

INTERNATIONAL ACTION
ON SMALL ARMS
2005

EXAMINING IMPLEMENTATION
OF THE UN PROGRAMME OF ACTION
BY BITING THE BULLET



BITING THE BULLET



international action network on small arms

IANSA

The International Action Network on Small Arms is the global movement against gun violence - a network of more than 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.

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.

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EXECUTIVE SUMMARY

INTRODUCTION

It has been four years since the UN Programme of Action to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons (PoA) was agreed in July 2001. This agreement stands as the central global agreement on preventing, combating and reducing illicit trafficking, proliferation and misuse of small arms and light weapons (SALW) - an urgent global problem that contributes to thousands of deaths each week and to human suffering and insecurity across much of the world.

This Report provides a comprehensive review of progress towards implementing the important commitments contained in the PoA, drawing on data gathered for over 180 countries and analysing relevant local, national, regional and international processes. It aims: to provide a relatively comprehensive, analytical and reliable overview; illustrate implementation experiences across each of the regions; identify emerging strengths and weaknesses; and assess overall performance in implementing the PoA. It is a contribution to international debates, and to discussions at the 2005 Biennial Meeting of States and preparations for the 2006 UN Review Conference.

THE UN PROGRAMME OF ACTION

The PoA is a politically binding document agreed by consensus at a high political level. In spite of its many inadequacies, agreement of the PoA was a watershed in the development of international commitments to prevent and reduce SALW trafficking and proliferation. Full implementation of its commitments would make a big impact on the scale of the problems, and the PoA now provides the main global framework for the further elaboration and development of international co-operation in this area.

The PoA was preceded by a number of regional and sub-regional agreements, particularly in Europe, Sub-Saharan Africa and the Americas. Further, the UN Firearms Protocol was signed in 2001 (and will come into force in July 2005); this is the first legally binding global agreement on small arms, though narrower in scope than the PoA. In addition, there are several other significant international initiatives. All of these international and regional agreements and initiatives explicitly complement and reinforce the PoA, and in no sense are alternatives.

Thus this Report does not seek to distinguish clearly between efforts to implement the PoA and to implement these associated regional and international commitments. Rather, it looks to those measures which have the effect of implementing the PoA, even if national and regional obligations are to the forefront of the minds of those involved.

OUR APPROACH

This Report examines progress in implementing the PoA between 2001 and May 2005. Four years is not a long time. With the best efforts possible, it would take several more years to sufficiently reduce availability and flows of SALW to achieve a major overall impact on the scale and impacts of SALW trafficking and proliferation.

Nevertheless, four years is long enough to establish and implement the key regulations, procedures, mechanisms and programmes required, and to begin to make some difference, at least at a local or regional level. Our assessment uses criteria that are appropriate to this context. It focuses on the extent

to which governments, together with relevant international and regional organisations and civil society groups, have substantially progressed in relation to:

- steps to implement their PoA commitments
- their understandings of the problems, issues and dynamics
- learning lessons about effective PoA implementation from experience
- developing the necessary partnerships for effective action; and
- making progress towards further develop shared international understandings, co-operation and agreements on important outstanding SALW issues.

The research for this Report was primarily conducted by Biting the Bullet project members (Bradford University, International Alert and Saferworld), in close co-operation with over 100 contributors from around the world – many of whom are members of the International Action Network on Small Arms (IANSA). Systematic efforts were made to verify information and assessments.

PROGRESS ON THE BASIC FOUNDATIONS OF PoA IMPLEMENTATION

In the PoA, states committed themselves to put into place the necessary foundations for co-operation, information exchange, and national co-ordination. By May 2005:

- 143 states have established an official point of contact to act as liaison between states. However many of these are not yet functioning, and some states are slow to provide the information needed to keep the UN DDA's list of national points of contact up to date.
- 120 states have submitted at least one report on national implementation to the UN DDA. However, only 2 states have submitted reports in all four year (67 states have submitted one report, 37 have submitted two; 14 have submitted three).
- 79 states have designated national co-ordination mechanisms: a substantial increase over the total of 37 set up by 2003. Further, 29 of these actively involve civil society in their national co-ordination of action on SALW.
- 18 states have developed specific national strategies on small arms including national action plans; though some of these are quite limited in scope. A further 14 states are in the process of discussing or developing such national strategies.

This means that, although there has been progress over the last four years, many states have not even taken these basic steps. There are good and bad performers in every region.

PROGRESS IN KEY THEMATIC AREAS

The Report assesses implementation progress in the key thematic issue areas covered by the PoA. In virtually all areas, there is at least some progress in a number of geographical regions, though it is generally quite modest.

Controls on SALW production, transfers and brokering: Most states maintain controls on SALW manufacture and transfers:

- Most states have at least some laws or regulations controlling production, export and import of SALW, though in most cases these are not comprehensive nor are they yet in line with widely accepted good practices. The scope and stringency of these laws and procedures is very uneven.

- More than 50% of States appear not to have any specific laws on SALW transit
- Some 54 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001, and dozens have taken steps to address problems. But this implies that more than 120 have not, and thus have done little even to identify possible weaknesses.

Since virtually all states engage in all aspects of the legal international trade in SALW – exports, imports and transit – it is very important that every country has effective, up to date, regulations and controls in place.

It seems likely that a few highly irresponsible states account disproportionately for the transfers of SALW that are diverted or misused. But a large number of states continue to contribute to such problems by deciding to authorise SALW transfers according to guidelines that do not give sufficient weight to risks of diversion or which are inconsistent with existing responsibilities under relevant international law.

A number of significant international initiatives have been taken to promote shared international understandings of how these commitments should be interpreted, implemented or strengthened, including the Transfer Control Initiative, the informal Small Arms Consultative Group Process (co-ordinated by the Biting the Bullet Project team), and the campaign by IANSA, Oxfam and Amnesty International to establish an international Arms Trade Treaty.

Controls on SALW brokers: the modest PoA recommendation (to enhance understanding) has been substantially implemented; setting the scene for establishing international commitments to ensure appropriate legal controls. However, less than 40 states have laws enabling them to control arms brokering activities. This number seems set to increase, but in the absence of an international agreement, there is a risk that these will lack necessary harmonisation, creating loop-holes and inconsistencies that dubious arms brokers will continue to be able to exploit.

UN arms embargoes: The enforcement of UN arms embargoes has received greater attention in recent years than it did before, and precedents for investigation and reporting have been usefully established. But the overall results of these discussions and investigations have been modest.

Marking, record-keeping and tracing: there have been gradual but useful improvements in national laws and practices to ensure unique marking of SALW and effective-record keeping in numerous countries. These have been reinforced by some regional agreements and good practice guidelines, particularly through the OSCE, SADC, Nairobi Protocol and OAS. Thus:

- 50 states 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
- 47 states have measures to tackle unmarked or inadequately marked weapons; particularly by marking or destroying them
- At least 79 states keep detailed records on holdings and transfers of SALW, though many of these are not maintained in line with emerging international standards
- 42 states actively co-operate in tracing, but mainly only in relation to 'ordinary' police investigations

Negotiations are far advanced on a useful international instrument to enable timely and reliable identification and tracing of illicit SALW. However, important issues remain to be resolved in negotiations, hopefully in June 2005. There is an urgent need for a quick start, to launch a process for co-operation in tracing.

Stockpile management and security: 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.

Of the states for which information could be obtained on these subjects 99 have at least some official standards and procedures for the management and security of stockpiles. 64 of these include regular reviews of stocks; 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.

Overall, growing attention and international co-operation in this area has been a relative success story for PoA implementation. Many significant programmes have been implemented, and experience and lessons-learned are developing. Nevertheless there remain important challenges and problems. Above all, existing programmes are generally too patchy, ad hoc and small-scale to have more than a local impact. They need urgently to be scaled up and made more systematic.

Weapons collection and disarmament: numerous programmes to collect weapons from civilians have been conducted or launched at a local and national level in virtually all regions. 65 states have conducted some form of disarmament since 2001, including: 32 Voluntary Weapons Collection Programmes; 36 amnesties; and 13 forcible disarmament programmes. Overall, this is another relative success story. But these programmes continue to have mixed success. Growing experience has led to many lessons and good practices being identified. However, they are not yet reliably being learned and acted upon.

Similarly, Disarmament, Demobilisation and Re-integration (DDR) has become an integral element of all UN and other multilateral post-conflict programmes. 19 post-conflict DDR programmes have been conducted since 2001. Many weapons have been collected through these programmes. However, there are still many problems and weaknesses in the design and implementation of such programmes.

SALW destruction: While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal. Over 60 states appear to have destroyed some SALW since 2001. At least 36 states have destroyed some surplus stocks, while at least 48 states have destroyed some confiscated, seized, and/or collected SALW since 2001. Thus there is real progress in implementation of destruction programmes. The problem is that these are generally on a small scale compared with the enormous scale of surplus or insecurely stored SALW around the world. It is urgent that SALW destruction programmes are significantly increased in both number and scale.

Moreover, ammunition destruction poses special challenges. Since explosive materials are involved, ammunition destruction is a more demanding technical process than destruction of weapons. In recent years, there have been some ammunition destruction programmes, but these are quite limited in scale. It is a priority to launch a major international programme focused on destruction of SALW ammunition as well as for weapons.

Ammunition: It has long been internationally understood that the category of SALW includes ammunition as well as arms. However, PoA commitments do not include specific obligations relating to ammunition. In some areas this poses few problems in principle. In others, however, it has led to a worrying neglect of ammunition problems, and the specific challenges and issues associated with them, for example in relation to: marking; collection; storage; destruction; and controls on flows. There have been some measures implemented relating to SALW ammunition, but this is an area of relative neglect which urgently needs attention.

Transparency and information exchange: In addition to national reports on PoA implementation and growing public information on SALW issues from independent researchers, there are confidential information exchanges of some relevant information between, for example, the OSCE countries and members of the Wassenaar Arrangement. Overall, however systematic information exchange processes on SALW have developed only very modestly and inadequately since 2001.

Gender: Gender is not an issue that is directly considered in the PoA. However there is a significant gender implication in understanding small arms problems. The majority of perpetrators and an estimated 90% of victims of gun violence are male. Women and girls can play diverse and multiple roles in relation to SALW. If the gender aspects of SALW are not taken into account, initiatives to tackle SALW proliferation, including the PoA, will be undermined as they lack a full understanding of the context they are being implemented in. For example gender is also important in terms of the effective implementation of weapons collection and destruction projects, amongst other things.

Civilian possession: The PoA does not contain specific commitments relating to civilian possession, but it is widely agreed that the issue is highly relevant. 47 states have reviewed and/or revised at least some of their laws and/or procedures over civilian possession of SALW or the domestic SALW trade since 2001. The scope and stringency of these laws and procedures, and their enforcement, also varies considerably. There is growing regional and international co-operation and debates on these issues. This is a priority area for the development of some regional and international minimum standards which can underpin consistent and effective national laws.

State misuse of SALW: Misuse of SALW continues to be perpetrated by some states. There are important international standards relating to human rights and humanitarian law, but compliance remains uneven, and disturbingly poor in numerous countries.

Restricting SALW transfers to Non-State Actors: It was impossible to achieve consensus on any commitments specifically on this issue in the PoA. All states agree that restrictions are needed, and that international standards would be useful. Through a series of meetings of the informal Small Arms Consultative Group Process, the issue has been examined in detail by groups of states and other experts from all across the world, encompassing the full range of positions and perspectives. Substantial progress has been made towards developing agreement on a productive approach towards this issue, which could lead to a much-needed agreement on rules by 2006.

MANPADS: The proliferation and availability of Man Portable Air Defence Systems (MANPADS) has been an increasing focus for international concern, particularly in relation to preventing access to them by terrorist groups. The USA and others have conducted major global programmes, including 'buy-back' schemes, to try to recover such missiles. There have been a number of important multilateral initiatives and statements on norms, including by the G8, OSCE, Wassenaar Arrangement, and Asia-Pacific Economic Co-operation. In 2003, the UN Register of Conventional Arms was expanded to include MANPADS. However, MANPADs availability continues to pose major risks.

REGIONAL IMPLEMENTATION

The report systematically examines progress in implementing the PoA in every region and sub-region. There are many examples of excellent practice and real commitment, across the world.

However, the evidence now clearly indicates that there is a correlation between state's progress in implementing the PoA and participation in substantial regional agreements relating to SALW. On average, there is more evidence of serious and sustained measures to implement PoA commitments amongst states that participate in the EU, OSCE, OAS, SADC and Nairobi Protocols, ECOWAS Moratorium, and the Nadi Framework (Pacific), than there is amongst states in other regions.

DEVELOPING PARTNERSHIPS

Regional co-operation: There are a number of important regional initiatives and agreements relating to SALW. Most of these were already established prior to July 2001, though they have been subsequently strengthened. The most significant events at the regional level have been the entry into force of the SADC Protocol and the creation of the Nairobi Protocol, both in 2004.

Regional co-operation on SALW is very patchy. It is substantially developed in some areas, but scarcely existent in practice in several geographical regions. In much of Europe/OSCE, the Americas, South Pacific, and Sub-Saharan Africa, regional and sub-regional co-operation relevant to the PoA has continued to develop, and is linked with effective national progress in PoA implementation. In contrast, there is little substantial co-operation or consultation on these issues amongst the countries of North Africa, Middle East/Persian Gulf, or in South or East Asia, with the consequence that implementation of PoA at the national level is less evident.

The importance of promoting and using substantial regional and sub-regional agreements relating to SALW controls was already clear to many in the 1990s. But most of the states in the world are not members of such substantial regional arrangements. Moreover, no sub-regions have developed such arrangements in the last few years. Although efforts should continue to promote such regional developments in geographical areas where they are presently absent, it seems clear that ways of strengthening international mechanisms and programmes to partially substitute for their absence should also be considered.

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 22 states have provided some form of donor assistance to SALW-related projects. Some 63 states 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 22 states 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.

Overall the availability of international assistance to support PoA implementation has continued to grow over the last four years, and is now substantial. However, some issues and problems continue to be important:

- Issues of local ownership and determination of priorities for support continue to be problematic. In this context, the continued development of donor programmes to assist countries with the process of developing their national plans and programmes of work for implementing the PoA is very important and welcome
- Bilateral donor agencies, and relevant international and regional donor organisations, need to address problems with their own capacity to provide appropriate assistance for all key aspects of the PoA.
- The 'donor community' needs to take measures to 'mainstream' SALW dimensions into more established (and well-funded) dimensions of international assistance
- There is a continuing problem with matching needs with available assistance and with donor co-ordination.

Government – civil society co-operation: The PoA encourages partnerships, as appropriate, between governments and civil society. The evidence demonstrates that there are many good examples across the world of fruitful co-operation between governments and civil society groups on SALW issues. Moreover, it confirms that civil society groups can contribute across the whole range of measures envisaged in the PoA, not just through public awareness campaigns. 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. Members of IANSA have actively sought such co-operation.

The great majority of countries now have significant engagement with at least some civil society groups, but in an ad hoc way. These would achieve real benefits by moving to establish specific structures to ensure systematic information exchange and engagement across the full range of issue areas. A well-functioning national commission or national co-ordinating 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, even in countries with wide civil society engagement with government, there are important gaps or distortions in the patterns of engagement, for example due to the under-representation of 'grass-roots' organisations.

OVERALL ASSESSMENT

After four years since the PoA was agreed, we are obliged to emphasise how little has so far actually been achieved in many respects. There are many useful ongoing activities, and significant progress in some issue areas and regions. The PoA, and associated regional and international agreements, continue to be an important focus for international attention and programmes. But meanwhile, hundreds of thousands more people have died from gunshot wounds.

The scale of the interventions is generally not sufficient to have more than a local or marginal impact on the problems of SALW trafficking, proliferation and misuse. Our examination shows that there are indeed some countries and sub-regions that have achieved substantial progress in more than one of these areas. These were already emerging by 2003, and have in several cases maintained their momentum. In many other countries and regions, promising early indicators of imminent action have proved misleading: they have not been properly followed-up. Many States have not really even put in place the basic mechanisms and procedures for PoA participation.

RECOMMENDATIONS

Many detailed recommendations for action flow directly from the above assessments. Measures need systematically to be taken to address the challenges and weaknesses and take the opportunities identified in those foregoing sections.

The 2006 PoA Review Conference has substantial work to do. It is not going to be adequate simply for the Review Conference to remind and encourage states and other relevant stakeholders to implement the existing commitments under the PoA. Review Conference participants have a responsibility to consider adopting additional international measures and agreements within the PoA framework that could help to improve performance.

Preparations should begin immediately for the 2006 Review Conference to take measures in the following areas.

ENHANCING INTERNATIONAL CO-OPERATION

There are several areas where implementation of PoA commitments could be greatly enhanced through the establishment of specific international co-operation programmes and mechanisms, including: stockpile management and security; weapons collection; weapons destruction, safe and secure destruction of ammunition and munitions.

NEW INTERNATIONAL AGREEMENTS ON SALW

An effective international agreement to enable timely and reliable identification and tracing of illicit SALW, preferably a legally-binding instrument, should be agreed by 2006, with a quick start to ensure rapid action.

Actions should also be taken to accelerate progress towards establishing an international agreement to establish controls on SALW brokering activities. An Open Ended Working Group should start work to prepare the text of such an agreement.

ANNEXES TO THE POA

The option of developing annexes or associated guidance documents to the PoA is a particularly flexible one and should be used, to establish:

- principles or guidelines relating to key issues that are not specifically addressed in the PoA, such as restrictions on transfers of MANPADS: transfers to Non-State Actors; links between security sector reform and SALW controls; addressing gender, ethnicity or age issues; and regulation of civilian possession of small arms
- elaboration or clarification of the PoA commitment (paragraph 11, Section II) on guidelines for national decisions on whether to authorise SALW transfers
- specification of any voluntary transparency or information-exchange arrangements that secure wide support
- clarification of shared international understandings of the implementation of PoA commitments as they relate to SALW ammunition
- recommended model regulations or procedures to promote consistent and effective national implementation of relevant PoA commitments, for example those relating to ensuring controls on production of SALW
- best practice guidelines relating to implementation of selected PoA commitments, such as controls on manufacturing, weapons collection, destruction, or stock-pile management and security
- suggestions on useful ways to encourage and effectively use partnerships between national governments and civil society;

If it is not possible to agree on the details of such supplementary documents during the 2006 Review Conference itself, as seems likely in most cases, it would be useful to aim to secure support for the development of specific annexes by 'lead-nations' or informal open-ended working groups, for consideration at the next BMS or Review Conference. In that way, a rolling programme of elaboration and supplementing the PoA would be established.

CONCLUSION

Overall, the UN Programme of Action on Small Arms remains the framework for comprehensive international efforts to co-operate to prevent, combat and eradicate illicit trafficking, proliferation and misuse of SALW. Unfortunately only a limited number of countries and regions have so far demonstrated a sufficiently serious commitment to implementing the PoA commitments they entered into in 2001.

To help to address this sad situation, the 2006 UN Review Conference needs to be used to: reinforce, clarify and strengthen the PoA commitments; launch the specific international agreements on tracing illicit SALW and controlling arms brokers; and establish the specific international programmes required to scale-up efforts to ensure, for example, security of arms stocks, weapons collection and destruction of collected or surplus arms and ammunition. Preparations to achieve this should start immediately. Delay costs lives.

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ACRONYMS

- 2001 UN Small Arms Conference** UN Conference on the Illicit Trade in Small Arms and Light Weapons, 2001
- AFD** Arms for Development (Sierra Leone)
- APMC** Australian Police Ministers' Council
- ASEAN** Association of South-East Asian States
- ATF** The US Government Bureau of Alcohol, Tobacco, Firearms and Explosives
- ATT** Arms Trade Treaty
- AU** African Union
- BiH** Bosnia and Herzegovina
- BMS** The UN Biennial Meeting of States
- CEE** Central & Eastern Europe
- CICAD** Inter-American Drug Abuse Control Commission
- CIHL** Commission on Implementation of International Humanitarian Law (Tajikistan)
- CIFTA** The Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials
- CIS** Commonwealth of Independent States
- CIPDD** Caucasus Institute for Peace, Democracy and Development (Georgia)
- CNR** Commission on National Reconciliation (Tajikistan)
- CNLCPICIAL** National Commission of Guinea
- CONVIVE** National Committee of the Victims of Violence (Brazil)
- CPA** Comprehensive Peace Agreement (Liberia)
- CPC** Conflict Prevention Centre of the OSCE
- DD** Disarmament and Demobilisation
- DDR** Disarmament, Demobilisation and Reintegration
- DFID** UK Government Department for International Development
- DRC** Democratic Republic of Congo
- EAANSA** East Africa Network on Small Arms
- EAC** East African Community
- EAPC** Euro-Atlantic Partnership Council
- ECOWAS** Economic Community of West African States
- ECOSAP** ECOWAS Small Arms Project
- EU** European Union
- EUC** End User Certificates
- EUASAC** European Union Assistance on Curbing Small Arms and Light Weapons in Cambodia
- FTI** Foundation for Tolerance International (Kyrgyzstan)
- FRCS** Food Security, Regional Co-operation and Stability in South Caucasus of GTZ
- FSC** Forum for Security and Co-operation (of the OSCE)
- FYRoM** Former Yugoslav Republic of Macedonia
- GAEAP** Georgian Association of Euro-Atlantic Partnership
- GDR** German Democratic Republic
- GGE** on Tracing the Group of Government Experts on Tracing Illicit Small Arms and Light Weapons
- GHANSA** Ghana Action Network on Small Arms
- GNCSA** Ghana National Commission on Small Arms
- GTZ** German Development Co-operation Ministry
- GoSL** Government of Sri Lanka
- IANSA** International Action Network on Small Arms
- ICRC** International Committee of the Red Cross
- IEPADES** Institute of Education for Sustainable Development (Guatemala)

IGAD Intergovernmental Authority on Development (Eastern Africa)
IHL International Humanitarian Law
ISS Institute for Security Studies (South Africa)
IWETS Interpol's International Weapons and Explosives Tracking System
JSAC Japan Assistance Team for Small Arms Management in Cambodia
KLA Kosovo Liberation Army
LANSAL Liberia Action Network on Small Arms
LPO Licensed Production Overseas
LTTE Liberation Tigers of Tamil Eelam
MALAO Movement Against Small Arms in West Africa
MANPADS Man-Portable Air Defence System
MENA Middle East and North Africa Region
MENAANSA Middle East and North Africa Action Network on Small Arms
MERCOSUR South American Common Market covering the following countries: Argentina, Paraguay and Uruguay- plus associate members Bolivia and Chile
MONUC UN Mission in the Democratic Republic of Congo
Nadi Framework A framework for SALW control produced by the South Pacific Chiefs of Police Conference and the Oceania Customs Organization
NAFTA North American Free Trade Association
Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lake Region and the Horn of Africa
NANSA Nigeria Action Network on Small Arms
NAP National Action Plan
NatCom National Committee
NATO North Atlantic Treaty Organisation
NCAPISA National Commission Against the Proliferation of Illicit Small Arms (Sri Lanka)
NCKK National Council of Churches of Kenya
NDC National Disarmament Campaign (Brazil)
NLA National Liberation Army (FYRoM)
NFP National Focal Point
NGO Non-Governmental Organisation
NSA Non-state actor(s)
NTGL National Transitional Government of Liberia
OAS Organisation of American States
OAU Organisation for African Unity
OECD Organisation for Economic Cooperation and Development
OEWG Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons
OSCE Organisation for Security and Co-operation in Europe
P5 UN Security Council Permanent 5
Para Paragraph
PCASED Programme for Co-ordinated Assistance for Security and Development (West Africa)
PEAP Poverty Eradication Action Plan (Uganda)
PfP The NATO Partnership for Peace
PHILANSA Philippine Action Network on Small Arms
PIF Pacific Islands Forum
PIR Centre Centre for Policy Research in Russia
PNG Papua New Guinea
PoA Programme of Action
PPM Permanent Peace Movement of Lebanon
PrepCom Preparatory Committee

PTF Provincial Task Force (Kenya)
RAMSI Regional Assistance Mission to the Solomon Islands
RGC Royal Government of Cambodia
RIP Regional Implementation Plan on SALW in SEE
RR Reintegration and Reconstruction
SAANSA Southern Africa Network on Small Arms
SAARC South Asian Association for Regional Co-operation
SADC Southern African Development Community
SALW Small Arms and Light Weapons
SANDF South Africa National Defence Force
SAPS South African Police Service
SARPCCO Southern African Regional Police Chiefs Co-operation Organisation
SASA-Net South Asia Small Arms Network
SECI Southeast Europe Co-operative Initiative
SEE South Eastern Europe
SEENCA South East Europe Network for the Control of Arms
SEESAC South Eastern Europe Clearing House for the Control of Small Arms and Light Weapons
SFOR NATO Stabilisation Force (BiH)
SLANSA Sierra Leone Action Network on Small Arms
SSR Security Sector Reform
TPA Townsville Peace Agreement (Solomon Islands)
UK United Kingdom
UN United Nations
UN DDA United Nations Department for Disarmament Affairs
UNDESA United Nations Department of Economic and Social Affairs
UNDP United Nations Development Programme
UN Firearms Protocol The Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime.
UNIDIR United Nations Institute for Disarmament Research
UNITA Union for the Total Independence of Angola
UN-LIREC UN Regional Centre for Peace and Disarmament in Latin America and the Caribbean
UNMIL United Nations Mission in Liberia
USA United States of America
USAID Aid Agency of the US Government
WDP Weapons Reduction and Development for Peace (Cambodia)
WGWR Working Group for Weapons Reduction (Cambodia)
WMD Weapons of Mass Destruction

1: INTRODUCTION

For decades, small arms and light weapons (SALW) such as pistols and Kalashnikov combat rifles have been used to kill and injure people across the world on a massive scale. While international arms control and disarmament efforts were directed elsewhere, to nuclear, chemical and biological weapons and major conventional arms, SALW proliferation was relatively uncontrolled. These portable but lethal weapons were produced in their hundreds of millions, and traded across the world to regions in conflict, warlords and criminals, as well as to armies, police and civilians under licence. They have helped to escalate, prolong and intensify wars, undermine development, and heighten levels of violent gun crime.

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. However, it has important global dimensions. Comprehensive and sustained international action is required effectively to prevent, combat and reduce excessive availability and uncontrolled flows of SALW.

In 2001 an international agreement to prevent, combat and reduce illicit trafficking, proliferation and misuse of small arms and light weapons (SALW) was finalised at a special UN Conference.¹ 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 Aspects² (hereafter referred to as the PoA) – contained 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,³ also agreed in 2001, and a range of regional agreements and international programmes.

In 2003, the Biting the Bullet Project team (International Alert, Saferworld, and University of Bradford) and IANSA published the first comprehensive and detailed examination of progress towards implementing the PoA.⁴ Although the agreement was only two years old, it was important to examine the extent to which governments had started to implement their commitments and to identify emerging lessons, problems and opportunities. In brief, it found that the implementation process had overall got off to a promising start in many respects, though it was still far from actually making any real impression upon the problems associated with SALW proliferation.

The PoA is now almost four years old. It is time to examine progress towards implementation again, now that the international community has had more time to achieve substantial results. Participants in the PoA are due to meet at the UN in New York in July 2005, at the second Biennial Meeting of States (BMS) to consider progress in implementing the PoA. A year later, in July 2006, the first UN Review Conference for the PoA is due to take place, and provides the first opportunity to formal opportunity for participants to critically examine performance in implementation and debate possible revisions. It is important that these conferences, and all concerned people and organisations around the world, have reliable information on progress.

¹ The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York, July 7 – 20, 2001.

² 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) <http://disarmament.un.org:8080/cab/poa.html>

³ 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 <http://www.iansa.org/un/un-firearms-protocol.pdf>

⁴ Biting the Bullet project and IANSA, *Implementing the Programme of Action 2003: action by states and civil society*, Biting the Bullet/IANSA, London, June 2003.

