all measures related to the PoA and any international programmes and processes related to it and the Outcome Document of the Review Conference, the International Tracing Instrument and any others), with a view to learning lessons from those experiences; identifying and consolidating good practice, and proposing further recommendations and agreements to prevent the proliferation and misuse of small arms and light weapons.
- Convene a Review Conference in 2012 mandated to review and assess implementation and the future development of global action on Small Arms and Light Weapons including all measures related to the UN small arms process. This should be mandated to reaffirm existing agreements and also to broaden and elaborate existing agreements in light of the recommendations from BMS and other relevant processes.
- Establish an intersessional programme of work to exchange views in depth on key issue areas in preparation for Biennial Meetings of States and the next Review Conference.

## 10.4 CONCLUDING REMARKS

In conclusion, the PoA remains important and full of potential to have significant impact in preventing, combating and reducing SALW trafficking, proliferation and misuse. In spite of inadequate and patchy implementation there are numerous signs of hope. While national, regional and global implementation of the PoA is very far from complete or adequate, and in many areas has been disappointingly slow and fragmented, it has not failed. The UN SALW process may be slow compared to many expectations, but it is fast and healthy when compared to many other UN processes developed in an arms control framework. Its implementation may be fragmented when compared with agreements related to narrower range of issues and priorities, but a wide variety of actions and approaches following national and regional priorities is both expected and appropriate in the early stage of implementation of such an agreement.

In implementing the PoA, states have taken a broad view of the PoA's commitments, and have developed a range of strategies for action on SALW that include the full range of SALW issues. There is an urgent need for strengthening and elaborating the UN SALW process to reflect the approaches that states have found effective and essential to action on SALW. Thus, as the international community converges to review implementation of the UN Programme of Action, it should do so in all its aspects.

The Review Conference is a key opportunity to clarify, elaborate and strengthen the PoA through the supplementary Outcome Document. It is also an opportunity to create and enhance further dynamism in international action by putting in place follow-on mechanisms and international programmes, and supporting action at the global, regional, sub-regional, and national levels.

The international community is now faced with a clear opportunity to build upon the progress made in the first five years in order to achieve a steep rise in the level of implementation efforts and, thus, to actually reduce the overall impact of SALW trafficking, proliferation and misuse and reduce human insecurity and suffering.







## BITING THE BULLET

**Biting the Bullet** is a joint project between International Alert, Saferworld and the University of Bradford. It helped facilitate a wide-ranging and well-informed debate between governments and civil society in the run-up to the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. In particular, it produced a series of policy briefings on key issues for discussion at the conference.

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, Biting the Bullet has published further briefings focusing on civilian possession, the implementation of embargoes and ammunition stocks.

The Biting the Bullet Follow-up Project also prepared a substantial report for the Biennial Meeting of States in 2003 on States' implementation of the commitments set out in the Programme of Action. This monitoring report analysed 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. Another Report has been prepared for the 2005 Biennial Meeting.

In addition, an informal Consultative Group Process involving government officials, international experts and nongovernmental organisations was created and has met five times to date to discuss in particular, export controls and the issue of non-state actors.

For more information on the Biting the Bullet Follow-up Project please contact the following organisations:

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