1.1 AIMS OF THIS REPORT

This Report aims to provide a comprehensive review of progress towards implementation of the PoA, as a contribution to considerations at the 2005 BMS and preparations for the 2006 UN Review Conference. 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.

This report has a wide and ambitious scope. However, it does not aim to be fully comprehensive: time, resources and available information do not permit this. Rather it aims to: provide a relatively comprehensive, analytical and reliable overview; illustrate implementation experiences across each of the regions; identify emerging strengths and weaknesses; and assess overall performance in implementing the PoA.

It draws on a range of illustrative data and:

- examines national implementation by states, with case studies focusing in some depth on countries that are representative of particular aspects of progress, or obstacles to progress, in order to assess progress and help to identify ways and means of enhancing implementation
- illustrates links between different thematic areas contained in the PoA and identifies possibilities for linking complementary international, regional and bilateral initiatives
- examines progress in developing and using partnerships to promote implementation including partnerships between government and civil society; between aid donors and recipients, and through regional organisations and agreements
- enhances understanding of the issue areas requiring further research
- analyses progress towards implementation and the implications for the PoA and its future development.

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

1.2 REPORT FRAMEWORK

The structure of this report is quite straightforward. Section 2 outlines the Programme of Action and the various regional and other multilateral initiatives relating to the illicit trade in small arms and light weapons (SALW) in all its aspects, and highlights areas of complementarity and divergence.

Section 3 is by far the largest in the report. It examines the policies, programmes and measures relating to implementation of PoA commitments that states and others have developed and implemented in the last four years, focusing particularly on activities since 2003. The first part consists of an overview of countries' existing policies and practices relating to the key PoA commitments, covering over 180 states. The second part of Section 3 contains a more detailed analysis of national and regional implementation on a region-by-region basis. It includes evidence on the roles of NGOs and civil society in the process.

This analysis is followed by substantial global and regional tables indicating policies, procedures and activities corresponding to commitments contained within the PoA.

The third part of Section 3 details progress in implementing key thematic elements of the PoA. It covers:

- National Commissions/Focal Points and National Action Plans
- SALW Transfer Controls, including controls over arms brokering activities
- Enforcing Embargoes
- Marking, Record Keeping and Tracing

- Stockpile Management and Security
- Disarmament and Weapons Collection
- Weapons Destruction
- Transparency and Information Exchange
- International Co-operation and Assistance.

Each of these areas provides an overview of practical progress including international initiatives and processes, regional developments, and progress at the national level. Section 3.3 continues by examining progress in thematic areas that are relevant to the PoA and, for example, that are emphasised in the preamble, but which do not relate to specific PoA commitments. These include:

- Gender
- Civilian Possession
- State Misuse of SALW
- Demand Reduction
- Restricting Transfers to Non-State Actors
- MANPADS
- Ammunition.

Section 4 then draws on the information outlined in Section 3 to analyse and assess progress towards implementation and lessons learned. Whereas Section 3 presents and analyses the measures and policies that have, or have not, been implemented, Section 4 aims to provide an assessment of progress achieved since the PoA was agreed in 2001, drawing a number of conclusions.

Finally, Section 5 of the report presents overall conclusions and recommendations. The latter focus particularly on the implications for preparations for the 2006 UN Review Conference, especially in relation to the possible development, revision or clarification of PoA commitments and creation of mechanisms to strengthen progress in implementation in the future.

1.3 CRITERIA FOR SELECTING CASE STUDIES

As will become clear, Section 3 includes a number of ‘snapshots’ and case studies of progress towards implementation in selected states.

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

- that there should be a coverage of all regions of the world
- that the nature of implementation of particular aspects of the PoA in that country were either broadly representative of the region as a whole, or conversely, that implementation of the particular aspect of the PoA selected was considered to be useful for generating lessons learned for understanding the nature and challenges of implementation in the region or of that particular issue area
- that experienced and capable non-governmental local researchers could be identified to contribute to the case study
- the selected cases should take account of the countries selected for similar examination in our 2003 report, so that cumulatively a relatively wide range of states have been covered.

To enrich and widen examination of relevant country activities, in this report we also include a number of shorter and less-comprehensive ‘snapshots’ of aspects of implementation activities in a selection of other countries.

1.4 METHODOLOGY AND PARTNERSHIPS

The extensive research undertaken during the production of this report has included data collected from a wide range of primary and secondary sources, enabling the report to cover over 180 countries, including in-depth analysis of country case studies. The research for this report was primarily conducted by the Biting the Bullet project members (Bradford University, International Alert and Saferworld), in close co-operation with over 100 contributors from around the world – many of whom are members of the International Action Network on Small Arms (IANSA).

Project partner organisations or independent analysts were commissioned to research and provide the information used to prepare the national case studies contained in Section 3 of this report. This was supplemented by further research, secondary data and the expertise of the 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. Governments were invited to provide relevant information further to that provided in their periodic reports on PoA implementation to the UN.

However, the report does not claim to provide a complete picture of implementation. There are several factors which prevent this, which include:

- a lack of transparency in many countries makes it difficult to conduct research on certain aspects of implementation and in some cases verification of information is very difficult
- the scope of the PoA provides significant opportunities for interpreting what constitutes implementation-focused action
- implementation of the PoA is ongoing – this report was completed in May 2005 and doubtless by the time it is published in July 2005, several countries will have produced 'last-minute' updates in time for the 2005 BMS.

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

- is a major compilation of information and analysis on implementation of the PoA, building on and complementing the similarly comprehensive compilation provided in our 2003 report
- provides an up-to-date review of actions taken since 2001 in implementing the PoA and other regional and sub-regional initiatives aimed at reducing the proliferation and misuse of SALW and the illicit trade in SALW in all its aspects
- enables useful comparative analysis within and between thematic and geographic areas
- provides a contribution to facilitating debate and partnership between governments and civil society on small arms issues
- offers a comprehensive set of learning points and recommendations for full and effective implementation of the PoA, which are based on the experiences of many countries and regions and of those participating in other relevant initiatives, which Biting the Bullet and IANSA hope will contribute to further progress in future years
- provides timely assessments and conclusions of overall progress in implementation to inform agendas and proposals for the preparations for the 2006 Review Conference.

As noted, this report is the second in a series by the Biting the Bullet project and IANSA. It is envisaged (resources permitting) that a third report will be produced in 2006, in advance of the 2006 Review Conference.

2: INTERNATIONAL RESPONSES AND THE UN PROGRAMME OF ACTION

2.1 INTRODUCTION

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

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

This section briefly outlines the origins and content of the PoA, and of a number of other associated regional and global agreements. It draws substantially on the similar short chapter in our 2003 Report, since it aims to serve similar functions, which are to clarify the significance of the PoA and its relationship to these agreements and initiatives. These are complex issues. This short section aims only to provide sufficient background for the main focus of the remainder of this report – examining progress in implementing the PoA.

2.2 THE 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 declined, a number of ‘new’ security challenges gained greater prominence. This included complex internal and transnational wars, the problems of armed opposition groups, warlordism and transnational crime, and the challenges for UN and other international peace support operations as conflicts 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, wide availability and misuse of SALW was a major problem, manifestly contributing to great human suffering and insecurity.

In the mid-1990s, SALW problems were placed directly on the UN agenda by a request in 1993 from Mali for UN assistance in controlling small arms within its territory, leading to UN missions to that country and the surrounding region, and by the UN Secretary-General’s Supplement to an Agenda for Peace, issued in January 1995.⁵ However, SALW problems are clearly complex and multidimensional, raising cross-cutting issues that were relatively new to UN and other international arms control and disarmament processes. New international norms, standards and programmes would be needed to address these issues.

A UN Panel of Governmental Experts on Small Arms was established as a result of General Assembly Resolution 50/70B of 12 December 1995. It was tasked with addressing the following issues: the types of

⁵ 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.

SALW actually being used in conflicts being dealt with by the UN; 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.⁶ After its Report was presented, it rapidly became clear that substantial further work was required to develop the necessary wide coalitions of support for the relatively comprehensive range of new principles and measures required to address SALW problems. A new Group of Governmental Experts on Small Arms was established in 1998, this time including all five permanent members of the Security Council and other key states, to review the issues, assess implementation of the recommendations in the 1997 Report, and develop further recommendations for action, including on the objectives and agenda for a UN Conference. These were successfully negotiated in the consensus report of the Group, issued in August 1999 (1999 Report).⁷ This Report was endorsed by General Assembly Resolution 54/54V in December 1999, which further decided to convene a UN Conference in 2001.

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

Moreover, there was a relatively intense process of international meetings and regional initiatives during the period, which contributed to the overall negotiating process. The Inter-American Convention against the illicit manufacturing of and trafficking in Firearms, Ammunition, Explosives and Other related Materials (CIFTA), and associated CICAD Model Regulations had already been agreed in 1997 and 1998 respectively. In Africa, the Economic Community of West African States (ECOWAS) Moratorium⁸ was signed in October 1998 after two years of discussion, and the Southern African Development Community (SADC) countries developed a 'Southern Africa regional Action Programme on Light Arms and Illicit Arms Trafficking' in 1998. European Union (EU) States established a Programme for Preventing and Combating Illicit Trafficking in Conventional Arms (1997), a Code of Conduct on Arms Exports (1998) and a Joint Action on Small Arms (1999). During the lead-up to the 2001 UN Small Arms Conference, development of regional initiatives intensified. For instance, Organisation for Security and Co-operation in Europe (OSCE) states agreed a substantial Document on Small Arms and Light Weapons on 24 November 2000. On 1 December 2000, Organisation of African Union (OAU) states agreed a Bamako Declaration on Small Arms Proliferation, which established agreed principles directly relevant to the 2001 UN Small Arms 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 on a United Nations Convention against Transnational Organised Crime, in December 2000, and in spring 2001 to the adoption of a Protocol to the Convention dealing with illicit firearms manufacturing and trafficking. The UN Firearms Protocol 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, and particularly 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 is due to come into force in July 2005.

⁶ Report of the Panel of Governmental Experts on Small Arms, 27 August 1997, A/52/298.

⁷ Report of the Group of Governmental Experts on Small Arms in pursuance of GA Resolution 52/38 J, A/54//258, 19 August 1999.

⁸ ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons.

During the 1990s, NGOs and independent experts became increasingly engaged with SALW problems. By the mid 1990s, a number of these (including the partners in this Biting the Bullet project) had developed substantial programmes and expertise in SALW issues. During 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 UN Small Arms Conference, a large number of NGOs and civil society groups from across the world had become engaged, and had participated in a wide range of national, regional and international meetings on the issue, including in all the PrepCom meetings.

The 2001 UN Small Arms Conference itself took place in New York on 9 – 20 July. In addition to representatives of States, many international and regional organisations were represented, together with some 120 NGOs. By these final stages, consensus had virtually already been achieved relating to some key aspects of the PoA, such as on issues like norms for stockpile management and security, weapons collection, and the need for effective national controls to prevent diversion into the illicit trade. However, negotiations proved difficult in several areas, including on guidelines for 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 6.00 am on 21 July – twelve hours after the ‘clock was stopped’.

2.3 THE UN PROGRAMME OF ACTION

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

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 Reports. Thus it contains substantial agreed norms, standards and programmes on a number of issues, including:

- preventing and combating illicit SALW production and trafficking
- ensuring effective controls on the legal production, holding, and transfer of SALW
- weapons collection and destruction
- management and security of official and authorised SALW stocks
- SALW control in post-conflict situations
- information exchange and confidence-building.

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

In summary, the PoA contains four main sections.

The Preamble (Section 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 come to an end and where serious problems with the excessive and destabilising accumulation of SALW have to be dealt with urgently
- mobilising the political will throughout the international community to prevent and combat illicit transfers and manufacturing of SALW in all their aspects, to 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

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

- establishment and exchange 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 re-integration
- addressing the special 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 implementation of the PoA to the UN Department for Disarmament Affairs (UN DDA), which should collate and circulate this information
- encouraging and facilitate appropriate involvement of regional and international organisations and civil society.

Section III

Section III of the PoA 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 to 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 developments relating to national controls, collection and destruction of SALW
- providing assistance, on request, with the implementation of the PoA.

Section IV

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

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

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

There are, as noted, numerous weaknesses as well as strengths contained within the PoA. Nevertheless, there are 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

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

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

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

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

2.5 FOLLOW-ON MECHANISMS

As noted, 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 implementation of the PoA. The first BMS was held in July 2003, and the second is due in July 2005. Such BMS are considered by participating states solely to be occasions for reporting and discussing progress towards implementation, not for review or debate of the PoA commitments themselves. In practice, the first BMS established some useful precedents to avoid being unduly dominated by formal statements on implementation measures. These included important thematic discussions, where Delegations could discuss the priorities, opportunities and challenges associated with implementing commitments relating to different thematic areas. 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 is expected to adopt a similar approach. Informally, consultations on the issues and priorities for the 2006 Review Conference are also likely. This Conference has a mandate to review progress on implementation, which implies a broader aim of assessing progress, reviewing the adequacy of existing commitments and implementation activities, and possibly the taking of decisions aimed not only at promoting better implementation but also strengthening the PoA itself.

3: PROGRESS TOWARDS IMPLEMENTATION

3.1 OVERALL PROGRESS IN NATIONAL IMPLEMENTATION

3.1.1 GLOBAL OVERVIEW OF THE FOUNDATIONS OF IMPLEMENTATION

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 143 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 DDA.

79 states have national co-ordination mechanisms including officially designated national co-ordination agencies or bodies (Section II, Para 4), and other similar mechanisms for coordination on SALW issues within government (for instance this figure includes 15 states with no formal national commission but evidence of significant national coordination). This represents a significant improvement on previous figures of 37 formal national coordination agencies in 2003. However, the capacity and mandate of these mechanisms varies hugely (See Section 3.3). Further, 29 actively involve civil society in their national co-ordination of action on SALW. 17 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. A further 14 states are in the process of discussing or developing such national strategies.

Additionally, 120 have submitted at least one report on national implementation to the UN DDA (67 states have submitted one report, 37 have submitted two; 14 have submitted three; and only two states have submitted reports in all four years).

3.1.2. 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):

- 113 states (and entities) have laws and procedures controlling the production of SALW
- 107 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 37 appear to conduct some assessment of the risk of diversion of the weapons into illicit circulation; 56 require an authenticated End-User Certificate; and 25 notify the original exporting state when transferring previously imported weapons.
- 133 states (and entities) have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12).
- 75 states (and entities) have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12).
- 32 states have specific controls over SALW brokering activities (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, varies considerably. At a national level 54 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

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

SEE
GLOBAL
TABLE 1:
Foundations

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SEE
GLOBAL
TABLE 2:
Laws and
Procedures

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- 133 states have laws and procedures criminalising the illicit possession of SALW
- 117 states have laws and procedures criminalising the illicit trade in SALW
- 110 states have laws and procedures criminalising the illicit manufacturing of SALW
- 34 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 47 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. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, varies considerably.

3.1.3 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:

- 99 have standards and procedures for the management and security of stockpiles. (Section II, Para 17)
- 64 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 60 states appear to have destroyed some SALW since 2001:

- at least 36 states have destroyed some surplus stocks since 2001; (Section II, Paras 18 and 19).
- at least 48 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:

- 13 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19); while at least 12 sometimes destroy surplus arms but often authorise other disposal
- Encouragingly at least 23 states (and probably more) destroy most or all collected and/or confiscated SALW; while only 8 sometimes authorise other disposal (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 65 states have conducted some form of disarmament since 2001, including:

- 19 post-conflict Disarmament Demobilisation and Reintegration (DDR) (Section II Para 21)
- 32 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 36 amnesties; (Section II, Para 20)
- 13 forcible disarmament programmes.

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:

- 50 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)
- 47 have measures to tackle unmarked or inadequately marked weapons; particularly by marking or destroying them (Section II Para 8)
- at least 79 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)
- 42 actively co-operate in tracing (Section III, Para 11).

3.1.4. 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 22 states have provided some form of donor assistance to SALW-related projects.
- approximately 63 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 22 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.

**SEE
GLOBAL
TABLE 4:**
International
Assistance,
Co-operation,
and
Transparency

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3.2 REGIONAL IMPLEMENTATION

3.2.1 AFRICA

OVERVIEW

Progress on implementing the UN Programme of Action has continued at a varying pace in different African regions and countries since the 2003 Biennial Meeting of States. A number of governments have taken substantive steps to address the small arms problem in their countries, whilst in other countries little progress has been made at all.

The Bamako Declaration of December 2000 represented an important step in establishing an overarching regional initiative to tackle small arms and in articulating African priorities for addressing the SALW problems. The adoption of a common position by African governments reflects a strong collective commitment to address the devastating affects of SALW on the continent. The Bamako Declaration proved to be influential at the first UN Conference in 2001 and in the framing of the PoA.

Despite this, four years on from the UN Conference, serious challenges remain for African countries. The legacy of protracted internal and regional conflict in Africa has created a huge pool of weapons in the region that are used to commit violent crime and to fuel conflict. Weak government capacity to strengthen, harmonise and enforce legislation continues to be a major challenge to effective arms control in Africa. Recent steps to resolve longstanding conflicts, such as the signing of a peace agreement between North and South Sudan, highlight the need for effective DDR programmes to ensure that small arms do not undermine stability after conflict has ended.

Regional institutions are playing an increasingly important role in efforts to address peace and security issues in Africa. The African Union (AU) launched the Peace and Security Council (PSC) on 25 May 2004, which has a specific mandate to promote and encourage the implementation of international agreements on arms control and disarmament. The protocol establishing the AU Peace and Security Council states that one of its

functions is “to institute sanctions whenever an unconstitutional change of government takes place in a Member State, as provided for in the Lomé Convention”.⁹ The AU has already endorsed ECOWAS sanctions (which included an arms embargo) on Togo in February 2005 and has supported a UN arms embargo on Côte d’Ivoire in January 2005. However, the AU’s peace and security structures are still in the early stages of development and, to date, the activities of the PSC have focused on building African capacity to undertake peacekeeping operations. Action to tackle small arms continues to be led at the sub-regional level and the challenge will be to ensure that a continent-wide approach effectively integrates these sub-regional initiatives.

As described in the first edition of this report, the issue of small arms is also being addressed within the framework of the New Partnership for Africa’s Development (NEPAD). The ‘AU Peace and Security Agenda’, a plan of action jointly developed at the AU-NEPAD Consultation of Peace and Security in February 2003, specifically calls for action to combat the proliferation and trafficking of small arms across the continent as well as action on DDR in post-conflict situations. NEPAD has attracted significant political and financial support, particularly through the G8, and the G8 Africa Action Plan specifically mentions the need to support regional arms control efforts and DDR programmes.

Most action on SALW issues in Africa since the publication of the 2003 Report has occurred through sub-regional initiatives and instruments, which are analysed in the following sections. It is clear that the effectiveness of sub-regional co-ordinating agencies and agreements is a critical factor in the rate of national implementation. In East Africa, the Nairobi Protocol was signed in April 2004 and the ratification process is currently underway. In this regard, the Nairobi Secretariat has played a positive role in co-ordinating implementation amongst its members. The SADC Protocol came into force in November 2004, and is now legally binding, although progress at the sub-regional level has been slow over the last two years. The challenges leading to the creation of a new regional structure to support the ECOWAS Moratorium and address the small arms problem in West Africa have meant that overall progress in that sub-region has been inconsistent. Whilst in North Africa, the small arms issue has generally not been addressed in a comprehensive manner. However, the League of Arab States, which includes most North African countries, has established a SALW control department and through Resolution 6447 has called on member states and the League to intensify co-operation and co-ordination on the SALW issue.

Political will at the national level is the essential ingredient for progress and, significant steps have been made in many countries in establishing institutions to co-ordinate action on SALW and in developing and implementing national strategies for tackling small arms problems. For example, National Action Plans (NAPs) are being developed in Senegal, have recently been developed in Botswana and Namibia and are currently being implemented in Kenya, Uganda and Tanzania. Progress has been made in establishing National Focal Points (NFPs)/National Commissions in a wide range of countries including Ethiopia, Kenya, Mali, Malawi, DRC, Ghana, Guinea, Nigeria, Sudan and Uganda.

NATIONAL IMPLEMENTATION IN AFRICA

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 36 states have established an official point of contact (Section II, Para 5) to act as liaison between states. 25 have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, 15 actively involve civil society in their national co-ordination of action on SALW. 7 have developed national strategies on small arms. Additionally, 26 have submitted at least one report on national implementation to the UN DDA.

SEE
AFRICA
TABLES
1-4:

Pages
196-205

⁹ ‘Protocol Relating to the Establishment of the Peace and Security Council of the African Union’, July 2002, available at http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/au/peaceprotJul02.pdf

Laws and Procedures

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):

- 24 states have laws and procedures controlling the production of SALW
- 22 states have laws and procedures controlling the export of SALW
- 29 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12)
- 14 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 2 states have laws controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of three sub-regional agreements (the ECOWAS Moratorium, the Nairobi Protocol, and the SADC Protocol). At a national level 7 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

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

- 32 states have laws and procedures criminalising the illicit possession of SALW
- 26 states have laws and procedures criminalising the illicit trade in SALW
- 24 states have laws and procedures criminalising the illicit manufacturing of SALW
- 4 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 6 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. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of two sub-regional agreements (the Nairobi Protocol and the SADC Protocol).

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. Of the states in the region:

- 22 have standards and procedures for the management and security of stockpiles. (Section II, Para 17)
- 13 of these include regular reviews of stocks. (Section II, Para 18)
- 6 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, within the region:

- 8 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 13 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:

- 3 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 3 states have a policy of destroying most or all collected and/or confiscated SALW. (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 18 states have conducted some form of disarmament, including:

- 9 post-conflict DDR (Section II Para 21)
- 11 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 4 amnesties (Section II, Para 20)
- 5 forcible disarmament programmes.

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:

- 3 require that all SALW are marked as an integral part of their manufacture. (Section II, Para 7)
- 5 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 6 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 2 actively co-operate in tracing (Section III, Para 11).

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 Africa:

- 1 state has provided some form of donor assistance to SALW-related projects
- 11 states actively co-operate with civil society.

THE GREAT LAKES REGION AND HORN OF AFRICA

OVERVIEW

The Great Lakes Region and Horn of Africa is gravely affected by the proliferation of SALW. Recent developments including the signing of a peace agreement between North and South Sudan and a power sharing agreement in Burundi have raised hopes for greater peace within the sub-region, but conflict and human rights violations continue in many areas, including Northern Uganda, DRC¹⁰ and Darfur. Long, porous borders in the sub-region mean that SALW circulate from country to country, fuelling conflict and high levels of crime – particularly in urban areas. While in certain rural areas SALW contribute to violent inter-ethnic or inter-tribal conflicts, often over resources such as cattle and water. These challenges are compounded by differing standards of legislation, differing capacities for effective law enforcement, and low levels of the awareness and of skills to tackle the SALW problem. However, the urgent need to tackle the proliferation and misuse of SALW is increasingly being recognised by both states and civil society within the sub-region and a number of positive developments have occurred since 2003.

¹⁰ DRC is signatory to the Nairobi Declaration (2000) and the Nairobi Protocol (2004) and is also a member of the Southern Africa Development Community (SADC).

The political and regulatory framework for PoA implementation

In April 2004, states in the sub-region signed 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'. This agreement, signed by the Governments of Burundi, the DRC, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Sudan, Tanzania and Uganda, will be legally binding once ratified by two thirds of signatory states and the ratification process is already underway in many countries. The Nairobi Protocol commits states to introduce controls across a wide range of issues including:

- illicit manufacturing, trafficking, possession and use of SALW
- import, export and transit of SALW
- controls over state-owned SALW
- information sharing and co-operation
- enforcement of arms embargoes
- civilian possession of SALW
- marking, record keeping and brokering
- co-operation and capacity building
- controls over state-owned arms
- destruction and disposal
- public education and awareness raising
- mutual legal assistance
- harmonisation of legislation.

The Nairobi Protocol requires state parties to incorporate provisions into their national laws including the following:

- uniform minimum standards regulating the manufacture, control, possession, import, export, transit, transport and transfer of small arms
- standardised marking and identification of small arms
- a ban on civilian ownership of automatic and semi-automatic rifles
- registration of all small arms
- regulation of storage and competency testing for prospective owners of small arms
- restrictions on the number of small arms a person can own
- a ban on pawning of small arms
- regulation of security companies
- regulation of small arms brokering
- uniform tough sentencing for unlicensed small arms possession.

States must also create and maintain complete inventories of state-owned small arms sufficient to effectively trace the movement of these weapons. Requirements for secure disposal or destruction of surplus and confiscated weapons are also included.

The Protocol expands upon the provisions of the UN Programme of Action and other agreements including 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, which was signed in March 2000, adding greater specificity as to the exact nature of controls that must be introduced. However, the extent to which the signing of this agreement will really improve the control of SALW will depend upon how effectively it is implemented and to what extent controls are harmonised across the sub-region. Encouragingly, a process is under way to assist states in its implementation. As part of this process, the Nairobi Secretariat – the sub-regional co-ordination body for SALW control – has convened a series of

workshops on a range of issues including: stockpile management, transfer controls, marking and tracing, public awareness, arms destructions, brokering and mutual legal assistance. As a result of these workshops, a comprehensive set of draft 'best practice' guidelines has been developed which will be used to inform the review and development of national policy and legislation and will assist states in ensuring that they effectively implement the Nairobi Protocol. The draft guidelines will be discussed and hopefully agreed by Ministers from across the Great Lakes Region and Horn of Africa at the Ministerial Review Conference on implementation of the Nairobi Declaration and Nairobi Protocol in June 2005.

Important political support for the implementation of the Nairobi Protocol and for the harmonisation of policies and legislation has also been voiced recently. On 20 November 2004, Heads of States and Governments of the Great Lakes Region signed the Dar Es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region which recognises the illicit trafficking of SALW as a cause of economic stagnation and poverty in the sub-region and calls for common policies to tackle the problem. Parliamentarians from across the sub-region have also expressed their support for stronger controls on SALW, following a conference organised by UNDP and the European Parliamentarians for Africa (AWEPA) in March 2004.

Institutional development

One area in which significant progress on PoA implementation has been made in recent years is in the development of an effective institutional framework to lead and co-ordinate action on SALW. The Nairobi Secretariat, established under the Nairobi Declaration in March 2000, is mandated to:

- co-ordinate implementation of the regional and international agreements on SALW control
- liaise with National Focal Points and regional and international agencies working on SALW control and co-ordinate interaction with civil society.

It has significantly enhanced its capacity over the past two years and has played a leading role in pushing forward progress in the sub-region.

At the national level, 26 states have provided at least one report on PoA implementation to UN DDA. All Nairobi Protocol signatories have established National Focal Points (NFPs) to act as co-ordinating agencies on SALW and to co-ordinate implementation of the PoA and other agreements, with the exception of Eritrea and the Seychelles where NFPs are due to be launched in mid 2005. Whilst some NFPs in the sub-region have only recently been established and have limited capacity, others have developed into effective operational bodies with a wide membership that includes representatives from a range of Government departments and members of civil society. A series of workshops have taken place to examine and elaborate upon the roles, responsibilities and operating procedures of the NFPs, with support from the Nairobi Secretariat, and NFPs from across the sub-region regularly meet to discuss work plans and develop a co-ordinated approach to SALW control. However, it is now vital that the momentum that has developed behind the establishment of NFPs is translated into action that will have a noticeable effect on the availability of SALW in the sub-region and on development, peace and security. In this regard, the political will and commitment of all governments in the sub-region to address the SALW problem in a comprehensive and transparent way will be crucial. It is also very important that NFPs, law enforcement officials and civil society organisations have the capacity and the knowledge to tackle the problem effectively.

National Action Plans

A number of countries are already taking the next step beyond institutional development and are creating and implementing National Action Plans (NAPs) on SALW control. NAPs are currently being implemented

in Kenya, Uganda and Tanzania. The NAPs in these countries represent comprehensive national strategies for addressing the SALW issue, which will assist these states in implementing the PoA and other agreements in a manner that addresses the particular problems and needs of each country. The NAPs have been developed following extensive 'mappings' on the nature and extent of the SALW problem in the country, which in each case has involved consultations between government agencies, law enforcement agencies and civil society organisations, under the co-ordination of the NFP (and with the assistance of SaferAfrica and Saferworld). Population surveys have also been carried out to ascertain the extent to which civilians are affected by the proliferation and misuse of SALW. As a result of this research, NAPs have been developed which have been approved by the relevant governments and are now being implemented.

The NAPs call for action on a wide range of issues such as: the review and amendment of policy and legislation on SALW; training; public awareness raising; development initiatives; weapons collections and destructions; and research. They signify recognition of the need to adopt a broad approach to the control of SALW which addresses the demand for SALW within society, attempts to reduce the number of SALW already in circulation, and tackles SALW supply routes. It is now vital, however, that the NAPs are implemented effectively and that sufficient funds are made available. (For further details on NAPs see the Kenya case study).

Support for stronger controls on arms transfers

There has also been evidence of growing support within the sub-region for stronger controls on the transfer of SALW. At a 'best practice' workshop on transfer controls, convened by the Nairobi Secretariat in November 2004, experts from states signatory to the Nairobi Protocol developed a set of guidelines governing the transfer of SALW. These draft guidelines incorporate many of the principles of international law as it relates to SALW transfer. As well as recommending that licences be required for the import, export and transit of SALW and that each license application be assessed on a case-by-case basis against set criteria, the draft guidelines outline a series of considerations to be taken into account before licences are issued, such as the likelihood that transfers will lead to the violation of human rights or international humanitarian law.

In addition, there is growing support behind the principle of establishing an international Arms Trade Treaty (ATT). This has been illustrated through the hosting of two major conferences on the issue within the sub-region. In February 2005, the Tanzanian Government hosted an 'International Workshop on Global Principles for Arms Transfers' which was attended by 32 governments (see Section 3.3.3 on transfer controls) and in April 2005 a major civil society conference, attended by 200 representatives, was held on 'Action for arms control in a world awash with weapons' in Kenya.

Co-operation between Governments and civil society

There are many very active civil society organisations working to promote improved controls on SALW in the sub-region. Many of these organisations are members of the East African Action Network on Small Arms (EAANSA), which is the sub-regional IANSA grouping. EAANSA members and others are playing many vital roles, including: raising public awareness on the dangers of SALW, lobbying governments to implement the Nairobi Protocol and other agreements, supporting the development of National Action Plans, and tackling the demand for, and effects of, SALW at the community level.

Co-operation between governments and civil society organisations working on SALW issues in the sub-region is also on the increase, although challenges remain. At a meeting of civil society organisations and the Nairobi Secretariat in Kampala, Uganda in October 2004, a Communiqué was issued which affirmed the important role of EAANSA as the recognised group of civil society organisations working in

partnership with the Nairobi Secretariat. National Focal Points, the Nairobi Secretariat and civil society organisations also met at the 2nd Annual Civil Society / National Focal Points round table workshop, in November 2004. This workshop provided civil society organisations and National Focal Points with the opportunity to identify future opportunities for liaison and partnership and to keep each other informed of current work plans and activities. It also highlighted challenges and called for more regular and effective sharing of information between civil society organisations, and between civil society organisations and National Focal Points.

Cross border co-operation

There are also a number of encouraging examples of co-operation between governments and civil society organisations on SALW-related projects in neighbouring countries. For instance, in November 2004 the East African Police Chiefs Co-operation Organisation convened a Workshop on Combating Cattle Rustling, and a plan has now been drafted by officials from Kenya, Sudan, Tanzania and Uganda which highlights the need for a comprehensive approach to combating cattle rustling, including public awareness raising and education in affected communities. Civil society organisations have also been joining forces to address this issue. The Ugandan Council of Churches and the Fellowship of Christian Council of Churches in the Great Lakes Region and Horn of Africa are addressing insecurity and promoting conflict resolution through the establishment of cross border peace committees, whose roles include the monitoring of small arms availability and misuse. In addition, the Interfaith Peace and Action Network on Small Arms has developed a joint advocacy strategy to promote the harmonisation of development and disarmament programmes in Uganda, Kenya and Sudan.

UGANDA SNAPSHOT: NATIONAL ACTION PLAN AND LINKING SMALL ARMS TO SUSTAINABLE DEVELOPMENT

Despite the ongoing conflict with the Lords Resistance Army in the North, which shows no sign of abating, Uganda is making steady progress on implementing the PoA. This is in large part due to the comprehensive, collective approach to the problem that has been taken by states in the Great Lakes sub-region and the Horn of Africa. As well as having established a National Focal Point (NFP), Uganda has taken the next step and has developed a comprehensive National Action Plan (NAP) on small arms control. This highlights the need to ensure that small arms control strategies are integrated with, and support, wider poverty reduction, peace building and development programmes. In this regard, the primary framework guiding development programming in Uganda is the Government of Uganda's Poverty Eradication Action Plan (PEAP) and, during the recent review of the PEAP, the NFP and members of the Ugandan Action Network on Small Arms successfully advocated for the integration of the NAP within this framework. The issue of small arms is addressed within Pillar 3 of the PEAP, which relates to Security, Conflict Resolution and Disaster Management and which recognises the importance of creating secure environments in which development and poverty eradication can be realised. Crucially, recognising that small arms proliferation cannot effectively be addressed at national level alone, the revised PEAP also states that the NAP will be implemented as a priority, in close co-operation with neighbouring countries, particularly Kenya and Sudan.

The PEAP also prioritises support for the promotion of peace in the Karamoja region, in north-eastern Uganda, where armed cattle rustling poses a threat to development and human security, and recognises the need to ensure that future disarmament programmes in the region are linked with longer term development programmes which address the underlying causes of armed violence. Consultations are currently underway between the NFP, other government agencies, civil society organisations, donors, community leaders and members of affected communities, aimed at designing and implementing a comprehensive and participatory disarmament process. It will be important that any comprehensive and

participatory disarmament process responds to the needs of all relevant parties and is developed and implemented in close co-operation with officials and civil society organisations in Kenya and Sudan.

Sustained political will be required in order to ensure that the link between disarmament and development is maintained at the policy level so that sufficient funding is allocated to the PEAP, and in particular to Pillar 3, to ensure that it is implemented effectively

KENYA CASE STUDY: THE DEVELOPMENT OF A NATIONAL FOCAL POINT AND NATIONAL ACTION PLAN

Kenya faces major small arms related security challenges in the form of armed crime, fluctuating levels of ethnic conflict (often associated with cattle rustling), poaching and terrorism. Kenya also faces external threats to its security, notably in relation to conflict and instability in Uganda, Sudan and Somalia, which contributes to the availability of small arms within Kenya. At the same time, Kenya is, along with its Eastern African neighbours, party to a substantial set of sub-regional agreements, from the high level political commitment of the Nairobi Declaration of 2000 to its ensuing Protocol in 2004 on small arms and light weapons.

Despite the significant challenges it faces, the Kenyan Government, in co-operation with civil society, has begun to address the SALW-related problems it faces and, in this regard, a number of significant developments have occurred recently in relation to implementation of the PoA.

National Focal Point

The Kenyan Government demonstrated its willingness to take action on small arms through the establishment of an NFP on small arms in June 2002. The Kenya NFP fulfils the functions of a National Commission and is responsible for co-ordinating implementation of the UN Programme of Action in Kenya as well as liaising with the Nairobi Secretariat and other NFPs. It became fully operative in 2003 and provides an important forum for interaction between the Government and civil society on issues relating to small arms.

The NFP is located within the Office of the President and its membership includes representatives from the following Government departments: Kenya Police, Kenya Wildlife Service, Department of Mines and Geology, Office of the Attorney General, Ministry of Trade and Industry, Department of Customs and Excise, Department of Immigration, Department of Defence, Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Education, and Ministry of Information and Broadcasting. The NFP also includes representatives from a number of civil society organisations.¹¹ The inclusion of civil society organisations as members of the NFP is very significant, since it has served to dispel previously held perceptions of mistrust between the Kenyan Government and civil society whilst providing a crucial link to local communities who are directly affected by the proliferation and misuse of small arms.

The Kenyan government is integrating small arms issues within the broader peace and development agenda, and this is reflected in the way that the NFP is linked to other structures. The NFP has been placed under the Office of the President as a sub-committee of the National Steering Committee on Peacebuilding and Conflict Management. This committee is chaired by the Deputy Secretary in charge of National Security, and also includes sub-committees on related issues including Community Based Policing, Conflict Prevention and the Intergovernmental Authority on Development (IGAD), Conflict Early Warning and Response Mechanism (CEWARN). The NFP's holistic approach to promoting development

¹¹ These are the Security Research and Information Centre, Africa Peace Forum, the Kenya Coalition Against Landmines, the National Council of Churches of Kenya, Norwegian Church Aid, and Oxfam.

and security is evidenced by the fact that the NFP has been involved in a range of activities including:

- the development and implementation of a National Action Plan on small arms control (see below)
- the formation of District Peace and Development Committees working on issues including the voluntary collection of small arms in the arid areas of Kenya that are prone to conflict and the proliferation of illicit small arms, including the Districts of Garissa, Wajir and Mandera in the North Eastern Province of Kenya
- the design of training materials on Community Based Policing
- the training of the Administration Police on aspects of community policing under the Governance, Justice, Law and Order Sector Program
- the delivery of training to District Officers on Conflict Sensitive Approaches to Development and Peacebuilding.

Kenya National Action Plan on small arms

The need to situate efforts to control the spread and misuse of small arms within broader efforts to enhance development and prevent conflict has also been recognised within Kenya's National Action Plan (NAP) on small arms control. The NAP was developed by the NFP and was thus a joint project between the Kenyan Government and Kenyan civil society and followed an extensive 'mapping', or national assessment, of the small arms situation in the country. The NAP sets out the activities that the Government of Kenya will undertake to implement the UN Programme of Action and other regional and international agreements, in a manner that addresses the specific problems that exist in Kenya.

The mapping was undertaken by the NFP with support from Saferworld and SaferAfrica. It took place in 2003 and involved extensive consultations with a wide range of stakeholders including government officials, law enforcement officers and civil society. Workshops with law enforcement officials were held in all regions of the country and were attended by a total of 667 law enforcement officials, including representatives from the Kenya police, the Administration Police, the Kenya Wildlife Service, the Departments of Immigration and Customs and Excise, and the Army. Workshops were also held with civil society representatives, and were attended by a total of 41 people representing a wide range of organisations. In addition, a population survey was undertaken in which a team of 40 surveyors administered questions on issues relating to firearms, security and socio-economic development to 3,500 respondents countrywide.

This mapping process sought to collect information regarding the manifestation of the small arms problem in Kenya and its impact on society. It also provided information on the level of existing resources and capacity available to address the small arms problem. This enabled the development of a NAP that is based upon the true situation in the country and which highlights areas where further resources and capacity are required.

The information collected during the mapping process was subsequently analysed by the NFP and the NAP was developed. The NAP will be formally launched in mid-2005. Implementation of the plan is already underway, however, and significant progress has been made in a number of key areas. The Kenyan Government is now seeking to develop partnerships with local and international agencies to ensure the sustained implementation of the NAP.

Key recommendations contained within the NAP include:

- the creation and strengthening of the institutional framework necessary to ensure implementation of the Plan

- the development of a new national policy on small arms control
- a review of existing legislation on small arms control and the amendment of legislation where necessary, in accordance with the Nairobi Protocol and the national policy
- improvements with regard to systems for record keeping on civilian and state owned stocks of small arms, and the upgrading of the Central Firearms Bureau
- the collection and destruction of seized, surplus, captured and surrendered stock
- a national education and public awareness-raising programme, aimed at reducing the demand for small arms and promoting their responsible management
- international and sub-regional co-operation and information exchange, and joint planning and operations, to combat cross-border crime and arms trafficking
- training and capacity building for law enforcement and other officials and for civil society
- further research on key issues such as the proliferation of small arms in pastoralist communities and the means by which to address this problem
- the development and implementation of programmes to further development in regions of Kenya affected by underdevelopment and small arms proliferation, with the aim of reducing the demand for small arms in these communities
- the strengthening of mechanisms to promote peaceful conflict resolution
- the development and implementation of a community-based approach to policing, aimed at promoting good relations between the police and the community, increasing security and reducing the incidence of armed violence

The NAP also emphasises the need for a sustained and effective partnership between the Government and civil society to ensure the implementation of the NAP. It further highlights the need to ensure that the implementation of the NAP complements and builds upon existing policies and programmes in Kenya relating to development and security. This is crucial in terms of ensuring that efforts to improve the control of small arms are integrated with, and support, other initiatives such as the Government's Economic Recovery Strategy for Wealth and Employment Creation.

Significant progress towards the implementation of the Plan is already underway in the following key areas:

Strengthening of the institutional framework - The institutional framework for work on small arms control in Kenya has been strengthened in recent years through the expansion of the NFP and through the positioning of the NFP as a sub-body of the National Steering Committee on Peacebuilding and Conflict Management. As called for in the NAP, bodies have also been created to co-ordinate small arms control and oversee implementation of the NAP at the provincial level. These Provincial Task Forces, (PTFs), whose membership includes law enforcement agents and representatives of local government structures and civil society, have been formed and have received training on the NAP and their roles and responsibilities.

Drafting of a national policy - The NFP has convened a Policy Drafting Committee tasked with drafting a new national small arms policy. A 10-day workshop took place in February 2005 to develop a comprehensive set of recommendations to inform the draft policy. These recommendations build upon the commitments contained in the Nairobi Protocol and other sub-regional and international agreements. They also draw upon the sub-regional guidelines that have been developed as a result of a series of workshops convened by the Nairobi Secretariat in late 2004 and early 2005, to assist states in implementing the Protocol (see sub-regional overview). A consultation process is now underway to allow a wide range of stakeholders to comment on these recommendations and to input into the draft policy, prior to the final policy being developed. The new policy, once finalised and approved, will inform a process to review, and where necessary amend, Kenya's small arms control legislation.

Civil society training and capacity building – a key need identified in the NAP is for training to be provided for civil society organisations to enhance their knowledge of the small arms issue and build their capacity to develop small arms-related projects and to support the implementation of the NAP. The NFP and the National Council of Churches of Kenya (NCCCK) convened a national training of trainers course on 1-5 November 2004. This provided training on: the effects of small arms proliferation and misuse, the small arms policy context and the NAP; tools for enhancing strategic planning and action to be used in the development and implementation of projects and strategies to tackle the small arms problem. It also provided training tools and techniques to enhance the capacity of participants to deliver similar training workshops at the provincial and district levels.

Following these workshops, NCCCK and the NFP have co-ordinated a series of further training workshops at the provincial level across Kenya, which have been delivered by the participants trained at the national training of trainers workshop. These workshops have built the capacity of local level organisations to develop projects to tackle the problems caused by small arms in their community and to link with other organisations to develop a common strategy. They have also raised awareness of the NAP and the NFP across Kenya and provided a first opportunity for interaction between civil society and the PTFs.

Learning points

- ◆ The NAP is very ambitious and will need the sustained support of a range of stakeholders if it is to be implemented effectively.
- ◆ It is vital that the NAP continues to be a priority of the Government and that it is integrated into other frameworks such as the Economic Recovery Strategy so as to ensure that it complements and strengthens other processes aimed at furthering development and security.
- ◆ It is important that the NFP has sufficient knowledge, skills and resources and receives the necessary financial support in order to effect implementation of the NAP.
- ◆ Harnessing and maintaining the support of civil society organisations across Kenya is also crucial in terms of providing popular support for the NAP and in enabling it to respond to the real needs of local communities across Kenya.

STRENGTHENING CAPACITY FOR ACTION IN KENYA AND UGANDA

In Kenya and Uganda, CSOs are working with their governments to support the implementation of National Action Plans. In order to strengthen the capacity of CSOs to take effective action on small arms, the Ugandan Joint Christian Council and the National Council of Churches of Kenya (in co-operation with the National Focal Points) have organised a series of training workshops for civil society. Initially, two 5-day 'training of trainers' workshops were held in November 2004 attended by CSO representatives working on security and development issues at the national or provincial level. The workshops provided participants with training on a range of issues including: the international and regional agreements on small arms control; the impact of small arms proliferation and misuse; and the structure and role of the NFP. They also provided participants with the skills to train others on this issue. Following these workshops, participants have delivered similar trainings for CSOs at the regional / provincial level across each country, and have thus further raised awareness of the small arms issue and built the capacity of civil society to address it.

MONITORING THE IMPLEMENTATION OF THE NAIROBI PROTOCOL

In 2003 in the Horn and Great Lakes region of Africa, NGOs formed the Eastern African Action Network on Small Arms (EAANSA) to monitor and encourage the implementation of the Nairobi Protocol. As part of this process, EAANSA has established effective co-operation with the Nairobi Secretariat. Each year, an annual seminar is held to discuss co-operation between governments and civil society to implement the Nairobi Protocol (the last such meeting was held in November 2004). EAANSA is also regularly invited to participate in government expert meetings convened by the Nairobi Secretariat. EAANSA currently consists of eight national chapters, in addition to a number of regional/international NGOs

SUDAN SNAPSHOT: THE NATIONAL FOCAL POINT

In January 2005, after two years of negotiations, the Sudanese government and the Sudanese Peoples Liberation Army (SPLA) signed the Naivasha peace protocols officially ending the twenty one year long North-South conflict. However in early 2003 as these negotiations were progressing fighting broke out in the western region of Darfur. This conflict is ongoing and tens of thousands of people have been killed and an estimated 1.5 million people have fled their homes.

As a result of the conflict in Darfur in July 2004 the UN Security Council passed Resolution 1556 which imposed an arms embargo on all non-governmental combatants in Darfur. On 29th March 2005 Security Council Resolution 1591 extended this arms embargo to cover the government which has been accused of arming the Janjaweed militiamen.

In the absence of any form of security being offered to civilians in Darfur (and other parts of Sudan) by the state, the demand for illicit firearms remains high. Weapons flow in from neighbouring countries, some of which are also affected by conflict. The proliferation of these weapons exacerbates conflict, undermines stability and hinders development whilst SALW are also used in the majority of killings, injuries and enforced displacement of the Sudanese population. Attempts to reduce possession of firearms have mostly been unsuccessful due to perceptions of insecurity, and customs and traditions relating to the possession of firearms.

In this context implementation of the PoA is not a priority for the Sudan government and little progress has been made in this regard. However in March 2004 a National Focal Point was established and these details were passed to UN DDA. This NFP represents the following governmental agencies and civil society organizations; Ministry of Interior (co-ordinator), Ministry of Defence, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Humanitarian Affairs, Ministry of Information and Telecommunications, Chamber of Federal Rule, Popular Defence force, Popular Policemen, National Council, Commission for Refugees, National Security & Intelligence, Customs officers, Military Manufacturing corporation, Human Security Initiative Organization, Centre for the Humanitarian Affairs Resource Management.

Whilst the establishment of an NFP represents only minimal progress, it is nevertheless encouraging that representatives of these agencies and civil society groups do attend regular meetings. In Feb 2005 the NFP with all its partners, in co-ordination with Nairobi Secretariat, held a training workshop in Khartoum to discuss and deliberate implementation of the PoA in relation to the Nairobi declaration. The NFP and their counter-parts from the SPLM are also helping to shape the development of a DDR programme for Sudan (in co-operation with UNDP), and to ensure that it includes comprehensive measures to combat SALW proliferation.

WOMEN DEMANDING PEACE IN SUDAN

Sudanese Women's Voices for Peace (SWVP) has been networking through community based mechanisms for peace mobilisation since 1993 in the difficult environment that is characterised by war and insecurity in southern Sudan and other parts of the country.. SWVP's membership is based on activism with a special focus on the human rights of all Sudanese people. The main goal of SWVP is to strengthen network members, enhance small arms control to achieve 'families free of gun violence', and to establish dialogue and ensure disarmament in Sudan. Since 2000, SWVP has been working near the Kenya-Sudan border, developing local posters addressing the issue of small arms, focusing on avoiding guns in public places such as schools, hospitals, churches, markets.

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CENTRAL AFRICA

OVERVIEW

Central Africa 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 conflict in the Democratic Republic of the Congo (DRC). Thus, in April 2005 the UN Security Council expanded the 2003 arms embargo to all non-state actors in the whole of the DRC, and specified that shipments destined for the DRC military and police needed to be cleared through the DRC Sanctions Committee and co-ordinated with the UN Mission in the Democratic Republic of Congo (MONUC).¹²

While the DRC is a member of the Nairobi Protocol, most other Central African States are not part of any sub-regional SALW agreements. In spite of this, there appears to be some limited PoA implementation in the sub-region. The Central African Republic, the Republic of Congo, Chad, the DRC, and Equatorial Guinea have all submitted reports to DDA and several states claim to have national co-ordination mechanisms, such as the Central African Republics' mechanism for co-ordinating DDR in the country. Overall, however, implementation of the PoA in much of Central Africa appears very limited.

WEST AFRICA

OVERVIEW

It is estimated that there are between seven and eight million SALW in circulation in West Africa, many of which are not in state hands but rather held privately or by Non-State Actors. The sources of these weapons are multiple. Not only are they imported from outside the sub-region but in addition they stem from illegal manufacture by artisans and from circulation between conflict zones. These SALW have been used in civil wars, especially in the Mano River region, have fuelled ethnic strife in southern Nigeria amongst other places, and have been utilised by criminals across the region. The widespread proliferation of the SALW has also led to human rights abuses, mass displacement and the undermining of the rule of law, amongst other things.

In West Africa, implementation of the PoA has been primarily through the ECOWAS Moratorium, the principal sub-regional SALW control measure. Therefore it is necessary to examine and address the implementation of the PoA through the sub-regional structures, the most important being those established to support the ECOWAS Moratorium.

¹² Aita, Judy, "Security Council Bans Arms Sales to Democratic Republic of Congo", *US Fed News*, April 19th 2005.

ECOWAS Moratorium

Since the signing of the ECOWAS Moratorium in Abuja, Nigeria, on 31 October 1998, it has been renewed twice, most recently in the summer of 2004 for a three-year period. Despite criticism about its weak language and scope for misinterpretation, the Moratorium has the support of all 15 ECOWAS member states and, given the overlap in their provisions, it acts as a sub-regional framework for the implementation of the PoA. However, the fulfilment of this role is hindered by its lack of enforceability. There are positive indicators of increased government support of the Moratorium in recent years, particularly with regard to provisions in the Moratorium echoed in the PoA such as the requirement to establish a national co-ordination agency and a national point of contact, as well as regular reporting on implementation of SALW controls.

The Programme of Co-ordination and Assistance for Security and Development (PCASED), developed by UNDP to support the Moratorium, was disbanded at the end of 2004 as a result of the feeling among both civil society groups and donors that PCASED was not performing as intended. PCASED was replaced by a new organisation known as ECOSAP (the ECOWAS Small Arms Project), which concentrates on the provision of technical advice on the implementation of small arms controls. It is supported by a new Small Arms Unit based within the ECOWAS Secretariat in Abuja, Nigeria, whose role is to deal with the political aspects of the Moratorium such as the granting of exemptions.

A meeting of civil society and political leaders of the West Africa sub-region was held in Accra in November 2004 on starting the process of converting the politically-binding Moratorium into a legally binding convention. Subsequently, Oxfam, the Government of Mali and ECOSAP held a meeting in Bamako in March 2005 to begin the drafting of a legally binding document based on the provisions of the Moratorium. The redrafting will attempt to widen the scope of ECOWAS small arms policy to make it more comprehensive by including previously overlooked issues such as brokering. It is hoped that such a revised agreement will replace the Moratorium when it is due to be renewed in 2007.

National Implementation

Levels of implementation of the PoA vary from country to country across West Africa, but the increased number of national reports from ECOWAS states and the high levels of government participation at recent conferences on the Moratorium, indicate increasing commitment to tackling the SALW issue. A review of major indicators, as set out by the Moratorium itself, indicates that the performance of the West African states presents a mixed, rather modest, picture, with its impact on the level of proliferation more evolutionary than revolutionary. It should be stressed that although the Moratorium was declared in 1998, the necessary mechanisms and instruments for its implementation took some years to articulate and operationalise. In addition, there is a clear lack of wider knowledge of this process. Most of the information relating to the implementation of the Moratorium has emerged as a result of NGO activities.

The Moratorium has however by no means been a complete failure and despite the shortcomings it has emerged as a useful template for sub-regional co-ordination of SALW control measures. It is also an invaluable device in bringing West African governments and civil society around the table to discuss SALW issues. Progress on implementation has been strongest on the issue of weapons destruction. For example, ceremonial weapons-burning ceremonies were used to mark the Week of Action on Small Arms 2004 across the sub-region as a symbol of support for SALW destruction and a means of raising awareness of the issue. To date, 10 of the 15 West African states have submitted official reports to UN DDA on implementation of the PoA, with five National Reports already submitted in 2005 from ECOWAS member states. Of the national reports submitted in 2005, a number were from countries that were reporting for the first time, such as Guinea, Gabon and Togo. In accordance with the Moratorium and the PoA, 12 of the 15 ECOWAS states have established National Commissions, with several involving some

civil society representation. In addition, Guinea has established a National Action Plan on small arms, and in line with the Moratorium and the PoA. Benin has recently conducted an audit of SALW stocks and a national register of SALW has been created in order to monitor stockpiles as well as the importation and exportation of SALW. For its part, Ghana is currently in the process of reviewing its SALW legislation to harmonise its laws as per the requirements of the Moratorium. However, given the weak and transitional nature of many of the governments in the sub-region, the capacity of these commissions is often limited and some exist in little more than name.

While the UNDP has supported PCASED/ECOSAP as a regional centre of SALW expertise based in Mali and the UN DDA established a regional centre in Lomé, Togo, there has been uneven implementation of the PoA and the Moratorium in the region. This is partly due to linguistic factors separating Lusophone, Anglophone and Francophone West Africa but also due to the different problems faced across the sub-region, resulting in some states being more able and willing to implement SALW controls than others. A key deficiency in implementing the PoA has been the lack of sub-regional co-ordination of SALW control measures. This is especially important in the Mano River Region where DDR and disarmament processes have been nationally based, while the flow of SALW has been regional.

As mentioned above, in some countries within the sub-region there have been weak and transitional governments in power. This means that the abilities of some states to implement SALW agreements has been limited, whilst other states have been unwilling to implement SALW controls (see the Liberia Case Study). The Mano River states have continued to develop co-operation on border management to stem illicit SALW transfers in the sub-region. Building on the agreement between the states in 2001 to deploy joint patrols, a current Canadian-sponsored initiative facilitates the further sharing of intelligence and training of personnel for such joint patrols. Benin and Nigeria have also recently been involved in bilateral exercises to train customs officials and border guards and joint patrols along common borders now take place.

National implementation has been restricted by the weakness of National Commissions in many states. The dissolution of PCASED in 2004 has meant that there has been a lack of technical assistance to states with regard to the establishment of National Commissions on SALW. Due largely to lack of financial and physical personnel resources and relevant training, Commissions are still predominantly ineffectual across the sub-region. It is hoped that ECOSAP will address this gap in technical advice since, without such assistance, National Commissions will remain toothless.

The role of civil society

By and large civil society in the ECOWAS sub-region has played an increasingly active role in addressing the challenges of small arms proliferation. It has actively supported government SALW action, initiated its own advocacy initiatives, and contributed input to sub-regional policy making on small arms controls.

The most notable trend has been the increased co-ordination of civil society action through the establishment of national networks working under the umbrella of the West African Action Network on Small Arms. The end of the civil conflict in Liberia has seen the creation of a national network of civil society organisations working on small arms, LANSAs (Liberian Action Network on Small Arms). Since its inauguration in August 2003 LANSAs has been actively involved with the UN mission in Liberia, with community leaders and with the transitional government, in programmes aimed towards encouraging combatants involved in the conflict to disarm. A Nigerian network, NANSAs (Nigerian Action Network on Small Arms) was established in November 2004 and has been active in co-ordinating civil society activity with regard to the implementation of the Moratorium and the PoA, most significantly, driving a wave of arms destruction programmes, drafting a two year National Action Plan on small arms, and improving the previously tenuous relationship between civil society and the National Commission.

GHANA SNAPSHOT: THE NATIONAL COMMISSION AND NGO ACTION ON SALW

Compared to the majority of its sub-regional counterparts Ghana has continued to remain relatively peaceful. This is in contrast to the instabilities and conflicts which have been experienced by its immediate neighbours, Côte d'Ivoire and Togo and by the countries of the Mano River region. However concerns about SALW proliferation have increased and levels of associated violence and crime have risen, with a marked rise in firearms-related violence in recent years. Illegal SALW are trafficked into the country from other less stable countries in the sub-region and there is also a significant level of illegal local production, which is a distinctive element from other West African countries. .

The recently created Ghana National Commission on Small Arms (GNCSA) is Ghana's national co-ordination agency for the PoA. GNCSA has developed a campaign against the proliferation of small arms and light weapons which has increased awareness amongst the public which previously had not paid much attention to the negative effects of the trade and distribution of SALW. Materials being used include video clips, radio and television jingles, newspaper inserts, educational leaflets and posters. The efforts of the Commission, with the support of Ghana's Ministry of Interior and the United Nations Development Programme (UNDP) have also focused on Kumasi, in the Ashanti Region of Ghana. Kumasi houses the largest population of artisans and blacksmiths in Ghana, producing pistols and other small arms at a place known locally as "The Magazine". At the launch of the Ghana National Commission on the 5 May 2005 the Interior Minister estimated that local artisans produced up to 100,000 small arms each year. Other initiatives of the GNCSA include weapons destruction projects that have been implemented in the Greater Accra region, the Eastern region, the Volta region and the Brong Ahafo region, with plans for the remaining regions to be addressed in the future.

At time of writing, the Ghanaian government is in the process of revising its national legislation on the production, import, export, transfer and brokering of SALW, previously controlled by the Arms and Ammunition Act of 1962.

In the face of the increase in armed conflict, particularly in the Northern regions, since May 2002, the Ghanaian Action Network on Small Arms (GHANSA) has co-ordinated activities targeted at these problems. For example, it launched a Week of Action against the illicit proliferation of small arms and light weapons on 14 February 2005. The launch ceremony in the Northern Regional capital, Tamale, attracted some Northern Region Members of Parliament, police, traditional rulers, religious leaders, students, youth groups, youth chiefs and opinion leaders among others. The activities of the Week of Action were especially focused on the youth of Tamale and Yendi where the incidence of gun violence is very high. Events included debates in schools and a route march on the principal streets of Yendi in which over 500 school children and their teachers took part. In addition, April 2005 saw the launch of Ghana's National Campaign against Small Arms, at a SALW awareness raising conference organised by GHANSA and the UNPD in Takoradi. The campaign mobilises religious organisations, educational institutions and the general public against the proliferation of small arms and light weapons in the country.

GUINEA SNAPSHOT: THE NATIONAL COMMISSION, WEAPONS COLLECTION AND DEVELOPMENT OF A NATIONAL ACTION PLAN

Illicit SALW proliferation in Guinea can largely be traced back to events following the country's independence, when a national militia was created. The distribution of weapons to civilians during an attempted coup in 1976 and a military take-over in 1984 during which stockpiles of weapons were distributed to pro-putsch soldiers, or looted, resulted in a large number of weapons in circulation within the country. These weapons were never collected and in addition to these further SALW have entered the country as a result of the conflicts in the Mano River countries.

In accordance with the ECOWAS Moratorium which Guinea signed in October 1998, Guinea established a National Commission (Commission Nationale de Lutte Contre la Prolifération et la et la Circulation Illicite des Armes Légères, CNLCPCIAL) in August 2000. As of April 2004, CNLCPCIAL comprised 27 members, including five representatives from civil society, and a national focal point on small arms who is the permanent secretary of the CNLCPCIAL.

In September 2003, following an agreement between the Government of Guinea and the US, a two month weapons and ammunition destruction project was carried out in which 21,906 small arms, 89,889 rounds of ammunition, 278 anti-aircraft missiles and 3174 mines were destroyed using destruction techniques in conformity with the UN Programme of Action and the Ottawa Convention of which Guinea is also a signatory.

In 2004, the National Commission initiated a Plan of Action on Small Arms in 2004 in which it set out a list of twenty activities aimed at sensitising the public to the dangers of small arms use and proliferation in line with the priorities of the government and with ECWOAS Small Arms Project. It also created and inaugurated a liaison office between the National Commission and the Conakry National Air Terminal to enhance border controls.

FACILITATING ARMS FOR DEVELOPMENT IN SIERRA LEONE

The Sierra Leone Action Network on Small Arms (SLANSA) has been closely involved with the UN Development Programme's (UNDP) *Arms for Development* project. Representing civil society on the District Working Groups, the project seeks to offer development incentives to chiefdoms that have been certified as weapons-free. The target of 67 chiefdoms by the end of 2005 will result in approximately half the country being declared weapons-free, if successful. SLANSA members include a number of youth and faith-based groups, including the national Council of Churches. Co-operating with the UNDP Sensitisation Officer, SLANSA members are responsible for raising awareness of the Arms for Development program, and for collecting the weapons from the chiefdoms.

In 2004, the Arms for Development project collected 1892 weapons and 7 districts were certified weapons-free.

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LIBERIA CASE STUDY: POST-CONFLICT DDR

Unlike some West African countries, which have established focal points and national commissions, Liberia's implementation of the PoA has been hampered by the 14 years of war from which the country emerged in August 2003. While after the first civil war in 1997, there was ample opportunity for the Charles Taylor regime, which ruled Liberia from 1997 to 2003, to implement the PoA, the regime squandered the opportunity by pursuing other security priorities. Under him, there was an arms burning exercise in July 1999 but no national structures were put in place to bring all stakeholders together in order to carry out the PoA which was adopted in July 2001.

The signing of the Comprehensive Peace Agreement (CPA) in Accra, Ghana on 18 August 2003 has offered an opportunity for the country to lay the basis for implementing the PoA. The UNDP in May this year launched a Small Arms Control project in the country; the disarmament and demobilisation (DD) phase of the DDR programme has been completed; the implementation of the reintegration (R) phase has started; and the weapons collected during the DD phase are being destroyed by cutting them into half.

National legislation

As has been the case in many other countries emerging from civil war it is extremely unclear what legislation already exists. There may be a national legislation on the control and use of small arms in Liberia; but from all indications, not only accessing has proved difficult but even if such legislation exists, it has never been adhered to in a way that would curb the proliferation of illicit arms. Re-establishing this legislation and ensuring that it conforms to present day post-war realities in the country will be useful for curbing small arms proliferation in the country.

Disarmament and weapons collection

The disarmament and security sector reform (SSR) programmes were enshrined in the CPA and UN Security Council Resolution 1509, which mandated the UN Mission in Liberia (UNMIL) to support both the SSR and the DDR programmes in the country. Consequently, since 2003 both the National Transitional Government of Liberia (NTGL) and the UNMIL have worked towards disarming the ex-fighters and making plans for the restructuring of the army and the police. In order to carry out the DDR project, a National Commission on DDR was established comprising representatives of the NTGL, the three former warring factions, ECOWAS, the United Nations, the African Union and the International Crisis Group on Liberia. This was an interdisciplinary and interdepartmental commission, which continues to work with ex-fighters till now as it fulfils the R phase of the project. Other stakeholders include USAID, service providers and implementing partners, the majority of whom are civil society groups like local and international NGOs.

Through their joint efforts, disarmament in Liberia was declared completed on 31 October 2004 amidst uncertainties about whether the process was thorough or not. For example, local people are not yet convinced that all the weapons were collected and ex-fighters themselves have admitted that there are still weapons in the bush. In total, about 103,019 fighters were disarmed and demobilised but only 29,794 weapons were collected. Though 23,872 have enrolled on the R phase of the project, several thousands still await to benefit from it. One of the factors that caused this problem is that at the beginning of the programme, the UN under-estimated the number of fighters to be 38,000 and therefore, as the number increased, it became evident that the money allocated for the R had to be spent on DD phase of the project.

So far, the weapons collected do not match the number of people who went through the DD phase of the project. Such situation causes concern about the completion of the DD phase. Moreover, the heavy weapons used during the war have yet to be turned in. As indicated above, in order to help cleanse the society of these weapons, the UNDP is beginning a programme aimed at collecting weapons through community efforts. The success of this programme will go a long way in making the society secure enough for farming and development.

Security sector reform and reintegration of fighters

In some ways, the disarmament and weapons collection processes are embedded in the wider peace building, security sector reform and macro-economic development processes. First, as stated earlier, disarmament and weapons collection are confidence building exercises and measures, and so they are very useful to broader peace building. Second, some of the fighters who have been disarmed are eligible under existing legal frameworks to be integrated into the security sector.

The implementation of the SSR programme itself is experiencing temporary problems in the sense that it is lopsided. For example, of the various agencies that make up the Liberian security architecture, only

the Police and Army are receiving serious attention. Already the first batch of police officers have been trained under this programme while the armed forces of Liberia are still waiting to go through a severance process before a small army of 4,000 troops can be trained by the US private security firm, DynCorp. The US government has earmarked US\$200 million for this exercise over a three to four year period. The major hold-up now is that the government of Liberia cannot find the money required to pay severance allowance to the soldiers who will be laid off from the army. In all, 7,604 soldiers will receive severance pay out and 4,650 soldiers will receive both severance pay and pension.

Finally, the fighters have been enrolled into vocational training centres, formal education and others in order for them to fit within the overall development of the country. The skills acquired from these centres will certainly be used for the short and long-term development needs of the country. In this light, the programme is embedded into the wider peace building, SSR and development strategies of the country.

Donor assistance and co-operation between government and civil society

There has been international assistance to the DDR programme from the UNDP, EU, USAID, UNICEF and the governments of Britain, Sweden and the USA. However, local civil society groups have complained about the lack of input from them during the implementation of the DD phase of the programme. Civil society groups have nevertheless been encouraged to bid for the implementation of the different aspects of the RR phase, particularly in the area of training and education. Further, local institutions are also playing a role in the RR phase of the programme, but the general lack of implementation capacity is seriously hampering the process.

For example, in April 2005 only 23,872 ex-fighters were accessing vocational training and formal education opportunities while the vast majority of approximately 79,147 demobilised fighters could not find any place in the country. This is due to the fact that the DD figures were far more than the original estimated 38,000. The other problem with the R phase, as mentioned above, was the lack of financial resources because the money allocated for this phase of the programme was used for the DD phase. Since the UN had under-estimated the number of fighters as 38,000 there was budgetary allocation for this number but once the figure increased, they had to get resources from the R phase. Thus, at the beginning of this year, there was a budgetary deficit of \$60 million in order to fully implement the R phase.

Learning points

- ◆ The dramatic underestimation in the expected number of combatants who would be demobilised resulted in significant delays in the processing of ex-fighters resulting in increased tension and dissatisfaction. The experience in Liberia highlights the importance of gaining accurate estimates of the number of fighters to be demobilised in any DDR exercise.
- ◆ It is important to ensure civil society input in the initial stages of a DDR process to avoid dissatisfaction further down the line. If civil society are not engaged in the process and do become dissatisfied it is possible they may hamper progress.
- ◆ While the integration of SSR into the process of DDR is a positive development there is a need for a holistic approach involving both the army and the police.
- ◆ Greater financial support is required from the international community if the DDR process in Liberia is to succeed.

NIGERIA SNAPSHOT: GOVERNMENT INITIATIVES ON SALW

Nigeria is the largest state in the sub-region and faces a complex SALW problem. In the north of the country there have been extensive clashes between the Christian and Islamic communities while in the

south there have been ongoing problems in the Niger Delta region between the local community and the police, related to the oil industry where SALW have been used by both sides. Nigeria further faces significant challenges in relation to the use of SALW by criminals throughout the country.

In the last year the government has become increasingly active in trying to address SALW problems in Nigeria. Government-led initiatives that support SALW control to date include:

- promoting improved Police/Community relations coupled with a proposed community-policing project in some states of the federation
- the Federal government's plan to create jobs through National Directorate of Employment in order to provide a path out of criminality for disaffected youth
- the police gun recovery drive across the country
- on-going "anti-graft" (anticorruption) campaigns which will promote public support and trust for the police service in providing public security

Further Nigerian government SALW initiatives include the establishment of a Presidential Committee on the Destruction of Illegal Firearms and of a National Disarmament Committee. The Presidential Committee on the Destruction of Illegal Firearms has publicly destroyed (through open air burning) arms and ammunition recovered from various groups and locations in four successful exercises nationwide. By the end of 2004, a total of 3,058 firearms and 3,790 rounds of small arms and ammunitions were destroyed by the committee. On March 22nd 2005, a further 695 assorted arms and rounds of ammunition were destroyed in Abuja.

Civil society action on SALW in Nigeria has also strengthened significantly over the past few years, and has involved increasing co-operation with the government. Moreover, as of August 2003, the National Committee on the ECOWAS Moratorium, which acts as the co-ordinating body for the PoA, has included representation from four civil society organisations. Subsequently, the Nigeria Action Network on Small Arms (NANSA) was launched on November 17 2004. NANSA, which now consists of 47 NGOs works in close co-ordination with the Nigerian National Commission on small arms and was part of a 12-man presidential committee that supervised the destruction of illegal arms retrieved from the warring factions in the Niger Delta. NANSA has also produced a two-year action plan on SALW in order to assist the government in trying to eradicate the gun culture in the region.

"BALLOTS NOT BULLETS" CAMPAIGN FOR GHANA ELECTION

In the lead up to the 2004 Ghana Election, Ghanaian civil society organisations launched a campaign for a violence-free election. The slogan "Ballots not Bullets", together with campaign materials including posters, were used by the Foundation for Security and Development in West Africa (FOSDA) in its work with its peace campaigners at political rallies for a peaceful Ghanaian election.

The materials were distributed to all 110 districts and almost all communities that had personnel from the National Commission for Civic Education had copies of the poster. On Election Day the "Ballots not Bullets" posters were the only ones visible around the polling stations.

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SENEGAL CASE STUDY: THE NATIONAL COMMISSION AND PLANNING FOR DDR IN THE CASAMANCE

Senegal has enjoyed relative peace and stability compared to its neighbours, Mali, Mauritania, Gambia, Guinea Bissau and Guinea Conakry, which have all experienced violent conflicts that have had destabilising effects and have contributed to a rise in SALW proliferation and trafficking. However, given the relatively porous borders in the sub-region and the low-level separatist war which, until recently, had been ongoing in the Casamance, a region in the south of Senegal, for over twenty years, SALW remain a cause for concern. In the Casamance especially SALW trafficking and proliferation is widespread and reports have highlighted arms trafficking via Guinea Bissau and Guinea Conakry.¹³

While SALW proliferation is not as serious as in some other conflict-affected countries in the sub-region SALW remain easily available and this has fuelled an increased sense of insecurity due to the growth of a culture of violence and criminal activities. This has in turn had a negative impact on both the economic and social aspects of the country.

Senegal is committed to implementing the ECOWAS Moratorium and to date has showed relatively strong political will in doing so. In response to the commitments set out in the Moratorium a national commission was established in October 2000 and this commission also acts as the co-ordinating agency required by the PoA.

Senegal's National Commission

The National Commission is headed by a permanent Secretariat located within the Ministry of the Armed Forces. This Secretariat also acts as the NFP for the implementation of the PoA and is responsible for the preparation, organisation and administration of Commission meetings, the drafting of the national action plan, mobilisation and management of the resources to implement the plan and supervision of the activities and projects of the action plan. Work is currently underway to draft the national action plan.

The decree which established the Commission also provides for the participation of non-permanent members from state agencies and from civil society organisations. However none of the latter are actually represented on the commission although they do work closely with it.

The Commission also consists of representatives from the Office of the President and the Prime Minister as well as representatives from ministries including; the Ministry of Economy and Finance, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of the Environment, the Ministry of Culture and Communication and the Ministry of African Integration. This broad participation widens the scope for SALW issues and increases the potential for cross-sector co-operation. Currently, an enlargement project is underway which will open up the commission to other ministries, including the Ministries of Education, Family, Youth, Solidarity, Agriculture and Husbandry. The Commission is able to appoint any competent person whom it believes will be able to help it with its missions.

The mandate of the Commission includes the following responsibilities:

- identifying effective strategies for fighting against the proliferation and unlawful trafficking of small arms and light weapons
- undertaking studies which contribute to the effective prevention of the proliferation and trafficking of small arms and light weapons

- expressing opinions and making suggestions or propositions to the relevant national authorities
- initiating educational projects which inform the population of the dangers caused by the proliferation and circulation of SALW
- gathering intelligence or information regarding the importing, exporting and manufacturing of small arms and light weapons, and passing it on to the executive Secretary of ECOWAS via the intermediary in the seat of the relevant observation zone
- initiating and developing information exchanges and encounters with other national commissions; and
- assisting with the implementation of decisions relative to the fight against SALW proliferation and circulation.

The National Commission meets every three months to monitor the progress made in implementing its mandate. Annual reports on the activities of the Commission are made to the Prime Minister and the UN.

Recent activities in 2004 and 2005 have included;

- 2 to 12 August 2004, the National Commission commenced a national awareness-raising campaign. The objectives were to introduce the National Commission, to make the population aware of the problems of SALW, and to set up regional units. During this round, the National Commission was accompanied by civil society, represented by MALAO. At the end of this campaign, the following recommendations were made:
 - Creation of regional commissions on SALW
 - Production of a regional action plan by these regional commissions which will be at the disposition of the National Commission
 - Undertaking awareness-raising activities in order to make the population more aware of the problem of SALW
 - Establishing a national day against SALW
- On the 3 and 4 of March 2005, the Senegalese state, via the National Commission, held a seminar on the subject of amending texts on SALW in order to make them more appropriate. This seminar, which brought together a wide variety of government representatives and civil society actors, examined the current law on SALW and came up with ideas for its modification (introduction of text on brokering, weapons destruction, nomenclature of different types of weapons) in accordance with the Programme of Action of New York, and with the Abuja Moratorium. The current law dates back to 1966.

Ongoing work includes a project to identify and destroy surplus weapons. This was officially preceded by the destruction of 8,000 weapons in 2003 which came from a stockpile of weapons from the army, accomplished with the support of the United States. The National Commission has now begun to take a census of weapons seized at various levels (police, gendarmerie, and customs). However the destruction will require the introduction of new legal and financial measures.

One of the key challenges facing the work of the Commission is funding constraints. The resources for the National Commission are provided by the state and it can also request funds from international institutions. For the moment, the National Commission does not have its own independent budget; it receives its funding within the framework of the Programme for Co-ordination and Assistance for Security and Development in Africa (PCASED) (US\$25,000), and from its activities and partnerships with NGOs. The lack of an independent budget and secretariat office have affected the implementation of the Commission's project to computerise the Army's register on state agencies weapons and the Interior Ministry's register on civilian weapons, which has in turn affected other elements of the Commission's work due to inadequate data management methods.

Planning for DDR in the Casamance

A disarmament, demobilisation, and reintegration (DDR) operation is planned in the Casamance, the southern region of the country where there has been an armed crisis for more than 20 years between the democratic forces of Casamance and the state of Senegal. Currently the two parties have signed agreements for the settlement of the conflict and the conditions are in the process of being drawn up for the DDR operation. The official ceremony at the beginning of negotiations took place on 1 February 2005. There is however still ongoing discussion about the form this should take, as some aid agencies have objected to using allocations as an incentive for disarmament. A well-planned DDR programme in the region is key to preventing the available SALW from being drawn in to other conflicts, or being used in criminal activities, thus continuing to fuel instability or destabilise the peace. Within the same framework, in July 2004 an agency known as the National Agency for the Recovery of Social and Economic Activities in Casamance was set up with the mission of facilitating the rapid restoration of an economic and social environment in Casamance and to lay the foundations of a long term development which respects its specificity.

Learning points

- ◆ Inadequate funding of National Commissions in the region has the potential to hamper effective implementation of SALW controls and activities. It is vital that National Commission's receive adequate autonomous funding.
- ◆ By working closely with civil society organisations, National Commissions can broaden their target audience and gain valuable knowledge of the real situation on the ground.
- ◆ A well planned DDR process will be key to maintaining peace and stability in the Casamance and to preventing SALW circulating more widely in the country, contributing to criminal activities and instability.

SIERRA LEONE SNAPSHOT: THE NATIONAL COMMISSION AND 'ARMS FOR DEVELOPMENT'

Sierra Leone formally came out of its 11 year civil war in January 2002. Successful elections were held in May 2002 and since then the country has entered a period of democratic transition featuring improved governance. The principal challenges faced by the country with relation to SALW are the significant numbers of weapons that were left in private hands after the civil war. There have been considerable efforts at promoting community disarmament following on from the DDR phase as well as improving the effectiveness of the security forces in order to promote greater human security.

A National Commission on small arms was established in Sierra Leone in 2001. It is housed in and is largely staffed by employees of the Ministry of Defence. It has yet to develop a National Action Plan to implement the PoA since the Commission is still in interim status and runs only on a skeleton staff. One of the major tasks of the National Commission will be to review the sole piece of SALW legislation, the Arms, Ammunition and Explosives Act of 1955, which is now entirely obsolete. Civil Society progress on this and other SALW issues has, however, been accelerated. In this regard, the Sierra Leone Action Network on Small Arms (SLANSA) is undertaking activities in conformity with the PoA such as contributing to civil society pressure to review the current out of date legislation, with support from international donors.

From 2002 onwards the Government of Sierra Leone and the UNDP funded a disarmament and arms collection programme in Sierra Leone called 'Arms for Development' (AFD). The project, supported by Norway, Canada, the UK and the Netherlands, was developed subsequent to the Preparatory Assistance Phase in 2003. Activities of AFD have focused on a holistic approach and have included community arms

collection, development of new ways to stem the illicit trade weapons and supporting revision and implementation of the national firearms legislation. Communities were given incentives in the form of US\$20,000 grants to run community arms collection projects. These were allocated to chiefdoms that successfully go through the AFD disarmament programme and which have been certified by UNDP observers to be weapons free. Addressing disarmament at chiefdom level and targeting incentives at the community, rather than individuals, has been a successful approach to achieving buy-in from communities. In addition there has been a voluntary weapons collection programme, Community Arms for Collection for Development, run by the Sierra Leone Police.

Civil society in Sierra Leone was also very active during the Week of Action on Small Arms in July 2004. Events organised by the Rural Youth Development Organisation and SLANSA included: preaching against small arms in Mosques and Churches nationwide; an open forum with the Ministry of Defence; a film screening for schoolchildren on the dangers of small arms, and a symbolic burning of weapons, in collaboration with the United Nations Mission in Sierra Leone.

SOUTHERN AFRICA

OVERVIEW

The extensive proliferation of small arms and light weapons in Southern Africa continues to contribute to high levels of violence and criminal activity in the sub-region and is a major obstacle to sustainable peace, development and good governance. Many small arms and light weapons in circulation in Southern Africa were imported from outside the sub-region during the Cold War, but the recently ended conflict in Angola and the continuing fighting in the DRC in particular have also contributed to the vast numbers of SALW in circulation in the sub-region.

Governments in the sub-region are increasingly aware of the need to tackle the small arms problem, and although progress has been somewhat slow, important steps have been taken since 2003.

The SADC Protocol

As reported in the 2003 edition of this Report, the states of Southern Africa signed the Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials in August 2001. The Protocol addresses a comprehensive range of issues and, if implemented effectively, it would greatly assist in tackling the problems caused by small arms in the sub-region. The SADC Protocol is also significant in that it is the first legally binding agreement on small arms control to be developed in Africa, and implementation of the Protocol would complement implementation of the PoA, since many of the provisions of the two agreements are similar.

The SADC Protocol has been signed by all countries in the sub-region other than Angola, and entered into force on 8 November 2004, following its ratification by two-thirds of member states. States are therefore now legally obliged to enforce the controls and commitments contained within the Protocol. Thus far, however, progress towards its implementation has been somewhat disappointing. At the sub-regional level, governments have agreed to common controls in many areas, but have not always specified what exactly this should entail. It is therefore vital that states develop a shared understanding of what action needs to be taken and that, as a first step, they consult on the process of harmonising small arms control legislation across the sub-region. It is also important that the SADC Secretariat and the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) Secretariat take a leading role in co-ordinating and promoting further progress towards implementation.

Progress on marking and tracing

There are, however, some positive developments to report on since 2003. For example, a task force has been developed consisting of representatives from Botswana, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe to promote implementation of the provisions of the SADC Protocol which relate to the marking and tracing of firearms. The task group met in July 2004 in Maputo, Mozambique, and agreed on the importance of developing a regional, standardised process for the marking of firearms, with the objective of reducing levels of armed violence. The outcome of this meeting was the adoption of a system whereby:

- the firearm identification number (marking) must be stamped to a depth of at least 0.2mm on either the barrel and the frame, or the barrel and the receiver
- the marking system to be used should include at least the following elements:
 - country of manufacture
 - date of manufacture
 - serial number
 - manufacturing company / institution.

These recommendations have been adopted by the legal sub-committee of SARPCCO, which has also expressed its support for the UN Open Ended Working Group on marking and tracing. It is now important that such a system comes into being promptly, and is implemented by all countries in the sub-region. If such a system is to assist in the tracing of firearms it is also vital that states develop comprehensive databases detailing the markings of all weapons and that systems are put in place for the sharing of this information within the sub-region.

Sub-regional meeting on implementation of the PoA

At the time of writing, SADC States are also planning a sub-regional meeting to report on progress towards the implementation of the PoA. This meeting will provide government representatives from across the sub-region with the opportunity to learn from the experiences of other sub-regions and to identify means by which to further encourage co-operation between states and with the SADC and SARPCCO Secretariats. It will also assist states in preparing for the Biennial Meeting of States in July 2005.

Progress at the national level

Whilst progress at the sub-regional level has thus far been limited, some significant developments have occurred at the national level. Such progress has included:

- the development of National Action Plans on small arms control in Namibia (in 2004) and Botswana (in 2003), which are now being implemented
- the establishment of a National Focal Point to co-ordinate efforts towards small arms control in Botswana, the DRC and Namibia
- the decision by the National Security Council in Malawi to establish a National Focal Point
- a crime survey in Mauritius, to identify emerging crime trends and develop preventive strategies
- a weapons amnesty and the coming into force of new firearms legislation in South Africa (see South Africa case study).

In addition, Tanzania is now in the fourth year of implementing its National Action Plan, and progress thus far has included:

- the establishment of National Focal Point Committees, which have implemented activities at various levels within the different ministries that are members of the NFP
- the establishment of Regional and District Task Forces to oversee implementation of the NAP at the regional and district level
- the formation of civil society networks with members at the national, regional and district levels, promoting small arms control and supporting the implementation of the NAP
- the recovery and destruction of illicit firearms and other related material, in a number of sites across the country
- computerisation of the Central Fire Arms Data Base which is currently underway.

New civil society network on small arms in Southern Africa

In August 2004, civil society representatives from across the sub-region agreed upon the need to form a Southern African Action Network on Small Arms (SAANSA). SAANSA has since been formed and is providing a vital mechanism for the co-ordination of efforts across the sub-region to improve controls on small arms. SAANSA includes members from all countries in the sub-region, and should provide an important impetus to the further implementation of the SADC Protocol and the PoA. Priorities thus far identified by the network including lobbying governments and the SADC Secretariat to further implementation of the SADC Protocol and raising popular support within the sub-region for the global Control Arms Campaign (see Section 3.3.3 on transfer controls).

ANGOLA CASE STUDY: PUBLIC AWARENESS RAISING AND WEAPONS COLLECTION INITIATIVES

The widespread availability of SALW is one of the biggest challenges facing Angola as it emerges from 3 decades of civil war, with SALW-related violent crime on the increase and a continuing sense of instability and insecurity throughout the country. Indeed, the necessity of tackling the SALW problem in Angola is one of the implementation requirements of the Lusaka Protocol of 20 November 1994¹⁴ and is restated by the Luena Accord of 4 April 2002 between the Angolan government and UNITA. In the context of the huge challenges facing Angola, government action on implementing the PoA has been relatively limited. However, the establishment of a National Commission provides an opportunity for the development of a comprehensive strategy for addressing SALW proliferation in Angola. In addition the growth in the number of civil society organisations that are becoming involved in efforts to control SALW in Angola also bodes well for future progress.¹⁵

Government-sponsored weapons collection in Angola

Since 2003 the Angolan government has become increasingly active in efforts to reduce numbers of SALW in circulation. In March 2003, the government established a National Commission for the Disarmament of the Civilian Population under the Public Order branch of the National Command of Police. This National Commission conceptualised and designed a national strategy for weapons collection. In addition, a Presidential dispatch no. 8/04 of July 23, 2004 which called for the establishment within 60 days of a National Commission to address implementation of the Programme of Action on the illicit trade in SALW,¹⁶ and which involves three civil society organisations, has helped to create a space conducive for enhancing the co-operation between national/local government and civil society organisations.

¹⁴ Annex 3 Part II.1 of Working Agenda, Military Issues (I) §C Modality III n? 12

¹⁵ Eleven organizations including Christian Council of Churches of Angola, Igreja Evangélica Congregacional de Angola, Evangelic Alliance of Angola, Roman Catholic Church Commission for Peace, Justice and Migrations, Mosaiko, Angola2000, ADRA-national, Jubilee 2000-Angola, Development Workshop, COIEPA, FONGA and individuals are working together on the hosting of a national NGO conference that will launch an Angola-wide civil society campaign on SALW.

¹⁶ Presidential dispatch n? 8/04 of 23 July 2004 mandated the establishment of the *National Commission for the materialization of the Programme of Action on the illicit commerce of small Arms and Light Weapons*. The Committee was actually formed in November 2004 and is led by the Ministry of Foreigner Affairs. Other ministries that are part of the commission are: Defense; Interior(Home affairs); Administration of Territory; Justice; Family and Promotion of Women; and three civil society organizations namely Ordem dos Advogados (Chamber of Lawyers), Rede Mulher (women network) and COIEPA-Inter Ecclesial Committee for Peace in Angola.

The Angolan national strategy for collecting SALW comprises three main phases of indeterminate duration, namely:

A) Sensitisation phase (public awareness),

B) Voluntary surrender phase (which itself has three elements):

1. voluntary surrender of guns that can be handed over to police, traditional leaders and church leaders
2. capture of guns involved in criminal activities
3. capture of guns by denunciation (i.e. where a member of the community reports to the authorities that a person/persons has/have an illegal weapon). Once it has been established that this is the case the authorities will arrest the offending individual(s).

C) Coercive method (focused searches by the authorities)

It has been acknowledged that, owing to communications difficulties throughout Angola, public knowledge of the national strategy for weapons collection remains limited.¹⁷ Despite this, weapons collection initiatives are being undertaken. For example, in March 2005 the Public Television of Angola reported the voluntary surrender of 500 weapons in the Kikolo-Viana municipality of Luanda on the part of ex-Civil Defence Personnel whom no longer felt the need to retain their weapons. Moreover, in Bié province the local police Commander told the media that “the corporation that he leads found three hidden caches of small arms in good condition” whilst in Huila province Colonel Abel Manjata from the Angolan Army Forces said that up until August 2004 they collected 8,000 arms of diverse calibre from the Defesa Civil (para militias) in that province.¹⁸

Government-civil society collaboration on SALW

In recent years, an increasing number of civil society organisations in Angola have become involved in efforts to tackle SALW proliferation. Indeed NGOs such as Angola 2000 have led the way in developing innovative and engaging public awareness campaigns which profile the dangers arising from the widespread availability of SALW in Angola and which help to build support for collective solutions, such as the voluntary surrender of weapons. Provincial/local authorities have been closely involved in the awareness raising work carried out by Angolan NGOs with the Cabinet for Municipal and Communal Support (GACAMC) the main interlocutor. Due to poor communications between provincial capital cities and the municipalities, in general, the provincial governments have assisted the dissemination of information using provincial government channels. Municipalities are informed that a public awareness campaign will begin on a particular date and that the local administration should confirm of their availability and help to mobilize the community and inform the relevant stakeholders. Subsequently a team of NGO representatives visits the targeted municipalities to make logistical preparations and establish partnerships with the local administration for the forthcoming events. During these planning meetings, the local administrations are charged with the responsibility to identify participants and their needs. This approach has ensured broad support for the initiative across all sectors of society.

During the implementation phase of the public awareness campaigns intensive public education work is undertaken, including theatre performances, seminars, workshops, action campaigns with public marches and newspaper, radio and television interviews. Round table meetings are also held in order to engage the support for measures to combat SALW on the part of government institutions, political parties, churches, traditional authorities and other non-governmental organisations from Angola and abroad.

¹⁷ Commandant Dias is the Provincial Director for Public Order of the National Police in the province of Huambo. These extracts are from his presentation on the work of the police in Huambo during the Week Action Campaign against the SALW conduct by Angola2000 on Feb 20-26, 2005.

¹⁸ See newspaper ACAPITAL, page 14, Ano 2 n? 127 – De 30 de Outubro a 06 de Novembro de 2004.

Such public awareness initiatives and discussions with key community stakeholders have helped to place local communities in a better position to build a collective vision for addressing the SALW problem. Thus since the beginning of 2004 certain communities have begun to develop their own initiatives in this regard. For instance, at the initiative of their traditional leaders, and following appeals from the local authorities, members of the Sambo and Tchindjendje municipalities of Huambo province have surrendered arms to the authorities: in the former municipality in April and May 2004 16 weapons, 300 pieces of ammunition, one grenade and a complete military uniform were surrendered; in the latter municipality 10 weapons were surrendered in November 2004.

Learning points

- ◆ The lack of up-to-date and adequate legislation for the control of SALW has led civil society organisations in Angola to express reservations concerning the long-term effectiveness of current efforts to tackle the SALW problem in the country. Efforts to raise the legislation issue with the government have been met with an assurance that a government commission is looking into the matter but with little concrete evidence of progress in this regard.

NAMIBIA SNAPSHOT: DEVELOPMENT OF A NATIONAL ACTION PLAN

The Namibian National Action Plan (NAP) on small arms control was officially launched by His Excellency Hifikepunye Pohamba, President of the Republic of Namibia, on 14 April 2005. According to the President, the establishment of the NAP 'demonstrates the Government's commitment to effectively and comprehensively deal with and address the proliferation of weapons' within Namibia and the SADC region. Indeed it is to be hoped that implementation of the NAP will address those gaps in PoA implementation that exist in Namibia.

The NAP was developed following an extensive national assessment of the nature and extent of the small arms problem in the country, led by the NFP, with assistance from SaferAfrica and Saferworld. The assessment involved workshops with law enforcement agencies and civil society organisations and a nationwide population survey.

One of the key recommendations emerging from this assessment was the need to strengthen controls on the movement of goods across the border from Angola, so as to prevent weapons that were used in Angola's civil war from entering Namibia and being used for the facilitation of violent crime. The NAP therefore calls for the provision of training, equipment and resources for law enforcement agents working in the border areas, and for improved cross-border co-operation between officials in Namibia and Angola. The NAP also calls for the review and strengthening of legislation pertaining to all aspects of small arms control, and for the development of a new national policy on small arms control. It further outlines action that should be taken in the following areas: stockpile management, strengthening of relevant institutions, international and cross-border co-operation and information exchange, public education and awareness raising and training and capacity building for government and law enforcement officials and civil society. Following the drafting of the NAP, in November 2004, the NFP facilitated a series of civil society workshops across the country, to raise awareness of the NAP and to assist civil society organisations in identifying ways in which to support its implementation and to integrate the issue of small arms into their activities.

The NAP, which provides a comprehensive framework for addressing the small arms problem in Namibia, will be implemented over a four-year period. It is vital that the international community provides the necessary financial support to ensure that implementation is effective and sustainable, and that the Namibian Government continues to prioritise the small arms issue and to work in close co-operation with Namibian civil society.

PARTNERSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY IN NAMIBIA

Civil society played a central role in informing and supporting the development of Namibia's National Action Plan on small arms. In 2004, the Namibian NFP, in partnership with Namibian civil society and with support from Saferworld and SaferAfrica, undertook an extensive 'mapping' or national assessment, to uncover the nature and extent of the small arms problem in the country. Representatives from NANGOF (the Namibian NGO Forum) convened workshops in all thirteen regions of the country to collect information from members of local civil society on their perceptions of the small arms problem in their communities and on their ideas regarding possible solutions. The NFP Co-ordinator also participated in these workshops and highlighted to participants the need for effective co-operation between the Government and civil society on this issue.

Through partnering with NANGOF, a network with members throughout the country, the NFP was able to reach out to over 120 civil society organisations including community based organisations, rural development practitioners, faith based groups, farmer's unions, security companies and schools. Information gathered was used to inform the development of the NAP.

The central involvement of Namibian civil society in this process provided an important link between the government and the population and enabled the NFP to develop a plan that is based upon the real needs and perceptions of civilians across the country. Very importantly, this partnership with civil society has also served to raise awareness amongst the general public about the work of the NFP and the importance of the NAP, and thus to build support for its implementation.

SOUTH AFRICA CASE STUDY: DEVELOPMENTS IN LEGISLATION ON SALW CONTROL, POLICE CO-OPERATION AND WEAPONS AMNESTY

The South African government appears to have a good level of implementation of the PoA and is in compliance with most of its principal provisions. The only omission of note relates to the lack of a national mechanism for co-ordinating government efforts to control SALW. In this respect the South African government argues that information sharing occurs organically and that a specific forum for this is unnecessary.

The Firearms Control Act 2000, which came into effect on 1 July 2004, strictly controls the possession, sale and manufacture of commercial SALW in South Africa.¹⁹ The possession and sale of military firearms is controlled by the Armaments Production Act of 1968. All possession, sale and manufacture of SALW require an appropriate license and there are criteria applied to the issuing of such licenses; for instance the applicant's criminal record, mental and physical suitability, and the applicant's ability to ensure the safe storage of the armaments are considered prior to the granting of any licence. The revision of the Firearms Control legislation was undertaken at the request of the South African Police Service (SAPS) which felt that the pre-existing regulations were inadequate for addressing the existing realities of the widespread availability of SALW and high levels of related violence in South Africa.

With the entry into force of the new Firearms Control Act penalties have increased with respect to the illicit possession, manufacture and sale of firearms extending up to 25 years imprisonment. Policing, powers of search, seizure and investigation have also been improved and extended. These now include:

¹⁹ The Armaments Production Act 1968 regulates the production and export of military SALW whilst the National Conventional Arms Control Act of 2002 provides the political and technical framework for authorizing the export of both commercial and military SALW.

- the authority to conduct search and seizure operations without a warrant
- the authority to request certain information regarding firearms from a person who is suspected of recently having had a firearm in his possession
- the authority to request that a licensed holder of a firearm answer questions about the whereabouts of the firearm.

In addition, the new legislation:

- broadened the grounds upon which a license to possess a firearm could be refused or withdrawn to include domestic violence as a possible reason
- increased the age limit for a license from 16 to 21 years of age
- strengthened the criteria for obtaining a license and added a regular renewal requirement
- declared certain public areas (such as schools, places of worship, bars, etc) as Firearm Free Zones
- introduced competency testing in determining whether a person can responsibly and safely use a firearm before a license is issued
- limited the number of firearms a person may possess to 4
- limited the number of rounds of ammunition a person may possess to 200 per license
- introduced an expiry date so that licenses are valid for periods ranging from 2 – 10 years depending on the category.

New requirements for marking of firearms

Also under the new Firearms Control Act new provision has been made for detailed marking of each firearm. This marking must include a unique identifying number in addition to details such as the make, model, calibre and action of the weapon. The regulations provide that the marking must be made by stamping and provides for a minimum depth of such stamping. The provisions are a significant improvement over previous requirements in that they mean that a firearm marked in this manner can be traced even if an attempt was made to erase the number; in the past the markings were so shallow that when they were erased they could not be recovered. As a result of this situation the Ballistics Unit of the South African Police Service proposed the introduction in the new legislation of the specifications of firearms markings.

South African training and assistance for police forces in the SADC region

Through the operation of Southern African Police Chiefs Co-ordinating Organization (SARPCCO) the South African Police Service (SAPS) have provided considerable technical assistance to other police forces in the sub-region. For example, SAPS has provided support in developing various curriculums including a firearms identification course and a cross-border firearms recovery and destruction course in 2002-2003 which has benefited all SARPCCO countries. In addition SAPS have provided training venues and officers to conduct the training. Usually such assistance is provided on a multi-lateral basis to more than one country at a time. For example, Operation Makhulu, a cross-border operation aimed at crimes such as illegal firearms, drugs and stolen motor vehicles was begun in 2003 and has involved South Africa and all its neighbours, Botswana, Zimbabwe, Namibia, Zambia, Swaziland and Malawi.

Since 2002 SAPS has taken part in various joint cross-border operations with neighbouring states targeting crimes including those involving or relating to firearms. SAPS has also entered into bi-lateral agreements with neighbours, such as Operations Rachel, in collaboration with the Mozambique Police, that focus on cross border crime combating operations that have resulted in confiscation and seizures including firearms. In this regard, SAPS is continuing with the destruction operations in Mozambique

which started in 1995 and which have, to date, assisted with the destruction of 39,437 small arms and over 22 million rounds of small arms ammunition.

Beyond this, SAPS have engaged in a number of bilateral initiatives for capacitating other police services to better control SALW. For example, SAPS is currently engaged in an assessment programme together with training and technical assistance with the Government of DRC on implementing destruction operations on its territory. The training of police officers of the DRC in the performing of destruction operations commenced in December 2004 and will be completed in advance of the elections.

The development and implementation of policies and procedures for the destruction of confiscated, collected and surplus weapons

SAPS has had in place policies and procedures for the destruction of obsolete, redundant and confiscated firearms since the early 1990s. However, the decision to destroy all state-owned surplus, redundant and obsolete stocks of SALW was one of the first decisions taken by the National Conventional Arms Control Committee in 1997 and remains a policy decision of the South African government. SAPS has also embarked on a standardisation operation where all firearms not classified as standard firearms for use by SAPS are withdrawn from service and destroyed. As a result, in 2001, 23,738 redundant, obsolete and forfeited firearms were destroyed in three separate destructions; and between October 2003 and August 2004, 53,000 redundant, obsolete and forfeited firearms were destroyed in four separate destructions.

During 1998/1999 the Department of Defence made the decision to destroy all surpluses, redundant, obsolete and confiscated firearms in the possession of the South African National Defence Force (SANDF). In 2001 262,667 redundant, obsolete, surplus and confiscated firearms were destroyed. It does not appear that any further destruction has been done by the SANDF however they are due to destroy old and redundant ammunition in 2005/2006 valued at R65 million.

National Firearms Amnesty 2005

On 26th November 2004, the Ministry for Safety and Security announced, beginning 1st January 2005, a three-month amnesty from prosecution for the possession of an illegal firearm. Under section 139 of the Firearm Control Act the Minister for Safety and Security may declare an amnesty. Certain conditions apply and all firearms are ballistically tested. The conditions include that the application is submitted by the applicant of the amnesty at a police stations including their full particulars and that of the firearm; the weapon and ammunition should be surrendered at that time, and any intentions to seek a license for the surrendered firearm declared.²⁰ No other incentive is offered. The amnesty only relates to the illegal possession of the firearm; if the person handing in the firearm has committed another crime (e.g. armed robbery) he/she could still be prosecuted. By the end of the amnesty, on 31 March 2005, 14,987 illegal firearms and 22,520 legally licensed firearms were voluntarily handed over to SAPS whilst 8,683 were also confiscated. Furthermore, the success of the initiative prompted the South African government to announce the extension of the amnesty for a further three months until the end of June 2005.

Learning points

- ◆ The experience of police services in enforcing SALW legislation and in a range of operational contexts make them a critical agency in informing and driving government action on SALW control.
- ◆ Cross border operations on small arms are an important means of enhancing the capacity and potential for SALW interdiction in neighbouring states.

²⁰ Government Gazette, No 27006, Declaration of Amnesty in terms of Section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000), No. 1359, 26 November 2004.

3.2.2 THE AMERICAS

OVERVIEW

The Organization of American States (OAS) remains the primary forum for dealing with SALW and other related security issues in the Americas. The region has several substantial producers and exporters of SALW: US, Argentina, Brazil and Canada. The US, Canada and Mexico do not participate directly in any sub-regional arrangements although the former two are active in providing financial and technical support for SALW control and combating illicit trafficking. The rest of the countries of the Americas participate in the OAS and sub-regional organisations such as MERCOSUR, the Andean Community of Nations, Central American Integration System or the Caribbean Community of Nations, all of which have an interest in security and/or SALW issues. Bolivia and Peru, for example, are technically parties to SALW control mechanisms both in the Andean Community and MERCOSUR sub-regions.

Organization of American States

The OAS remains the primary hemispheric forum for dealing with the illicit trade in SALW. The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) was the first international legally binding agreement on SALW and has now been ratified by 26 of 34 countries. 2004 was a notable year for advancing CIFTA in the Caribbean Basin as Barbados, Dominica, Honduras, St. Kitts and Nevis and Trinidad & Tobago were all added to the list of ratifying parties. It should be noted that even though eight OAS Member States still have not ratified CIFTA, many of these countries are generally believed to be in compliance with most of CIFTA's articles.

For the period of 2004/2005 the Government of Colombia served as the Secretary Pro-Tempore of CIFTA's Consultative Committee whose sixth annual meeting took place on 13-15 April 2005 in Washington DC. The meeting also brought together the national points of contact for CIFTA implementation. However similar gatherings of officials and agencies responsible for SALW import, export and transit licensing and mutual legal assistance were postponed as an insufficient number of OAS Member States had confirmed these designations. At present the Consultative Committee continues to work on developing a uniform reporting and presentation methodology for CIFTA implementation and further strengthening the working group that joins CIFTA with the Inter-American Drug Abuse Control Commission (CICAD) that has responsibility for the Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition

A group of experts convened by CICAD with input from Member States has been working on updating the Model Regulations to add or improve its treatment of the following issues: end-user certificates, delivery verification documentation, stockpile management, firearms marking, and brokering, although there does not yet appear to be a consensus on the way forward in revising the Model Regulations.²¹ CICAD and the OAS continue to work with the United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) on the development of database resources, the training of government, NGO and parliamentary officials on SALW issues, and a comprehensive comparative study of national SALW legislation in all OAS Member States for the purpose of regional harmonization.

Outside of CIFTA and CICAD other OAS organs have also begun to address the issue of illicit SALW trafficking as related to international terrorism and hemispheric security. In 2004 the Inter-American

²¹ Organization of American States. *Annual Report of the Inter-American Drug Abuse Control Commission to the General Assembly of the Organization of American States at Its Thirty-Fourth Regular Session*. CICAD/doc.1264/03 rev. 2. 17-20 November 2003.

Committee Against Terrorism (CICTE) invited the chair of the CIFTA Consultative Committee to propose ways of mutually reinforcing collaboration that have resulted in commitments for these two entities to work together on strengthening border controls, customs controls and security in transport.²² SALW control has also been integrated into the work plan of the OAS for hemispheric security alongside a host of other relevant matters.

NATIONAL IMPLEMENTATION IN THE AMERICAS

States' implementation of PoA commitments at the national level has been varied, but often sustained by complementary interactions at the level of the OAS and other sub-regional organisations. The primary focus of legislative reforms and policy debates in the Americas has been the control over civilian possession, particularly in regards to carrying SALW in public. There is also a growing practice of destroying surplus and confiscated weapons in the region as a way of preventing leakage from government stockpiles. The OAS has played an instrumental role in promoting the implementation of regional agreements as well as investigating cases of illicit trafficking and reporting on the results of those investigations.

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 24 states have established an official point of contact (Section II, Para 5) to act as liaison between states. 10 have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, 8 actively involve civil society in their national co-ordination of action on SALW. 3 have developed national strategies on small arms. States that only have national points of contact are less likely to have seriously advanced implementation than those that have a national co-ordination mechanism and even less so than those with civil society participation. This latter point indicates that active civil society engagement is needed for systematic implementation of PoA objectives. Additionally, 22 have submitted at least one report on national implementation to the UN DDA.

Laws and Procedures

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):

- 16 states have laws and procedures controlling the production of SALW
- 18 states have laws and procedures controlling the export of SALW (Section II, Paras 2, 11, 12)
- 22 states have laws and procedures controlling the import of SALW
- 11 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 2 states have laws and procedures controlling the brokering of SALW (Section II, Para 14).²³

The scope and stringency of these laws and procedures, and their enforcement, varies considerably though is increasingly harmonised as countries further implement CIFTA, a legally binding agreement. The only other legally binding agreement is the Andean Community's Plan for the Prevention, Combat and Eradication of the Illicit Trafficking in Small Arms and Light Weapons in all its aspects which in many respects represents a sub-regional adaptation of the commitments made via the CIFTA and PoA. At a national level 9 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers.

²² Presentation by Ambassador Horacio Serpa, CIFTA Secretary Pro-Tempore to the Inter-American Committee Against Terrorism, Montevideo, Uruguay, 28-30 January 2004.

²³ Only the US and Nicaragua have explicit brokering controls contained in their national laws and policies governing SALW.

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

- 19 states have laws and procedures criminalising the illicit possession of SALW²⁴
- 19 states have laws and procedures criminalising the illicit manufacturing of SALW
- 17 states have laws and procedures criminalising the illicit trade in SALW²⁵
- 1 state has laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 13 states have reviewed at least some of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement varies considerably for in some countries what are considered criminal infractions for possession of unregistered weapons in others are only administrative violations.

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 weapons management. Of the states in the region:

- 14 have standards and procedures for the management and security of stockpiles. (Section II, Para 17)
- 5 of these include regular reviews of stocks (Section II, Para 18)
- 2 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, within the region:

- 7 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 11 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.

- 6 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 11 states have a policy of destroying most or all collected and/or confiscated SALW (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 9 states have conducted some form of disarmament, including:

- 1 post-conflict DDR (Section II Para 21)
- 8 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 5 amnesties; (Section II, Para 20)
- 2 forcible disarmament programmes.

²⁴ This information does not include data from a number of small Caribbean states.

²⁵ This information does not include data from a number of small Caribbean states.

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

- 6 require that all SALW are marked as an integral part of their manufacture (Section II, Para 7)
- 11 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 15 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 16 have measures to facilitate tracing (Related to Section II, Para10) including 13 that actively cooperate in tracing (Section III, Para 11).

International Co-operation and Assistance

The PoA contains a wide range of commitments to assist other states' implementation, and to cooperate with civil society. In the Americas:

- 2 states have provided some form of donor assistance to SALW-related projects
- 18 states actively cooperate with civil society.

NORTH AMERICA

OVERVIEW

Canada, Mexico and the United States are all important exporters of SALW and ammunition in the international market. In contrast to the rest of the Western Hemisphere there is no sub-regional mechanism for dealing with SALW control through the North American Free Trade Agreement for example. In North America, foreign policy on SALW is dealt with as a generally separate issue from domestic, internal firearms control and the PoA is not usually used as a tool for improving policy on the latter. In all three cases this can partially be explained by the fact that all countries' police forces are decentralised in provinces, states and municipalities and thus are one or more steps removed from national governments that negotiated and agreed to the PoA. Additionally, particularly in the cases of Canada and the USA police forces and other authorities have high levels of capacity to deal with SALW issues. In Mexico, since 2004, there have been a series of voluntary weapons collection programmes run by local state authorities exchanging money and goods for weapons in the major border towns though there is little information on these experiences beyond journalistic reporting.

All three North American countries are active participants in the OAS and the Inter-American Convention Against the Manufacturing of and Illicit Trade in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) though Canada and the US have not yet ratified for different reasons. Though both countries claim to be in compliance with most of the treaty and have not ratified for political and/or procedural reasons this sends a mixed message to the rest of the countries of the Hemisphere regarding their commitment to illicit SALW trafficking. Canada and the US are both important providers of bilateral support for a wide range of SALW control initiatives.

CANADA CASE STUDY: SALW LEGISLATION AND SUPPORT TO SALW INITIATIVES

In Canada SALW misuse is primarily associated with suicide and armed robbery. Following strengthening of the laws on civilian firearm possession in 1995, homicides with rifles and other long guns have decreased over the last decade while handgun homicides have remained constant, the latter frequently committed with firearms smuggled across the border from the United States. Canadian companies produce SALW, primarily civilian firearms, for domestic and international markets. One manufacturer produces automatic weapons for the Canadian military and government-to-government sales to approved countries.

In the international context the Ministry of Foreign Affairs' Peacebuilding and Human Security Division serves as the official point of contact on the implementation of the PoA. Canada has also played a lead role as an international donor and advocate for a human security approach to SALW control in the international community, as discussed further below.

As a way of guiding implementation of the PoA and other international SALW control measures the Canadian National Committee on SALW was established, with the Ministry of Foreign Affairs serving as chair. Other government agencies that participate in the Committee include: Border Services Agency, Canada Firearms Centre - Ministry of Justice, Canadian International Development Agency, Ministry of Health, Ministry of Industry, Ministry of International Trade, Ministry of National Defence, Ministry of Natural Resources, Public Works and Government Services, Public Safety and Emergency Preparedness, Royal Canadian Mounted Police and the National Association of Chiefs of Police. While the committee is primarily focused on international issues it also engages with institutions involved in domestic gun control and holds an annual meeting that also drafts a report for submission to the PoA process.

The committee also includes representation from ten non-governmental organisations. Five seats were allocated to groups representing the NGO and academic community and five seats are reserved for groups representing firearms users and manufacturers. The NGO participants in the committee are the Small Arms Working Group Peacebuilding Co-ordination Committee (a coalition that includes Amnesty International and Project Ploughshares), the Coalition for Gun Control, Liu Centre for the Study of Global Issues, Canadian Defence Industries Association, Canadian Sporting Arms and Ammunition Association, Dominion of Canada Rifles Association, National Firearms Association and Shooting Federation of Canada.

SALW Legislation

Under new legislation to be enacted in 2005 the responsibility for all firearms will shift from the Ministry of International Trade to the Canadian Firearms Centre affiliated with the Ministry of Justice. Also, under the enactment of this new legislation, all SALW importers must obtain permits for each shipment and also must be licensed by the Firearms Centre. Types of SALW restricted to police and military use require specific licenses to authorise their importation to Canada.

The new legislation also transfers authority over export to the Canadian Firearms Centre and requires the verification of SALW export authorisations and the valid licence of an exporting party. Previously, Canada had SALW export regulations in place that required inter-agency consultation prior to approval, end-use certification and restrictions on exporting to conflict zones, countries under UN Security Council sanctions and to governments with a persistent record of human rights violations. These same restrictions also apply to licensed production of Canadian SALW abroad. Proof of re-export authorisation is required for all countries except the US where authorisation is only required if the weapon is automatic fire or greater than .50 calibre. Brokering is not dealt with specifically but regulations that relate to the business side of SALW production and commerce could be interpreted to control these activities. New SALW transit regulations through Canadian territory also enter into effect in 2005. The new legislation also calls for more comprehensive marking of all newly manufactured and newly imported firearms; however the Canadian legislature has yet to enact these particular regulations.

The Government of Canada has strong laws on government held stocks controlled by the Armed Forces and Royal Canadian Mounted Police respectively. The Department of Defence utilises the serial numbers to manage and account for all SALW in its inventories while the Royal Canadian Mounted Police centralize all information held by all law enforcement agencies. Upon the enactment of new regulations 2005 all weapons held by public institutions must be registered with the Canadian Firearms Centre.

Support for Bilateral and Multilateral SALW initiatives

Perhaps Canada's most significant contribution to international SALW control since the adoption of the PoA has been via its economic and technical support for a variety of bilateral and multilateral initiatives in SALW-affected countries, including:

- Supporting Canadian and East African civil society participation in the Nairobi declaration of 2001, including an Action Plan, to deal with SALW proliferation and misuse in the Horn and Great Lakes regions of Africa
- Contributing both resources and political support to include addressing SALW issues in the 2002 G-8 African Action Plan as a response to the New Partnership for Africa's Development
- Serving as the lead government in the NATO Partnership for Peace Trust Fund Project to destroy 11,650 tonnes of surplus SALW ammunition and explosives in Albania, including the establishment of a regional destruction facility for the Balkan region and the training of local personnel
- Joining Greece, Hungary, Ireland, the Netherlands and Norway in contributing to the NATO South East Europe Initiative that destroyed 23,223 SALW in Serbia and Montenegro
- Donating software to the United Nations Centre for Peace, Disarmament and Development in Latin American and the Caribbean to use in registering stockpiled and/or destroyed firearms as part of a regional weapons destruction campaign
- Collaborating with Project Ploughshares, a Canadian NGO, to develop common norms and criteria for SALW transfers among OAS Member States
- Supporting the activities of Guatemalan civil society to consolidate a national SALW control programme in co-operation with the Government of Guatemala, (since 2003)
- In co-operation with UN-LiREC and the OAS, the Government of Canada together with Norway, Sweden and the UK has funded the training of 32 Latin American police officers on SALW criminal investigation with facilities provided by the UN University for Peace in Costa Rica. Over a four year period this initiative plans to train 800 officers (ongoing since 2002).

In many ways, Canada has demonstrated significant continuity between its global leadership on anti-personnel landmines and its role in combating the illicit trade in SALW, particularly as a political advocate for greater restraint, multilateral co-operation and by providing resources to affected countries. The Canadian government has also taken significant measures to control private, civilian and government held SALW domestically. However, unlike landmines Canada does not have a broad national consensus on global SALW policy, especially in areas where domestic issues on possession and ownership could possibly be interpreted as in conflict with international agreements. The Government will therefore have to continue to reconcile internal and provincial differences on the linkages between SALW as global foreign policy and domestic political issues.

UNITED STATES SNAPSHOT: THE 'GUN SHOW LOOPHOLE', DONOR SUPPORT AND EXPORT CONTROLS

The United States is one of the world's largest producers and exporters of SALW and in comparison with other advanced, industrialised countries has a serious problem of gun violence and crime with half a million firearms entering the black market via theft from legitimate owners each year. However, gun violence, crime and domestic legislation are seen predominantly as issues to be dealt with at the level of the fifty states, although there are some federal regulations and laws. For the most part SALW issues are considered to be those that take place outside of US borders and with military style weapons and are addressed by the US Department of State (DoS).

The DoS office of Weapons Removal and Abatement has been established as the focal point for liaising with and reporting on implementation of the PoA. The US has not signed or ratified the UN Firearms Protocol and despite playing a leading role in the development of CIFTA at the OAS, it has yet to ratify this agreement primarily due to domestic political considerations. In fairness, the US government complies with most of CIFTA's articles and has adopted the Model Regulations to support its implementation.

With the US congress allowing the 1994 assault weapons ban to expire in 2004 it is possible for private individuals to obtain and possess virtually any category of small arms and firearms in the US as long as the weapon is not set to automatic fire. The potential for US nationals and foreigners to purchase firearms at gun shows without the background checks required for commercial purchases at licensed dealers is also an issue of concern. Some US civil society organisations believe the disparate state laws, lack of clear categorisation of civilian and military SALW and the 'gun show loophole' make it possible for both US and foreign criminals and terrorists to obtain easy access to a wide variety of weaponry.

Nonetheless, the US government is one of the most important bilateral donors of financial and technical assistance in the field of SALW destruction. The US has provided support for disarmament, demobilisation and reintegration in Kosovo, Sierra Leone, East Timor, the Philippines and Colombia, in the latter case providing assistance in dealing with the issue of child soldiers. The US Agency for International Development is the institution primarily responsible for the reintegration aspect of DDR. The DoS Office for Weapons Abatement and Removal has also provided technical and/or financial assistance for SALW destruction in at least 13 countries, including Albania, Angola, Bulgaria, Federal Republic of Yugoslavia, Guinea, Lesotho, Liberia, Mozambique, Nicaragua, the Philippines, Romania and Senegal. Through this assistance more than 800,000 SALW, 70 million rounds of ammunition and 10,000 MANPADS have been disabled or destroyed. The average annual DoS budget of US\$3 million for surplus SALW destruction has been increased to US\$7 million for fiscal year 2005. Related to surplus SALW destruction, the DoS also offers, with technical support of the Department of Defence's Defence Threat Reduction Agency, assistance in building SALW stockpile management capacity through physical security briefings and training for countries that request assistance.

In relation to export controls the DoS Bureau for Non-proliferation co-ordinates export control assistance, including support for the establishment of arms brokering regulations and legal reform, to 25 countries and is seeking to expand service to an additional 17 under the Export Control and Related Border Security Assistance programme. Through the DoS Bureau for International Narcotics and Law Enforcement the US supports the OAS Inter-American Drug Abuse Control Commission's efforts to control illicit arms trafficking in the Western Hemisphere. Support for capacity building for law enforcement in preventing illicit arms trafficking and improving customs controls, including firearms identification, tracing and forensic techniques is provided bilaterally and also via US sponsored International Law Enforcement Academies in Gaborone, Bangkok and Budapest.

The often sceptical position and behaviour of the US government in relation to the PoA can be interpreted similarly to that observed during and after the Ottawa Process to ban anti-personnel landmines. While the US has reserved the right to pursue a SALW foreign policy based on national security interests, it has also provided more financial and technical support to affected countries than many of the States that enthusiastically sign on to the PoA and other similar multilateral instruments. Nonetheless, while distinct in many ways, US SALW foreign policy cannot be completely separated from the very divisive internal, domestic debate associated with the possession and use of firearms by individual citizens.

LATIN AMERICA AND THE CARIBBEAN

OVERVIEW

Latin America and the Caribbean remains a region of robust SALW control activity at the OAS, sub-regional and national levels. In general, and even among South American producing and exporting countries, implementation priorities focus on dealing with legal civilian acquisition and public carrying as a way of preventing their diversion to the illicit markets. High levels of armed violence in most Latin American urban spaces, and armed conflicts in Colombia and Haiti, remain to challenge government action as some citizens feel they need to be armed to protect themselves, their families and property. The increasing privatisation of security also challenges government control structures as private security companies stockpiles are generally regulated in a manner somewhere between government arsenals and individual civilians.

On a positive note, SALW destruction with the support of UN-LiREC, national governments and other agencies has become a sub-regional norm with important destructions taking place in Guatemala, Nicaragua, Costa Rica, Paraguay, Peru, Brazil and Argentina, among other places, in recent years. Additionally, civil society organisations working on SALW Issues have continued to grow in numbers and are increasingly finding ways to work collaboratively with their governments, exemplified by recent developments in Guatemala and Brazil. Unfortunately, because of the prominence of CIFTA, sub-regional agreements and internal national debates over policy and laws the PoA is not an agreement widely known and embraced internally within Latin American countries.

THE CARIBBEAN COMMUNITY (CARICOM)

Within the Caribbean the OAS is the primary forum for dealing with SALW issues though the Caribbean Community of Nations (CARICOM) based in Georgetown, Guyana, formed a Task Force on Crime and Security in 2002 where SALW issues are also dealt with alongside drug trafficking and youth violence. As mentioned above the Caribbean states continue to consolidate ratification of CIFTA as exemplified by Barbados, Dominica, St. Kitts and Nevis and Trinidad & Tobago in 2004. Some important Caribbean countries have still yet to ratify CIFTA including: Dominican Republic (not a CARICOM member), Guyana, Haiti, Jamaica, St. Vincent & Grenadines and Suriname. In May 2005, UN-LiREC in co-operation with CARICOM and the UK government convened a sub-regional meeting on SALW transfer controls as a way of motivating further action.

Civil society has become more active in the CARICOM sub-region, particularly in Trinidad and Tobago, but a cohesive sub-regional network of NGOs working on illicit SALW has yet to materialise.

THE MERCOSUR REGION

The MERCOSUR Firearms Working Group – including Argentina, Bolivia, Brazil, Chile, Paraguay, Uruguay and more recently Peru – continues to meet on an ad hoc basis looking to build common agreement around ways to implement three key commitments made back in 1998. First, a register of individuals, companies and other legal entities that purchase, sell, exchange, import and export SALW. Second, a register of points of transit for the SALW trade including export, import and transshipment. Third, national registers of holders of SALW. Little tangible progress has been noted in these areas in terms of the emergence of a sub-regional consensus on the way forward and the systems to be used, despite some significant progress on SALW controls at the national level in Brazil and Paraguay, as well as in Argentina and Uruguay.

In May 2004 in Porto Alegre, Brazil, with support from the UK government's Transfer Controls Initiative, the MERCOSUR countries discussed ways forward in dealing with SALW transfer controls as the first

step in finding ways to link this issue with structures at the UN, OAS and sub-regional level as well as under national laws. Civil society in Brazil and Argentina is highly active in advocating for SALW controls both having formed national NGO networks in 2004. Evidence of civil society action in Paraguay and Uruguay is beginning to emerge but still lacks capacity and importantly international support.

BRAZIL CASE STUDY: THE NATIONAL DISARMAMENT STATUTE AND THE NATIONAL DISARMAMENT CAMPAIGN

Brazil is one of the UN Member States that has made some of the greatest progress in the implementation of the PoA, which can also be seen in the context of fulfilling its commitments with regard to the CIFTA supplemented by the CICAD Model Regulations.

This progress in PoA implementation is the result of an accumulation of measures and policies that culminated with the passage of the National Disarmament Statute in 2003. The law passed the national legislature due, in large part, to pressure by civil society and the media in favour of disarmament. At the same time, incoming President Ignacio 'Lula' da Silva brought to the table the political will to involve and pressure all government agencies and political parties to take action on arms and violence. The nearly 40,000 documented annual firearms deaths in Brazil were also a key motivating factor in politicians support for the Statute. The involvement of civil society has been constant throughout the process and has prevented the law from being shelved or changed by interest groups in favour of the status quo. Three major aspects of the law discussed here are ammunition control, development of a national referendum and a national disarmament campaign.

Ammunition control

The national pro-SALW lobby sought to exercise significant pressure on the formulation of the National Disarmament Statutes' secondary legislation, trying to prevent an article requiring all ammunition sold to the police and military to be uniquely marked. The debate over secondary legislation took six months, but thanks to constant pressure by civil society and the national media, was able to pass in 2004. Another key advocacy success was limiting civilians to the purchase of 50 rounds of ammunition per year instead of the proposed 300, with the justification that those who would like to shoot target practice for sport should go to a licensed shooting club where an exception is made to the numbers of rounds that may be used.

The IANSA member NGO Viva Rio advocated vigorously for the marking of ammunition in addition to firearms and continues to do so in relation to the application of the law by the responsible military authorities, so that ammunition diverted from military and police arsenals can be traced when found at the scene of a crime. Together with the Brazilian government, Viva Rio proposed considerations for the marking of ammunition in addition to SALW at the UN deliberations on marking and tracing in New York in 2004. Inspired by the Brazilian proposals the Governments of Chile and Uruguay are now considering similar measures.

National Referendum

Perhaps the most controversial article of the National Disarmament Statute is No. 35 which prohibits the sale of firearms in all of Brazilian territory except for use by the police, military, private security companies and several exceptions. Article 6 of the National Disarmament Statute calls for the adoption or rejection of this article via a National Referendum to be held in October 2005.

This controversial article of the law would give Brazil one of the most restrictive laws in the world. In response to this controversy the Brazilian pro-gun lobby has aligned itself with the US National Rifle Association and others to create an entity known as 'Viva Brasil' whose purpose is to defeat this law and any further SALW controls and restrictions.

National Disarmament Campaign (NDC)

Articles 31 and 32 of the National Disarmament Statute called for a national voluntary weapons collection drive from 15 July 2004 to 31 December 2004. The success of the first phase of this campaign resulted in its extension to 23 June 2005 and as of 24 May 2005 345,203 SALW had been collected. The campaign itself is coordinated by the Ministry of Justice in co-operation with a national co-ordinating committee that includes representatives from:

- 3 NGOs (Viva Rio, Sou da Paz and CONVIVE)
- the Federal Police
- the Army
- the Catholic Church
- the Evangelical Christian Church
- the National Association of Hospitals.

The NDC is physically present in 5,551 municipalities in all 27 Brazilian states. At the start of the second phase of the campaign in 2005 state co-ordinating committees were created in each state capital. During the first phase of the campaign weapons were received in the offices of the Federal Police with support of the Army in some states, the offices of Viva Rio in Rio de Janeiro and Sou da Paz in Sao Paulo, and by state police forces in other states. Regardless of the collection site a police officer was required to be present though the officer could come from a federal, state or municipal force.

The state government of Parana was so enthusiastic that it began collection weapons six months before the rest of the country and succeeded in recovering 13,000 weapons from civilians. During the same time period the state government began to reward police in Parana for turning over weapons confiscated from criminals while on duty, as in the past many had been re-sold by police to the black market. During this process, an additional 7,000 weapons were taken out of circulation. Many lessons were learned from this first effort that other Brazilian states were able to learn from. One particularly interesting aspect of the campaign in Parana state was the role of local radio stations in the rural interior, who used their programming to promote a competition between communities to see who could turn in the most weapons to the police delegation.

The NDC was financed by Congress with a budget of approximately US\$19 million and weapons turned in received cash in the amounts of US\$100, 200 or 300 depending on the type of weapon and its condition. Ammunition was received but not compensated though several members of the national co-ordinating committee continue to look for ways to remunerate the surrender of ammunition. All resources are channelled through the Federal Police. Beyond compensation for the weapons, civil society collaborators like the NGOs Viva Rio and Sou da Paz have had to use their own resources to participate in the campaign although the government did finance a small television advertising campaign that had a modest impact. The NGOs have spent the little available resources to get the word out by producing promotional CDs and distributing throughout the country.

Another method used to promote the campaign at the beginning was a two-month "Disarmament Caravan" where the Minister of Justice, accompanied by NGOs and the national hospital association, travelled to all 27 state capitals promoting the NDC. At each stop the Minister asked for the support of the Governor and a Federal Police delegation while carrying out interviews with the local press. Additionally, the Minister advocated for the development of state committees to support the campaign in each state. Prior to the arrival of the Caravan in each state contact was made with civil society institutions in order to prepare for public forums and promote the formation of state co-ordinating committees. In the specific case of Rio de Janeiro state, Viva Rio aligned itself with churches, radio

stations, the bar association and the state legislative assembly to set up collection sites throughout the city as well as developing a mobile collection system that arrived in communities and which was publicized by the local press.

By law all weapons collected by the NDC, after being registered and certified by the Federal Police, had to be destroyed within 48 hours by the Army. At times destruction is carried out in public ceremonies while other times this is conducted privately. During the process several judges opposed the destruction of weapons, claiming that the collected weapons could be used by the police. Destruction was cancelled for a three-week period for deliberations and then resumed without a final decision being made on whether or not the police should be supplied with NDC weapons. NGOs believe that most of the weapons turned in are not suitable for the police and that it would not be worthwhile to make an exception for a few weapons.

NDC – Phase II

The first phase of the campaign brought in three times the quantity of weapons than originally expected. Two positive developments that have come about for the second phase of the NDC in 2005 include:

- Viva Rio and Sou da Paz have joined forces with several large advertising firms to develop a national public awareness strategy and campaign for the NDC
- in December 2004, all Brazilian states had formed their own committees to support the implementation of NDC.

Learning points

- ◆ One of the major obstacles of the NDC was making it possible for civil society organisations to receive weapons from the population in addition to the police and military. Only the states of Rio de Janeiro and Sao Paulo allowed for such and these were coincidentally the two states that received the largest quantities of weapons. The arguments in favour of allowing weapons to be collected by NGOs and other groups were a) additional geographic coverage, b) closer to certain communities, c) fear many people have of entering a police delegation with an illegal firearm and d) the fact that Federal Police delegations were closed to the public on weekends.
- ◆ All people turning in weapons were required to have a bank account where the fund for the weapons turned in could be deposited the following month. This requirement limits the participation of many poor Brazilians.
- ◆ Each weapon turned in passed through the hands of three of four police experts for investigation. This process slowed down the time between collection and destruction – meaning not only that diversion was more likely but the time between collection and destruction was slowed down which had visual and symbolic issues in the eyes of participants.
- ◆ Many police collaborators do not have sufficient technical knowledge in identifying different makes and models of weapons that is important to the recording process and intelligence produced for preventing further illegal trafficking.
- ◆ There has not been sufficient control over the ammunition turned in.
- ◆ Viva Rio and Sou da Paz have implemented voluntary questionnaires to learn more about the persons turning in weapons, their motivations and situations. This needs to be done throughout the country so that a complete national picture can be generated.
- ◆ The state police did not participate in the NDC consistently which limited campaign success as the Federal Police has limited coverage in each state. The states where the state police and municipal guards participated had better turnout and results.

PARAGUAY SNAPSHOT: EXPORT CONTROLS AND MODERNISATION OF LEGISLATION

Paraguay has made significant progress in implementing the PoA. The Government of Paraguay has become more active in sub-regional and multilateral efforts to combat the illicit trade in SALW, first by establishing the Ministry of Defence's Directorate of War Materials as the national point of contact for implementation of the PoA. Also, Paraguay has been a partner in the establishment of a MERCOSUR Working Group on Firearms to deal with issues at the sub-regional level and has hosted several meetings in the capital of Asunción to advance co-operation with its neighbours.

In 2000 the Government of Paraguay began to receive pressure from the Government of Brazil and Brazilian civil society organisations to stop the legal and illegal re-export of Brazilian-made weapons that were finding their way from Paraguay to drug traffickers in Brazil. The conversations between Brazil and Paraguay led to a moratorium on all Brazilian SALW exports to Paraguay, a measure that had also been put in place by the United States. In 1995, Brazil exported more than 65,000 SALW to Paraguay; however, since the year 2000 less than 2,000 SALW have been imported to Paraguay from Brazil on an annual basis.

The process of reducing the potential for weapons in Paraguay to be re-exported under undesirable conditions led the Government of Paraguay to recognise that legislative modernisation was required to improve the government's capacity to halt the illicit trade in SALW. In 2002 the Paraguayan Congress passed the national law on firearms, explosives and ammunition followed by its regulatory legislation in 2003. Some of the major achievements of the new legislation include:

- in cases of re-export, a requirement to notify the original exporting party;
- regulation of SALW transit
- the prohibition of SALW sales to foreign tourists, a group that was identified as a key participant in the illegal trade.

In order to raise public awareness of the new law the Government of Paraguay established a semi-formal working group with participants from a wide range of NGOs and civil society organisations. Additionally, with the assistance of UN-LiREC the Government of Paraguay destroyed 3,000 surplus SALW and 70 tonnes of ammunition and grenades in 2003 with further destruction planned for 2005.

According to civil society in Paraguay, priority areas for strengthened implementation of the PoA include: controlling the domestic trade at pawn shops from which SALW are often diverted to the illegal market, placing the issue of brokering on the future legislative reform agenda, and for the Government to ratify the UN Firearms Protocol.

NGO NETWORKS FORMED FOR SALW CONTROL IN SOUTH AMERICA

In 2004 and 2005 national NGO networks affiliated with IANSA were created in Colombia and Argentina. In March 2005 in Colombia the organizations REDEPAZ, the Colombian Jurists Commission and National Landmines Observatory joined with other national civil society actors to create the Colombian Network for Disarmament, recognising the role, the proliferation and misuse of SALW play in the more than 20,000 homicides that take place in that country each year. Earlier in 2004 the Argentine Network for Disarmament was formed bringing together civil society associations from Buenos Aires, Mendoza, Rosario and Santa Fe provinces with national institutions such as the Latin American Faculty of Social Sciences, the Solidarity Network, the Argentine Association for Public Policy and the Institute for Comparative Penal and Social Research. Their first campaign was 'Fiestas sin Armas' (Holidays without Guns) to prevent gun carrying at Christmas, a time when many people over-consume alcohol and resort to gun violence and suicide. These networks add to an increasing critical mass of South American NGO networks initiated in Brazil several years earlier.

THE ANDEAN COMMUNITY

Perhaps the most interesting sub-regional development in Latin America since 2001 was the adoption of Andean Community Decision 552 in 2003, the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects. The Andean Plan is an agreement with obligatory implementation in Bolivia, Colombia, Ecuador, Peru and Venezuela. While its implementation has been slow, it nevertheless represents the most comprehensive sub-regional SALW agreement in Latin America and is in many ways a convergence and sub-regional contextualisation of commitments made via CIFTA and the PoA. The Decision 552 Action Plan has also been integrated into larger sub-regional frameworks including the developing Common External Security Policy and the long-term establishment of the Andean Community as a 'Zone of Peace'.

Governance crises in Bolivia and Ecuador have made comprehensive implementation difficult while ongoing political problems in Peru and Venezuela combined with the Colombian armed conflict have also affected the ability of these countries to develop and implement comprehensive SALW control action plans. The Secretariat of the Andean Community of Nations in collaboration with UN-LiREC, both institutions with headquarters in Lima, Peru, called for a meeting of Member States to discuss furthering SALW controls in May 2005. In Colombia a couple of civil society networks have emerged working towards greater SALW control while important, but less co-ordinated civil society action has begun to surface in Ecuador and Peru.

COLOMBIA SNAPSHOT: MULTI-DISCIPLINARY COMMISSION AND SALW DESTRUCTION

The Government of Colombia continues to work towards greater implementation of the PoA despite finding itself in the middle of armed conflict with guerrilla movements, paramilitary groups and drug traffickers. As Chair of the 2001 Conference, Colombia played a key role in the development of the PoA and has established the Ministry of Foreign Affairs' Vice-Ministry for Multilateral Affairs as the point of contact for the reporting on its implementation. In February 2003 Colombia ratified the Inter-American Convention and was one of the leading proponents of the development of Andean Community's Decision No. 552, an Action Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW also in 2003. In order to implement the Andean Community Decision 552 and other initiatives at the UN and OAS levels the government has established a multi-disciplinary Commission involving the following government entities and in consultation with local civil society:

- Ministry of Foreign Affairs (Chair)
- Intelligence
- Anti-narcotics
- Armed Forces/Ministry of Defence
- Attorney General
- Ministry of Interior and Justice
- Military Industries
- Ministry of Industry, Commerce and Tourism
- National Police.

One of the major tasks of this Commission is to develop proposals for a new national law on arms, ammunition and explosives, and in this regard representatives from the Colombian senate have received training on SALW issues and comparative legislation from UN-LiREC.

In 2001 and 2002 the Colombian Ministry of Defence destroyed substantial quantities of surplus SALW with authorisation by decree. At present the Government of Colombia is taking part in a disarmament and demobilisation process with a specific group of paramilitary forces, including combatants under the age of 18. However, because of the fluidity and ongoing nature of this process it is difficult to ascertain its comprehensiveness and sustainability.

As Colombia's national arms law is currently a topic of discussion and debate, Colombian civil society organisations have been advocating for greater restriction on civilian possession and use, the regulation of arms brokering and for the government's signature and ratification of the UN Firearms Protocol.

CENTRAL AMERICA

The Central American Integration System's (SICA) Security Commission continues to develop a sub-regional action plan to combat the illicit trade in SALW with technical and financial support from the UNDP Bureau for Crisis Prevention and Recovery. In 2004 sub-regional workshops were convened to analyse and further the creation of national commissions, stockpile management and transfer controls. The decision was also made for the co-ordination of the Central American plan to be hosted by the Nicaraguan Ministry of Foreign Affairs in Managua. However tangible sub-regional progress has yet to emerge despite important national reforms, particularly the passage of the new arms law in Nicaragua which regulates brokering along the lines of what is advocated by civil society through the Arms Trade Treaty.

Civil society is especially active in Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica where organisations participate intensively in a variety of activities including training, research, advocacy for legal reforms, awareness raising among youth and children and the production of a sub-regional documentary on the SALW problem. Belize and Panama civil society have lagged behind in terms of activity partly because they have not had the same levels of support from the international community.

COSTA RICA SNAPSHOT: REFORMS TO NATIONAL ARMS LAW AND SALW EDUCATION PROGRAMME

Costa Rica has continued to play an active role in implementing the PoA and other multilateral efforts to combat the illicit trade in SALW. The Government of Costa Rica has established joint points of contact to report on the implementation of the PoA integrating the Ministry of Foreign Affairs Directorate for Multilateral Policy and the Ministry of Public Security's Directorate General for Armaments and is currently considering the creation of a national SALW Commission to liaise with initiatives at the UN, OAS and Central American Integration System levels. In September 2003 Costa Rica ratified the UN Firearms

Protocol and has been one of the leading government advocates of an Arms Trade Treaty governing SALW transfers. At the sub-regional level Costa Rica was one of the key governments involved in the development of the Central American project to combat the illicit trade in SALW currently receiving financial and technical co-operation from UNDP.

The Costa Rican assembly passed reforms to the national arms law in December 2001 that have led to:

- implementation of the Inter-American Convention article requiring the use of end-user certificates in the case of exports and imports
- penalisation of violations of the national arms law that prior were categorised as administrative breaches
- the December 2004 destruction of 1,700 weapons confiscated in illegal activities by the Ministry of Public Security.

In an effort to prevent increasing levels of armed violence within Costa Rica, a coalition of institutions led by the Ministry of Public Health, and including the Ministry of Public Security and Police and the Arias Foundation for Peace and Human Progress, with the support of UNDP, UN-LiREC and Save the Children Sweden, has initiated a programme to address issues of SALW and violence within the education system and at the municipal levels.

Costa Rican civil society organisations have advocated for legislative reform to govern the activity of SALW brokers and intermediaries as a way to enhance the Government's capacity to combat the illicit trade. At present, intermediaries are dealt with exclusively in the context of the process of importation and the transfer of imports to the domestic market.

ASSISTING THE VICTIMS OF GUN VIOLENCE IN GUATEMALA

1,000,000 people are thought to be injured every year by guns. Transitions is an IANSA member in Guatemala that works with children and adults with disabilities around Guatemala City and Antigua, first seeing to a patient's medical needs, then fitting him/her for prosthetics or orthopaedics, and securing physical therapy and medical care. This treatment generally takes a year. Patients often stay an additional year for education and vocational training. After that, many remain as members and employees of Transitions, working in the workshop manufacturing wheelchairs (they built over 165 mountain terrain devices in 2002) and fitting prosthetic and orthopaedic devices.

The Transitions basketball team from Guatemala visited London in December 2004 to mark World Disability Day (3 December). As well as advocacy work they played a game against Great Britain's Paralympic team. One of Transitions co-founders, Alex Galvez - paralysed after being shot when he was 16 -- told his powerful story of injury, disability and psychological recovery to the international media.

For more information, email Alex Galvez at transiciones@conexion.com.gt

GUATEMALA CASE STUDY: NATIONAL DISARMAMENT PLAN AND COMMISSION

On 29 December 1996 Guatemala ended a thirty-six year civil war with Peace Accords negotiated under the auspices of the United Nations. Within the Peace Accords the Agreement Regarding the Strengthening of Civilian Power and the Role of the Military in a Democratic Society established a commitment to reform

the national SALW legislation with the purpose of restricting the possession and carrying of weapons by civilians. It also called for the transfer of authority for SALW control from the Ministry of Defence to the Ministry of Interior. As of January 2005, neither of these objectives had been completed.

In March 2004 the incoming President of Guatemala, Oscar Berger, publicly announced that his government would initiate a gun buy-back programme, exchanging weapons for cash. This announcement caught public attention and reinvigorated the public debate related to SALW in Guatemalan society. When the Institute of Education for Sustainable Development (IEPADES)²⁶ learned about the programme the organisation made a proposal to the President's representative for security and defence affairs that the government should consider conducting a weapons collection campaign as part of a broader, more comprehensive, effort for disarmament and small arms control. Based on this proposal President Berger decided to develop a national disarmament plan to be implemented by a new National Disarmament Commission (NDC).

National Disarmament Commission

In mid-2004, the NDC was created by a temporary Presidential decree, later ratified by the Ministries of Interior and Defence, to include the following organisations and their roles:

- Ministry of Interior (Mol) – has overall responsibility for the maintenance of peace and order in the country and for the control of the legal SALW in circulation and the behaviour of the individuals and legal entities who possess them. (In reality the control of SALW is not carried out by the Mol, but rather by the MoD. Even though the 1996 Peace Accords call for the arms control function to be transferred to the Mol the law has not yet been reformed to allow for such)
- Presidential Office for Security Affairs (SAAS) – in charge of providing physical security to the President and advising on general security matters
- Ministry of Defence (MoD)– maintains the country's arsenal for national defence and oversees the SALW control entity DECAM
- Presidential Office for Public Affairs – responsible for disseminating information to the public regarding government policies
- National Civilian Police (PNC) – implements both the Mol's polices for the maintenance of law and order and the application of the MoD's mandate for SALW control in the streets
- Department for Control of Arms and Munitions (DECAM) – by law registers and authorizes all legal weapons and users in Guatemala under MoD control
- IANSA NGO/IEPADES – provides technical support to the NDC and its activities.

The NDC is chaired by the Presidential Office for Security Affairs and has been given a mandate of two years with the possibility of an extension for an additional two years. In an effort to maintain a broad scope of action within the NDC the Human Rights Ombudsman, Attorney General and a representative of the National Legislature were allowed to joint the Commission's work at a later date.

On 9 July 2004, International Small Arms Destruction Day, the NDC presented its plan and conformation publicly in a symbolic ceremony where representatives from the executive, judicial and legislative branches of government destroyed SALW and presented them to the Human Rights Ombudsman. At the same time elementary school students exchanged violent toys for roses. The toys were moulded into a monument to peace. In this same act, all institutional members of the NDC signed a joint declaration to halt violence in Guatemala. The declaration calls on all parties involved to respond to the public outcry for a reduction in rates of violence beginning with a national disarmament programme to be monitored by the Human Rights Ombudsman and Attorney General's Office.

²⁶ IEPADES was a founding member of IANSA and has been working on SALW control in Guatemala since 1998.

The primary objective of the National Disarmament Committee is to carry out a national disarmament programme by co-ordinating actions between distinct institutions with the purpose of reducing armed violence, decrease the availability of SALW nationwide and raise awareness among the population regarding their negative effects. The NDC's national disarmament programme focuses on two key pillars: a) restricting access to SALW by implementing national measures as well as others in co-operation with neighbouring countries and b) diminishing the amount of weapons in circulation via direct contact with the population. The strategy also contemplates more rigorous application of existing law related to illicit SALW trafficking, including the growing problem of craft weapons.

In relation to restricting access the programme calls for:

- strengthening the legal framework for SALW control and the modernising the law in accordance with international agreements
- making the PNC more professional in its ability to carry out preventive measures, as well as improving the capacity of the government to carry out and archive ballistics tests
- rigorously controlling the import and export of SALW
- promoting the adoption of additional sub-regional and bi-lateral measures for SALW control
- identifying and pursuing strategies for involving civil society.

It should be noted here that some of these measures, especially adapting the national law to international SALW regimes such as the Inter-American Convention will likely require a constitutional amendment, since the Guatemalan constitution guarantees citizens the right to bear arms and this law is often interpreted quite broadly.

In relation to reducing the quantity of SALW in circulation the programme calls for:

- destruction of surplus SALW
- raising public awareness about opportunities to voluntarily surrender and to register/legalise SALW
- a gun registration campaign
- Goods for Guns campaign
- research into the phenomenon of craft production
- pilot efforts to develop SALW violence indicators
- increased investigation, persecution and sentencing of illegal SALW traffickers.

Since the launch of the NDC the greatest public reaction has been in relation to the proposed 'Goods for Guns' programme. In a public opinion poll of 50 men and 50 women, 92% were in favour of the 'Goods for Guns' concept, 88% thought the current environment of insecurity justified the campaign and 73% believed it would contribute to a reduction in armed violence. President Berger has committed US\$129,000 to the 'Goods for Guns' programme. However this is not going to be enough, given the widespread proliferation of SALW in Guatemala society.

As the Constitution allows for the possession of SALW by civilians the NDC also seeks to provide advice to enable legal and responsible ownership for those who do not wish to disarm. In addition the NDC is developing alternative sites for the legal registration of weapons as currently the only office able to do this is located in the capital.

Given its technical expertise the NDC is proposing that it either replaces or shares the role of National Focal Point with the Ministry of Foreign Affairs who currently hold this responsibility.

NDC initiatives and activities

Craft weapons are now the fourth most common type of weapon confiscated by the authorities. For this reason the NDC is planning to develop a program of research and investigation into their production, proliferation and use in Guatemala.

Additionally, a persistent weakness of the present legal regime has been the lack of enforcement of existing legislation. Regardless of the status of future reforms to the law the NDC looks to increase enforcement and prosecution of violators under the current law.

A public awareness campaign is a key part of the work of the NDC, especially with regard to the consequences of SALW possession and use. With this in mind the NDC has developed a public information campaign with three slogans 'Arm Yourself with Courage and Disarm', 'A Bullet Always Kills More than One Person' and 'Long Live Peace.' The campaign is led by the Presidential Office for Public Affairs in co-operation with NGOs and the national print, radio and television media.

For the purpose of providing direct public information regarding the NDC's work a toll-free telephone line was established to provide information to callers as well as receive anonymous information from the public. In addition to calls regarding future disarmament campaigns calls have included doubts about the legality of certain types of weapons, denunciations of incidents of armed violence and SALW trafficking and ideas for new campaign activities.

CENTRAL AMERICAN NGOs PRODUCE DOCUMENTARY ON THE IMPACT OF SALW VIOLENCE

With economic support from the Government of Japan the Arias Foundation for Peace and Human Progress in Costa Rica produced the video 'The Weapons of Violence' documenting the impact of SALW proliferation and violence on crime, public health and the Central American psyche in Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. Other Central American IANSA members provided expert testimony including the Institute for the Education of Sustainable Development (IEPADES-Guatemala), the Central American University (UCA-El Salvador), Foundation for the Study of Applied Law (FESPAD-El Salvador), the Centre for Human Rights Promotion (CIPRODEH-Honduras), the Centre for International Studies (CEI-Nicaragua) and the Peace and Justice Service (SERPAJ-Panama).

The video is available in Spanish and also with English subtitles. For information on how to obtain a copy contact info@arias.or.cr.

EL SALVADOR SNAPSHOT: REFORM OF NATIONAL LEGISLATION AND A NATIONAL ASSESSMENT OF THE SALW PROBLEM

The Government of El Salvador has actively pursued SALW control dating back to the UN-sponsored disarmament process in the early 1990s. In recent years, implementation of the PoA has been supported by a UNDP project focused on strengthening SALW controls in the context of violence prevention at the national and community levels. The Ministry of Foreign Affairs has been designated as the national point of contact for implementation of the PoA. El Salvador ratified the Inter-American Convention back in 1999 and the UN Firearms Protocol in March 2004 and has participated in the development of a sub-regional Central American approach to combating the illicit trade in SALW through the Central American Integration System.

In 2002 the national legislature reformed the 1999 law on firearms, ammunition and explosives to include the following considerations:

- the required use of end-user certificates in all SALW transfers
- the provision of written affidavits to the effect that entities within El Salvador that are importing SALW will not re-export to third countries
- the registration of SALW brokers and ensuring that each transaction they carry out is approved by the Ministry of Defence
- the criminalisation of illegal craft SALW production.

Since 2001, the Ministry of Defence's Logistics Directorate reports to have destroyed 6,669 SALW confiscated by the National Civilian Police.

Though not a formal SALW Commission in the sense of reporting to multilateral bodies, the UNDP Programme *Towards a Violence-Free Society* has constituted a multi-disciplinary working group to further its project on strengthening SALW control mechanisms by incorporating the National Civilian Police, National Public Security Council, several universities, NGOs, medical students and high profile leaders from the private sector. Collectively these actors have carried out a national assessment of the SALW problem and of national legislation in this regard; have developed computerised police records related to firearms offences; have created a culture of peace programme in public schools implemented by the police; and have carried out a national public awareness campaign on the risks and dangers of SALW proliferation.

Salvadoran civil society has identified the following gaps that, if filled, would enhance the Government's ability to implement the PoA: establishment of a national commission, stricter control over recipients of SALW import permits, and greater control over SALW possession and public carrying because of their relation to illegal trafficking and misuse.

"THE STREETS ARE SAFER WITHOUT GUNS" CAMPAIGN IN EL SALVADOR

In 2004 and 2005 more than 3,500 Salvadoran school children between the ages of 7 and 13 participated in the national movement known as 'Angels of Peace' joined forces with the national children's museum and children's radio to promote the campaign 'Zonas Seguras, Sin Armas en la Calle' ('The Streets are Safer without Guns'). The campaign's primary objective was to raise awareness among children and their families about the dangers of carrying guns in public spaces by disseminating through radio and other public fora studies and statistics from the National Civilian Police, National Office for Legal Medicine and the Central American University that documents the SALW problem in the country and provides evidence that carrying arms for self-defence more often results in death or injury for the victim rather than acts of heroism. The local affiliate of the multinational firm Olgivy and Mather and students from the School of Communications of the national university provided support and resources for campaign materials. As part of the campaign the Angels of Peace gathered 47,000 signatures from friends, family and neighbours and presented them to the national legislature accompanied by a request to reform the national law on arms and ammunition to reflect greater restrictions on public weapons carrying. This effort follows a 2002/2003 campaign promoted by the Angels of Peace called 'Weapons...Not Even as Toys!

For more information see <http://www.pnud.org.sv> and <http://www.desarme.org>

3.2.3 EUROPE

OSCE OVERVIEW

The OSCE Document on small arms agreed in November 2000 provides the primary framework for implementation of a comprehensive range of measures to address the proliferation of SALW – from export and import control to post-conflict rehabilitation – on the part of OSCE states. As such the implementation of this Document has the potential of contributing quite substantially to the implementation of the UN Programme of Action and the enhancement of international standards and transparency measures in the field of SALW in the OSCE region.

Recent progress

At the beginning of 2004, the OSCE Conflict Prevention Centre (CPC) was tasked to examine the information exchanged by participating states on the implementation of the OSCE Document. This overview enabled the compilation of detailed data on the destruction of surplus or illicit SALW, as well as progress achieved in other areas, including norms and regulations. The information collected provides a good indicator of the progress made to date by OSCE member states in tackling excessive accumulations and the spread of SALW. According to CPC data, in 2001 35 OSCE states destroyed 493,837 units of SALW (367,608 deemed as surplus; 126,259 seized from illegal trafficking). In 2002 the same number of states destroyed 1,113,395 units (934,227 deemed as surplus; 179,168 seized). In 2003, 1,747,264 units were destroyed (1,515,339 were surplus; 231,925 seized). In all, between 2001-2003, 3,354,496 units of SALW have been destroyed by OSCE member states.

The OSCE Handbook of Best Practices

As a result of voluntary contributions by a number of participating states and co-ordinating work by the Conflict Prevention Centre, in 2003, the OSCE Forum for Security Co-operation (FSC) oversaw completion of best practice guides on eight different areas related to the control of SALW. These are:

- controls over manufacture
- marking and record keeping
- controls over exports
- controls over brokering activities
- definitions and indicators of a surplus
- destruction techniques
- stockpile management and security
- small arms measures as part of disarmament, demobilization and reintegration.

For ease of use, the FSC decided to compile these guides into one single reference document: the OSCE Handbook of Best Practices on SALW. Although the best practice guides are not politically binding, they provide useful guidelines to national governments for the implementation of the SALW Document and can contribute to standardise policies and practices across the OSCE region.

Making OSCE commitments operational

In order to make the SALW Document operational, the OSCE has developed and adopted supplementary measures. A framework has been established whereby a state can request OSCE assistance helping the government to 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 stockpiles management. Later, the FSC assembled a team of small arms experts from the UK, Spain and Switzerland who, 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 Tajikistan²⁷ and Kazakhstan. To date, three assessment visits have been conducted in Tajikistan, while the preparatory work for the Kazakh request is in progress.

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 December 2003, the Maastricht Ministerial meeting endorsed the OSCE Document on Stockpiles of Conventional Ammunition. This new instrument provides practical procedures for the destruction of all categories of conventional ammunition stockpiles, including SALW ammunition, and upgrading stockpile management and security measures. The Stockpiles Document, as it is more commonly known, also establishes a mechanism that allows participating States to request international assistance to either destroy or better manage and secure these stockpiles.

SALW export control developments

OSCE participating states have undertaken additional efforts with regard to arms export control and export documentation. During 2004, the FSC adopted three decisions covering different areas of SALW export control policy. In May 2004, the FSC adopted Decision No. 3/04 on the 'OSCE Principles for Export Control of man-portable air defence systems MANPADS'. This document, which draws from the Wassenaar Arrangement's 'Elements for Export Controls of Man-Portable Air Defence Systems', calls upon participating states to implement effective and comprehensive controls on the export of MANPADS, including components, spare parts and training systems. Decisions to permit MANPADS exports must take into account the recipient country's ability "to implement effective storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks..." The Decision also commits participating states to report transfers of MANPADS using the OSCE SALW document's information exchange mechanisms.

A second Decision (5/04) on Standard Elements for End-User Certificates and Verification Procedures for SALW Exports, adopted on 17 November 2004, deals with the content of end-user certification provided prior to the approval of an export-licence for SALW (including SALW manufactured under licence) or the transfer of related technology. The Decision contains a list of standard elements of EUC and verification procedures for SALW exports.

The third Decision 8/04 adopted on 24 November 2004 sets out OSCE Principles on the Control of Brokering in SALW. Building upon UN, OSCE, EU and Wassenaar Arrangement documents, OSCE member states agreed measures to control brokering activities taking place within their territory, as well as to consider brokering activities carried out by national citizens operating from third countries. As a concrete measure, the Decision calls for the adoption of appropriate national legislation, or ensuring that the existing requirements are in conformity with the agreed principles.

Since 2002, the CPC supported by the OSCE participating states has implemented several projects aimed at combating cross-border trafficking of SALW, with the main emphasis put on both internal co-ordination between different governmental agencies and international co-operation between states sharing a common border. During 2002-2004, 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.

²⁷ As many as 20,000 units of SALW collected 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).

Increasing transparency

As none of the OSCE decisions on SALW are legally binding, effective information exchange and transparency by member states is vital in ensuring that the commitments entered into at the political level are implemented in practice. The main mechanism for increasing transparency as part of this initiative is the annual exchange of information among participating states, which, if used properly, can be a useful working tool assisting the implementation of the SALW Document. Progress has been made over the past four years in establishing common formats for the information exchange, including the preparation in 2002 of a set of templates designed to assist participating states in preparing their national submissions in a more standardised format. However, increasing the yield of the information exchange and enhancing the comparability of national submissions remain a challenge, with the quality and scope of reporting continuing to vary from country to country.

NATIONAL IMPLEMENTATION IN THE WIDER EUROPE REGION

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 48 states have established an official point of contact (Section II, Para 5) to act as liaison between states. Seventeen have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, 4 actively involve civil society in their national co-ordination of action on SALW. One has developed national strategy on small arms, although more are underway. Additionally, 42 have submitted at least one report on national implementation to the UN DDA.

Laws and Procedures

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):

- 40 states have laws and procedures controlling the production of SALW
- 44 states have laws and procedures controlling the export of SALW
- 44 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12)
- 35 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 25 states have laws controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of the various EU and OSCE SALW agreements. At a national level 36 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

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

- 41 states have laws and procedures criminalising the illicit possession of SALW
- 38 states have laws and procedures criminalising the illicit trade in SALW
- 37 states have laws and procedures criminalising the illicit manufacturing of SALW
- 17 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 21 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. As with controls over international transfers of SALW, the scope

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and stringency of these laws and procedures, and their enforcement, is increasingly harmonised through implementation of the various EU and OSCE SALW agreements.

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. Of the states in the region:

- 41 have standards and procedures for the management and security of stockpiles (Section II, Para 17)
- 30 of these include regular reviews of stocks (Section II, Para 18)
- 11 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, within the region:

- 15 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 16 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:

- 7 states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 13 states have a policy of destroying most or all collected and/or confiscated SALW. (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 18 states have conducted some form of disarmament, including:

- 5 post-conflict DDR (Section II Para 21)
- 9 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 16 amnesties; (Section II, Para 20)
- 3 forcible disarmament programmes.

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:

- 23 require that all SALW are marked as an integral part of their manufacture (Section II, Para 7)
- 22 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 32 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 15 actively co-operate in tracing (Section III, Para 11).

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 the wider Europe:

- 14 states have provided some form of donor assistance to SALW-related projects
- 22 states actively co-operate with civil society.

THE EUROPEAN UNION

OVERVIEW

The EU has always been one of the major supplier regions of SALW. However the accession of 10 new members in May 2004, enlarging the sub-region to a total of 25 states, further increased EU potential in this regard. Effective export controls are therefore a priority in order to prevent undesirable SALW proliferation and, to this end, the EU has continued to develop its arms export control system over the past several years. A number of key policy instruments that aim to combat various aspects of SALW proliferation and misuse have been developed and strengthened, chief amongst them the Common Position on Arms Brokering²⁸ and the EU Code of Conduct on arms exports.²⁹ However, whilst the EU has made undoubted progress in the area of SALW control, much remains to be done in terms of increasing transparency, effectively controlling arms exports and closing remaining gaps in controls.

EU countries are also major donors supporting small arms reduction projects in other regions. The 1999 Joint Action on small arms (revised 2002) provides a framework for this but the absence of a clear strategy for its implementation means that its full potential has not been reached.

EU Code of Conduct of Arms Exports

The EU Code of Conduct (Code) was adopted in 1998 setting out eight criteria governing national arms export licensing decisions and including a set of Operative Provisions that set parameters for implementation of the Code. The eight criteria cover a range of concerns including human rights, internal and sub-regional stability, risk of diversion and sustainable development that member states must take in to account when making export licensing decisions. The twelve Operative Provisions mandate a number of procedures for implementing the Code criteria effectively. For instance, provision 2 calls on states to consult each other on licence denials and provision 7 focuses on ensuring the Code works within the wider sub-regional context in order to encourage convergence of arms export control policy among member states.

The Review of the Code

In late 2003, the first official review of the Code was announced. Though the review was expected to end by the beginning of 2005, at the time of writing (May 2005) the process remains ongoing (albeit apparently near completion). According to the Sixth Annual Report by the EU Council: 'the Code will be significantly reinforced by including several new elements in the text, most notably: brokering, transit/transshipment, licensed production overseas,³⁰ intangible transfer of software and technology, end-user certification and national reporting.'³¹ In addition, it is understood that an amendment to Criterion 2 on human rights will now include explicit reference to International Humanitarian Law as set out by the Geneva Convention so as to ensure export licensing decisions are assessed according to existing legally-binding provisions.

While these are all positive developments, the Review appears to have significantly missed a crucial opportunity to address the broader weaknesses within the Code itself and to develop and further enhance associated control apparatus.³² Additionally although there were some contacts among member states, civil

²⁸ Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering http://europa.eu.int/comm/external_relations/cfsp/sanctions/468.pdf

²⁹ http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf

³⁰ Licensed production overseas is a process whereby a company in one country allows a second company in another country to manufacture its products under licence.

³¹ Sixth Annual Report according to Operative Provision 8 of the EU Code of Conduct on Arms Exports, General Affairs and external relations council, 22 November 2004, p6 <http://www.sipri.org/contents/expcon/codereport6.pdf>

³² Taking Control: The case for a more effective EU Code of Conduct on arms exports, Saferworld, Chapter 1 <http://www.saferworld.org.uk/publications/Taking%20control.pdf>

society and Parliament regarding the nature and context of the Review, it was disappointing that no formal consultation process was established to enable interested observers to feed into the Reviews.

Other developments

As of 1 January 2004 the User's Guide, a document aiming to clarify member state's responsibilities for the implementation of some of the operative provisions of the Code, came into force. The User's Guide, which was recently updated and improved on 23 December 2004, seeks to clarify Member States' responsibilities on the denials system, licensing practice, transparency, adherence to the Code and the EU Common Military List. The Guide is a welcome elaboration to the Code and has already led to the development of more useful information exchanges and a stronger understanding of Code application on the part of individual member states.³³ A central database, managed by the EU Council Secretariat, has also been developed in order to log all denials issued as well as the details of bilateral consultations between member states.

Another important development that is taking place is the introduction of 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'.³⁴ The toolbox - which has not yet been formally agreed - is understood to contain a number of mechanisms including information exchanges on licences granted and the requirement by member states to discuss any changes in arms export policy vis-à-vis the post-embargoed country at the Ministerial and the EU Council level. While establishing additional information exchange procedures to recently embargoed countries is welcome, it is important that the toolbox also contains mechanisms to ensure particular caution when assessing export licence applications in post-embargo circumstances and to ensure periodic reviews take place to assess the impact of lifting the embargo.

Outreach

In a welcome development, the EU has endeavoured to increase the level of outreach initiatives undertaken in respect of arms export controls in EU Accession, Candidate and neighbouring states. In 2004 Member States reached agreement on a mechanism to improve the co-ordination of such outreach activities on the Code and throughout 2004, successive Presidencies and a number of member states organised joint outreach seminars. For instance, in Prague in December 2004 the Netherlands Presidency and the Czech Government organised a workshop on EU Code outreach for accession states. In addition, outreach has benefited from the knowledge of the new member states who have direct and recent experience of the difficulties and challenges states face in incorporating aspects of the Code into national export control systems. Member states should seek to draw on this experience and lessons learned to better co-ordinate and provide outreach activities for relevant non-EU states.

EU Common Position on Brokering

In June 2003, the EU adopted a Common Position on arms brokering, whereby member states are required to 'take all the necessary measures to control brokering activities taking place under their territory.' The Common Position reflects a growing recognition of the dangers and serious consequences of unregulated arms brokering and stipulates the establishment of a licensing system for arms brokering transactions as well as a provision for information exchanges on *inter alia* denials of brokering licence applications. The Common Position is welcome as it provides a sub-regional policy framework. However,

³³ It should be noted, however, that the User's Guide has not taken into account differences in national procedures such as the issuing by some states of informal or 'pre-licensing denials'. It is yet to be seen if or how this problem is affecting the integrity of the denial notification system.

³⁴ Sixth Annual Report, p3

it only provides basic standards of control, it does not set a timeframe by when member states ought to have implemented the binding provisions, and it controls only a very few of those actors involved in arms brokering. Furthermore, if the Common Position is to become an effective instrument to regulate arms brokering, the provisions relating to the issue of extraterritoriality (where brokers conduct activities outside their country of residence) will need to be strengthened so that all member states are required to exercise controls in respect of nationals and foreign residents who are arms brokers, regardless of where they operate. To date, 18 EU Member States have incorporated brokering controls into their national legislation.

EU Joint Action on small arms

On 12 July 2002, the EU Council replaced the 1999 Joint Action on the EU's contribution to combat the destabilising accumulation and spread of SALW with a new version. Under the Joint Action, EU member states are committed to countering the destabilising accumulation and spread of SALW, to contribute to the reduction of existing accumulations of these weapons and related ammunition, and to help solve the problems caused by such accumulations. The 2002 Action was revised from the 1999 version to ensure that "ammunition" was included within the remit, thereby recognising the role of ammunition in conflicts affected by SALW.

In order to illustrate progress on implementation of the Joint Action, the EU Council publishes an annual report that details activities in respect of the Joint Action and also of the 1997 EU Programme for Preventing Illicit trafficking in Conventional Arms. These reports review relevant actions taken in member states, financial and technical assistance provided by the EU and member states, as well as their participation in international and regional forums on SALW controls. However, the reports appear mainly to act as an umbrella for any and every SALW activity undertaken by member states individually or as a sub-region throughout the year. It is also significant that the final section in each report, focusing on developing a systematic approach to EU assistance, varies little in content from year to year and is no more specific than the Action's objectives. As a result and despite its potential, the Action appears uncoordinated and disparate in nature. It is important that an overall strategy with clear and specific thematic and sub-regional priorities is developed outlining how member states – individually and jointly – intend to fulfil the objectives of the Action.

National implementation of the PoA

EU Member States have adopted a range of measures and undertaken a variety of activities which constitute implementation of PoA commitments. Firstly, following agreement on the EU Common Position on arms brokering a number of EU states have adopted new brokering controls, such as Belgium in March 2003 (see below), Malta in November 2003 and Slovakia in 2004. Other significant developments included:

- the governments of Slovenia, Slovakia, Hungary, Latvia and Poland updating their national arms legislation to bring it in line with the EU standard
- the Government of Netherlands increasing transparency on export licence decision making by publishing, online, a monthly overview of export licences granted, beginning November 2004
- the Czech government publishing its first Annual Report on Controls of Transfers of Military Equipment Production, Export and Import of SALW in December 2004
- the Finnish government launching a weapons amnesty in January 2004 for the purpose of collecting unregistered firearms.

Many EU countries continued to provide donor assistance for SALW control work, although systematic information on EU programmes is not always readily available. Some examples of recent assistance include:

- the Netherlands government support for collection and destruction of illegal weapons and ammunition in South East Europe, Afghanistan, the Great Lakes and Horn of Africa
- Danish government support for DDR process in Sierra Leone between 2001-2004 and in Liberia (through UNDP) for the period of 2004-2006
- German government support for projects run by local NGOs working on SALW reduction in Angola and Cambodia
- the UK government allocating £13.25 million to support initiatives to control and reduce the supply, demand and availability of SALW between 2004 and 2007.

EU Civil society

NGOs in the EU are active on all aspects of SALW and are working individually, sub-regionally and internationally to promote issues such as: SALW transfer controls, conflict prevention, research, public awareness-raising, government lobbying. Many NGOs in EU states - including Austria, Sweden, Spain, UK, Italy, Czech Republic and Slovakia - have worked together or established working groups to pool their expertise and resources on small arms initiatives. For example:

- Swedish NGOs recently worked together to lobby their national government to reject proposals for a less stringent export control system.
- the Czech Working Group on Arms have focused on increasing transparency in arms exports policy and practice in their national government. Their efforts were rewarded by the Government's first annual report on arms exports in late 2004 of which the working group has produced a detailed analysis.
- Austrian NGOs have been working together to amend and strengthen national legislation on regulating SALW licensed production overseas and to increase transparency on national arms exports policy and practice in general.

NGOs across the EU have also co-operated together in order to call for sub-regional changes to the EU Code of Conduct on Arms Exports and to call for tighter regulations on SALW and related equipment exported from the EU.

UK SNAPSHOT: ARMS BROKERING CONTROLS AND DONOR ASSISTANCE

The UK is in compliance with all of the principal aspects of the PoA and continues to provide significant support to programmes for the control of small arms proliferation in Europe and further afield.

At the national level, a new Export Control Act came into force in 2004. This legislation introduces new controls on arms brokers, with all deals conducted in the UK now requiring a licence in accordance with the criteria in the EU Code of Conduct. The legislation has a limited extra-territorial reach - covering UK brokers operating overseas for transfers to embargoed destinations and for transfers of torture equipment and long-range missiles. Thus there is a significant loophole in the legislation in that UK brokers operating overseas are not required to obtain a licence for transfers of small arms and light weapons

Within Europe, the UK has provided assistance for the development of national export controls systems based on the EU Code of Conduct. For instance, prior to EU enlargement in May 2004 the UK held outreach workshops in Estonia and Slovakia for many of the 10 accession states. Since then the UK has actively provided export control outreach to European countries including Albania, Belarus and Serbia.

Further afield, the Global Conflict Prevention Pool – a joint initiative of the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development (DFID), and situated within the latter – has allocated £13.25 million, to control and reduce the supply, demand and availability of SALW between 2004 and 2007. The funding will provide substantial assistance to projects involving UN agencies, regional and sub-regional organisations, governments and NGOs that seek to combat the proliferation and misuse of small arms around the world. Thus far, the UK has provided support to several weapons collection, management and destruction programmes. For instance, since 2003 the Global Conflict Prevention Fund and the UK Foreign Office Small Arms Destruction Fund has funded weapons destruction in Latin America, East Africa, the Caribbean, Southern Africa and Eastern and South Eastern Europe – including funding a small arms destruction programme in Mozambique in October 2004 and supplying a small arms destruction machine to Jamaica in November 2004.

NGOS RESPOND TO EU CODE OF CONDUCT ON ARMS EXPORTS

In late 2003 EU member states announced the first review of the text of the EU Code of Conduct of Arms Exports. In addition to purely national responses at the national level, NGOs undertook a concerted response at the level of the EU. This included producing in September 2004 a report, endorsed by 55 NGOs from around the Union, entitled *Taking Control: the Case for a more effective EU Code of Conduct on Arms Exports*, which set out the NGO vision of what the new EU Code should consist of, and holding an EU-wide conference, attended by representatives from governments and civil society to discuss the various proposals being considered. As a direct consequence of representations made at the conference, governments agreed to strengthen the references to international humanitarian law in the EU Code criteria.

GERMANY SNAPSHOT: RESTRUCTURING OF ARMED FORCES AND DESTRUCTION OF SALW

The German government is in compliance with all of the main provisions of the PoA and has worked with other governments in the EU, the OSCE and the UN to strengthen and develop SALW controls regionally and internationally. Since reunification, Germany has reorganized its armed forces and adapted its holdings of armaments and equipment to the requirements of the new state. To this end, between 1990 and 2004, more than 1,7 million surplus SALW have been destroyed by the Federal Armed Forces. In the beginning the weapons concerned were mainly weapons of the National People's Army (*Nationale Volksarmee*) of the former German Democratic Republic. However, a recent modernisation programme has added further to this surplus.

As a result of the ongoing defence cuts and the downsizing and modernisation of the Federal Armed Forces, a large number of small arms are becoming redundant. In the year 2002 alone, approximately 200,000 G3 rifles were declared surplus. Accordingly, a large-scale destruction process was initiated in July 2002, when approximately 58,000 G3's were destroyed in public, near Heilbronn in Baden-Württemberg, Germany. The Government announced that by 2007 approximately 400,000 G3-assault rifles will become surplus and will gradually be destroyed.

Destruction is the main means used by federal and state police forces to dispose of surplus stocks, with cutting the preferred destruction method. However, in the case of rare weapons, these are collected for the purpose of education and training of federal and state police forces. As for pistols of calibre 9 mm x 19 mm, sale to authorized dealers is permissible.

Interoperability within NATO permits the sale of surplus SALW to NATO countries. However, such sales have not occurred in recent years. In addition, SALW seized or confiscated by the Federal Armed Forces

outside of Germany during operations under NATO, EU or UN control were destroyed and continue to be destroyed, either through NATO, EU or UN forces or through local authorities. A federal database is under construction, which will collect details on SALW, which have been disposed of, i.e. transferred, destroyed, or sold.

Although seen as a priority issue for countries emerging from conflict, it is important that all states consider their potential requirements for destroying surplus SALW and, where necessary, seek international assistance in this regard.

FINLAND CASE STUDY: NEW ARMS BROKERING LEGISLATION, REVIEW OF DOMESTIC FIREARMS REGULATIONS, WEAPONS AMNESTY AND SUPPORT FOR SALW INITIATIVES ABROAD

Finland would appear to be in compliance with all of the principal obligations set out in the PoA. Many of Finland's legal and administrative provisions relating to SALW control are well established. However, in 2002 Finland adopted new legislation on the control of arms brokering with an extra-territorial dimension (see below).

In terms of civilian ownership Finland has the highest number of small arms per capita in Europe, and the third highest in the world. The total number of legally owned small arms, of which the majority are hunting guns, is approximately 1.6 million, the total population being 5.3 million. A consequence of this relatively high level of gun ownership compared to other West European countries is that rates of gun deaths are also much higher. For example the total gun death rate per 100,000 population in Finland is 3 times higher than Germany, 2.2 times as higher than Italy and 2.1 times higher as Sweden. Despite this, the media in Finland do not appear to devote much attention to the issue of gun violence.

New arms brokering legislation

New arms brokering legislation came into force in Finland on December 2002. The new provisions on controlling arms brokering were incorporated into the existing Act on the Export and Transit of Defence Materiel (1990, amendments up to 2002). The same controls now apply to brokering as to the export and transit of defence material. Each brokering transaction is subject to licensing by the Ministry of Defence and the criteria by which licence applications are assessed are the same as in export or transit. These national criteria include the EU Code of Conduct and OSCE Guidelines, relevant international commitments, and international arms embargo decisions (by the UN, EU or OSCE). The licensing requirement applies not only to brokering activities taking place on Finnish territory but is also extra-territorial in scope: the controls apply whenever the broker is a Finnish citizen, a Finnish legal entity or a Finnish resident even if a brokering transaction takes place outside Finnish territory. According to the Ministry of Defence, Finland is planning to set up a register of arms brokers and the relevant legislation in this regard is under preparation.

Finland's brokering controls cover all defence materiel including the items on the Wassenaar Munitions List and the EU Common List of Military Equipment. However a significant loophole exists in that the legislation does not cover civilian firearms and ammunition. These weapons are controlled by the Firearms Act which, as yet, has no provisions for regulating firearms brokering.

Review process of the Firearms Act

The Firearms Act of 1998 (amended 2001) regulates the acquisition, ownership and storage of firearms by civilians. In addition it covers the import, export, transfer, transit, and the domestic manufacture and trade in firearms, as well as regulating commercial shooting ranges and training in firearms. In line with

the list of firearms set out in Annex I of the EU Firearms Directive³⁵ these regulations prohibit civilian ownership of military small arms including automatic firearms, weapons such as grenade launchers, mortars, breech-loading cannons, missile and rocket-launcher systems as well as firearms disguised as another object. In special cases, authorized and well-established gun collectors may be granted a license for acquisition of, for example, a Second World War type machine gun. These special permits are granted by the Gaming and Weapons Administration on a case by case basis, and storage facilities are then checked to be adequate by the police.

Since the late 1990s Finnish firearms legislation has been fully reviewed in two phases. The first phase, prompted by the entry into force of the EU Firearms Directive, saw the Firearms Act established in 1998. The second phase of the full review in 2001 was prompted by the recognition of the need to strengthen particular aspects of the legislation as follows:

- storage regulations were tightened: the main channel for criminals to acquire weapons is to steal them from private homes or gun stores or their storages. Therefore special attention has been paid to storage regulations.
- communities and foundations were given the right to acquire firearm licenses.
- deactivated, imported firearms or their parts should be presented to the police within 30 days of import: in the EU there had been numerous cases where deactivation had been done poorly on purpose to acquire weapons for illegal use.
- commercial shooting ranges and shooting training require a license, and these facilities were placed under regular police inspection.

An administrative change also took place when the Gaming and Weapons Administration and the Firearms Board were established in January 2001 under the Police Department of the Ministry of Interior. The Weapons Administration is responsible for licensing matters that were previously handled by the State Provincial Offices of the Finnish regional authorities. It is also responsible for licensing commercial firearms import, export, transfer and transit in and from Finland. The Firearms Board is a co-operative body for various stakeholders and authorities, for example giving statements on implementation of Firearms Act.

In a process connected to the ongoing review of criminal law in Finland, regulations concerning firearms offences or aggravated firearms offences are to be collected into the revised criminal law. Although there will be no factual changes in the punishments or the level of punishments, since changes due to collection of the regulations under criminal law are only technical in nature, the Finnish government believes that inclusion of these laws into criminal law will further emphasise their seriousness.

Finnish weapons amnesty

In addition to the large numbers of legally-held weapons in civilian hands, there are also considerable numbers of unlicensed, illegal small arms in existence in Finland. The Ministry of Interior estimated in 2001 that the number was between 50,000 and 100,000 but more recently have stated that the number is considerably lower. Most of these are hunting guns, but there are also military weapons and ammunition mostly originating from Second World War. Typically these weapons or ammunition have been in the household for a long time, through inheritance for example, and long forgotten.

Since January 2004, to reduce the number of unlicensed and therefore illegal small arms in civilian possession, a permanent gun amnesty has been in place.³⁶ Those in possession of unlicensed firearms,

³⁵ Council Directive 91/477/EEC of 18 June 1991 <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31991L0477:EN:HTML>

³⁶ The amnesty was realised by making necessary amendments to Firearms Act, Criminal Law and Police Act. Before 2004 it was not possible to hand illegal guns without punishment, and no national level amnesty policy had existed. However, a number of informal local gun collection campaigns had been carried out by local police departments.

their parts or ammunition can now return these items to police without punishment. Anyone surrendering an illegal weapon has three months in which to look for a buyer of the weapon; in the event that a buyer is not found, the police will undertake this task on their behalf. Regular auctions are held in order to sell surrendered weapons that have a trade value, and these weapons are then licensed to the new owner. The bulk of the proceeds of such sales are returned to the person surrendering the weapon, minus an administration fee. Those weapons that have been used in relation to a crime are kept by the police and not returned to the market. Ammunition and items without commercial value are destroyed.

The policy of allowing the sale of surrendered guns was established as an incentive to encourage gun owners to return their illegally-held arms. Whilst this policy has not, as yet, been vocally opposed by large sections of the Finnish public, in March 2005, the parliamentary group of Green Party issued a parliamentary question to the government, arguing that this policy is not constructive in terms of public security. At the time of writing the question is not yet answered. International good practice is to destroy illicit weapons that are handed into the police to prevent them from re-entering circulation.

Donor assistance and international co-operation to tackle SALW

The Finnish government is active in its support for SALW projects overseas and has made an important contribution to projects in the wider Europe, Africa and in Latin America including:

- support to the voluntary fund of the OSCE in Georgia amounting to €25,000 in order to give assistance to communities that voluntarily hand over arms and €800,000 for developing and maintaining ammunition destruction facility in Dedoplistskaro. Finland has also pledged a total of €260,000 to the OSCE mission to Armenia for destruction of rocket fuel (melange).
- support, totalling €825,281 for the UNDP Arms Control Programme in Albania including public awareness and information on SALW, development projects, logistic support to a weapons collection team and a pilot database project for weapons control. Finnish support has included the secondment of a small arms expert to serve as an International Technical Expert for the programme for 2002-2003.
- support totalling €504 564 to the Small Arms Transparency and Control Regime programme in Africa which includes the following countries: Gabon, Chad, Ghana, Mali, Togo, Kenya, Rwanda, South Africa and Zimbabwe. The project aims at strengthening the state capacity in the prevention of proliferation of small arms by developing methods for tracing and marking, making efforts to harmonise legislation concerning small arms, improving stockpile management and by developing monitoring and verification in order to ensure compliance. The project is administered by the UN Centre for Peace and Disarmament in Africa.

BELGIUM SNAPSHOT: ARMS BROKERING CONTROLS

In general terms, Belgium appears to have a good level of implementation, particularly of the transfer control aspects of the PoA. In this respect, in March 2003, Belgium adopted new controls on arms brokering that are among the most comprehensive in the world. The 1991 Belgian law on the Import, Export, Transit and Combat against Trafficking in Arms and Ammunition underwent significant amendment. The amendment, which entered into force on 7 July 2003, introduced wide-ranging controls on arms brokering activities and integrated into Belgian law the principles and criteria of the EU Code of Conduct on Arms Exports. The legislation established a national register, in which all Belgian persons and entities wishing to trade arms and ammunition must be listed in order to act as a broker. Individual brokering licences must then be applied for on a case-by-case basis, with the same assessment criteria applied to brokered transactions as to direct exports. Foreign residents and dealers in Belgium as well as Belgian nationals are required to apply for a licence to negotiate, export or deliver abroad, or possess

to this end, military equipment, or intervene as intermediary in these operations. A license is required regardless of the origin or destination of the goods or whether or not the goods enter Belgian territory. Furthermore, competence is claimed over persons accused of having violated this law outside Belgium if the accused is found on Belgian territory.

However, just one day later (8 July 2003), the Federal Government undermined this major legislative advance by devolving arms transfer licensing decision-making powers to the three Belgian regions (Région Bruxelles-Capitale, Région Wallonne and Vlaamse Regering). This is of concern for several reasons. There is, for example, the fear that local economic pressures could be given undue weight when license applications are being considered; that regional authorities do not have the expertise necessary to effectively regulate defence exports as required by law; and that different regions within Belgium could develop contradictory export policies. These fears are underlined by a recent preliminary authorisation by the Région Wallonne Government for the export of ammunition-making machines to Tanzania, a decision openly criticised by the Belgian Federal Minister for Foreign Affairs as contrary to the peace efforts of the Federal Government in the Great Lakes region.

HUNGARY SNAPSHOT: DEVELOPMENTS IN LEGISLATION

Hungary has made good progress in implementing the PoA and has been particularly active in terms of adopting tougher legislative controls. In 2004, it tightened its export, transit and brokering controls through the adoption of the Government Decree 16/2004 on the licensing of the export, import, transfer and transit of military equipment and technical assistance, which took effect 1 May 2004. Hungary has made the EU Code of Conduct legally binding by incorporating it into its national law. The Decree has also established an Inter-ministerial committee on Foreign Trade in Military Equipment. In the same year it adopted the new Firearms and Ammunition Act No. 24/2004, which entered into force on 01 May 2004. The Act has introduced tougher controls on civilian possession by updating the licensing procedure and standardised its provisions on marking.

NGO WORKING GROUPS ON ARMS EXPORTS IN CENTRAL EUROPE

In response to historical concerns regarding a number of countries of the sub-region as sources of arms proliferation, NGOs working in some central European countries have taken steps to increase co-operation and build expertise about arms exports. In Czech Republic and Slovakia, coalitions of NGOs have set up Working Groups to lobby governments and raise public awareness about the issue, while a similar group is currently being established in Poland. The Groups have promoted comprehensive legislation in keeping with international best practice, encouraged effective implementation of national legislation and international commitments and championed greater transparency. The Czech Republic in December 2004 became the first of the new EU member states to publish a national report on arms exports, while in Slovakia an initiative obliging the Slovak Government to do the same has just been introduced into parliament with strong cross-party support.

SOUTH EASTERN EUROPE

OVERVIEW

The illicit proliferation and misuse of SALW in the South Eastern European sub-region presents significant problems. The ending of the Bosnia and Kosovo conflicts has given rise to the widespread availability of SALW throughout the sub-region. This has fuelled crime and insecurity, has prolonged and

worsened conflict there, and continues to frustrate efforts to build peace and achieve sustainable development. Until the SALW problem is effectively brought under control, the potential for economic and social growth and development will continue to be limited.

South Eastern European states are party to, or aligned with, a number of regional and international agreements pertaining to SALW. These include, variously, the OSCE Document on SALW (2000), the EU Stability Pact's Regional Implementation Plan on SALW (2001), in some cases the UN Firearms Protocol,³⁷ and the EU Code of Conduct on Arms Exports (1998) to which some states have voluntarily aligned themselves. These agreements, and the forums that support their implementation, are complementary to, and more detailed than, the PoA in two senses. Firstly, the PoA highlights the important role regional organisations can play in assisting with national implementation and in addressing sub-regional concerns. This is reciprocated by the Stability Pact Regional Implementation Plan (RIP), which envisages translating regional and international measures, including the PoA, into an implementation plan relevant to the specific challenges facing SEE countries. Secondly, elements of the above agreements overlap with those contained in the PoA, allowing certain measures (e.g. weapons collection) to be undertaken in line with more than one agreement.

Sub-regional Initiatives

As noted in the 2003 Report, the Stability Pact for South Eastern Europe was adopted in June 1999 as a means of promoting a comprehensive conflict prevention and peace-building strategy for the sub-region. In November 2001, following consultations with the NGO-driven 'Szeged Small Arms Process',³⁸ the Stability Pact adopted a Regional Implementation Plan on Combating the Proliferation of SALW (RIP) to develop a co-ordinated regional approach to tackling the excessive and uncontrolled circulation of SALW.³⁹

The RIP provides a structure for advancing practical projects for the reduction of SALW in the sub-region. However, as with the PoA, the onus on implementation is with national governments. Many of the aspects of SALW proliferations addressed by the RIP closely correspond with those contained in the PoA, such as 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 to tackle illicit SALW. However, whilst comprehensive in scope, the RIP nevertheless lacks clarity and specificity in terms of how the Plan is to be implemented, leaving open the possibility for states to do as much or as little as they like.

At the operational level, the Southeast Europe Co-operative Initiative (SECI) Centre for Combating Transborder Crime based in Bucharest also has an important role to play in tackling SALW proliferation in the sub-region. The SECI Centre is comprised of police and border officials seconded from twelve sub-regional countries and seeks to prevent, detect, trace, investigate and suppress illicit trafficking in SALW by establishing direct, sustainable and rapid channels of information exchange. Unfortunately inadequate resources hamper the effectiveness of the SECI Centre. Improvements to the operational capacity of the SECI Centre would assist all participating countries in combating the movement of illegal SALW across their borders.

³⁷ As of 12 May 2005, only Bulgaria, Croatia and Romania were listed as having ratified the Firearms Protocol by the UN Office on Drugs and Crime.

³⁸ The Szeged Small Arms Process was an informal process which strove to invigorate political dialogue about SALW issues among SEE states from 2000 onwards.

³⁹ The Stability Pact regional country partners are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYRoM, Moldova, Romania and Serbia and Montenegro. Others include EU member states and the European Commission, international organisations and institutions (for example, the UN, OSCE and IMF), as well as regional initiatives.

National Implementation

Nevertheless, the RIP has provided a useful framework for action to tackle SALW proliferation in Southern East Europe and there has been steady progress on PoA implementation. As of May 2005, six countries had established a PoA point of contact and have also provided at least one report on PoA implementation to UN DDA with a range of SALW control actions being taken by states in the sub-region. These extend from weapons collection, to awareness raising, legislative reviews and to the destruction of surpluses. While national implementation has varied according to opportunity and circumstance, each state in the sub-region can claim progress in some respect. For example with the adoption of a new Decree Specifying Goods Subjected to Export and Import Licences in 2003, Croatia introduced legal requirements for companies to present an end user certificate and import licence of the recipient country when making licence applications to the Inter-Ministerial Committee. In 2003, Bosnia Herzegovina adopted a new law setting out more comprehensive export-import controls (see below). FYRoM has conducted a major weapons collections initiative in 2003, and in January 2005 passed a new Law on Weapons that harmonizes its legal controls with the EU standards. Albania conducted weapons collection initiatives as well as destruction of surplus SALW and ammunition. Finally, in Bulgaria, amendments to SALW control legislation have strengthened end-use requirements and sought to limit possibilities for corruption whilst the government has also embarked upon a programme of destroying Bulgaria's sizeable stocks of surplus weapons.

Civil society

Governments have been assisted in their work by regional and international organisations such as the UNDP and OSCE, and by an increasingly engaged civil society that has carried out practical projects not just in areas traditionally associated with civil society such as awareness raising, but in some cases even becoming involved in demobilisation and destruction projects.

Examples of civil society activity on SALW in the sub-region to date include:

- awareness raising in Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia (FYRoM), Serbia and Montenegro⁴⁰
- verification of SALW destruction in Albania and Serbia⁴¹
- research in Albania, Bosnia, FYRoM, Bulgaria, Serbia and Montenegro, and also at the sub-regional level⁴²
- information exchange and sub-regional advocacy, via a network, the South East Europe Network for the Control of Arms (SEENCA).⁴³

Since 2001, civil society has increasingly been perceived by governments and international organisations as a valued partner in the development of responses to small arms problems. Civil society has made a vital contribution by monitoring implementation of the RIP using focused research reports such as the 'South Eastern Europe Small Arms and Light Weapons Monitor',⁴⁴ and carrying out advocacy work in order to generate and sustain political momentum for change.

⁴⁰ By NGOs Movement for Disarmament, Disarmament Peace and Education Centre, Albanian Women Journalists Forum, SaferAlbania (Albania), The Red Cross of Bosnia and Herzegovina (BiH), The Croatian Red Cross (Croatia), CIVIL, Pax Christi, MCM, Journalists for Women's and Children's Rights and the Environment, Youth Alliance, SOZM, Dosta E (FYRoM), Balkan Youth Union and the Red Cross of Serbia, the Pristina Youth Centre, Balkan Sunflowers, Forum for Civic Initiatives (Serbia, Montenegro and Kosovo).

⁴¹ By the National Demilitarisation Centre in co-operation with NATO Maintenance Supply Agency (NAMSA) and the Albanian Armed Forces.

⁴² By NGOs Movement for Disarmament, Disarmament Peace and Education Centre, Institute for Surveys and Opinions, Albanian Women Journalists Forum, SaferAlbania (Albania), Centre for Security Studies (BiH), Institute for Democracy, Solidarity, and Civil Society (FYRoM), Balkan Youth Union and SMMRI (Serbia), CEDEM (Montenegro), Center for Study of Democracy (Bulgaria),

⁴³ <http://www.seenca.org>.

⁴⁴ The South Eastern Europe SALW Monitor report, compiled in 2004 and 2005 by Saferworld, with the assistance of local researchers specifically reports on states' progress towards fulfilling the requirements of the RIP. It is available from <http://www.saferworld.org.uk/publications/index.htm> or <http://www.seesac.org>.

The Role of the South East Europe Regional Clearinghouse (SEESAC)

One of the most significant developments emanating from the agreement on the RIP was the establishment of the South East Europe Regional Clearing-House for the control of SALW (SEESAC). Developed under the purview of the Stability Pact in co-operation with UNDP, SEESAC was launched in May 2002 in Belgrade. Since then, SEESAC has become a sub-regional focal point for SALW control work, providing strategic and project development support, technical advice and resource mobilisation for practical SALW control projects in support of the RIP.⁴⁵ SEESAC is guided in its work by a Regional Steering Committee. Composed of governmental and international representatives, the Committee fosters confidence among the parties and gives political guidance.

Over the past three years, SEESAC has completed numerous and wide ranging activities in co-operation with governments, international organisations and NGOs in the sub-region. These have included: the production of best practice guides on all aspects of SALW control; commissioning comprehensive national SALW surveys across the sub-region; mobilising funds for SALW destruction in numerous countries; and providing technical support to the SECI⁴⁶ Regional Centre for Combating Transborder Crime in its efforts to improve co-operation amongst law enforcement agencies in combating illicit SALW trafficking.⁴⁷ The SEESAC website now functions as an important resource for all actors carrying out SALW control work. The capacity to co-ordinate and facilitate efforts on several SALW-related issues has placed SEESAC at the forefront of sub-regional efforts to combat the proliferation of SALW. Ongoing challenges for the project include maintaining political momentum and generating funding for SALW control in a context where governments have many other, sometimes competing, priorities.

Challenges to continued progress

In the 2003 report we noted that states faced a number of challenges in its efforts to lead implementation of the RIP in the sub-region. These challenges included:

- the need to maintain political momentum
- the dangers arising from competing priorities in the sub-region and amongst international donors
- the need for SALW initiatives to be integrated into broader development programmes
- the need to encourage greater co-operation from civil society.

Whilst all of these challenges remain, to a greater or lesser extent, the significant progress that has been made on implementation of SALW programmes in the last two years demonstrates that they are not insurmountable. Indeed the South East European sub-region could, to some degree, be in danger of becoming a victim of its own success in the sense that projects in other regions outside SEE that have achieved less in comparative terms, are now seen, by international donors, as being more in need of support. Similarly, the situation of relative peace in the sub-region over the past few years means that there is a growing misconception that the problems of the Balkans have been resolved whilst other areas of conflict and instability should be prioritised.

ALBANIA SNAPSHOT: WEAPONS COLLECTION AND DESTRUCTION OF SURPLUS

Despite facing a range of SALW challenges from illicit trafficking to the existence of large numbers of weapons in general circulation, the government of Albania has made good progress in recent years in addressing these problems and implementing important provisions of the PoA. For example, it has

⁴⁵ These are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYRoM, Moldova, Romania, and Serbia and Montenegro.

⁴⁶ Southeast Europe Cooperative Initiative (SECI).

⁴⁷ These are the 'Regional Micro-Disarmament Standards/Guidelines', available from http://www.seesac.org/resources/current_eng.htm.

carried out substantial collection activities to recover the weapons looted during the 1997 crisis, when around 550,000 SALW and close to 900,000 rounds of ammunition were looted from military and police depots across the country. In response, the state began a series of voluntary weapons collections, led by the Ministry of Public Order, with the assistance of international donors, UN agencies and a number of civil society organisations. Following the initial success of the 'weapons in exchange for development' concept pioneered in the Gramsch area, the government of Albania and UNDP ran a 'weapons in competition for development' project (in which communities competed to deliver set numbers of weapons in order to receive development assistance) in 5 prefectures between April 2002 and December 2003, collecting just under 10,000 SALW. To date, the Albanian Police supported by UNDP have collected approximately 208,000 SALW.

The Law on Weapons Collection, passed in March 2003, upgraded the Central Weapons Collection Commission to an Inter-Ministerial Commission for Weapons Collection, chaired by the Deputy Prime Minister, and supported by Weapons Collection Commissions at the prefecture and local level. In order to support the weapons collection efforts, the Albanian government, UNDP and civil society have run extensive SALW awareness campaigns over many years, reaching large sections of the population. These have involved diverse actors, from church and women's groups to the police and school teachers, and have used innovative methods including interactive public discussions and competitions in schools, as well as more traditional methods (posters, t-shirts, TV spots).

The Government of Albania has also been dealing with the challenges that upgrading and modernizing its military to NATO accession requirements present, including the disposal of surplus and out-of-date weapons and ammunition. Since 2000, the Government of Albania has destroyed some 141,000 SALW in a series of destruction initiatives sponsored by international donors; with another 150,000 earmarked for further destruction. During 2004, two bilateral agreements were signed with the US and UK to destroy 12,500 SALW each. Over 30,000 tonnes of ammunition, including SALW ammunition, were destroyed between 2001 and 2004, with a further 59,000 tonnes planned to be destroyed by 2010. (NATO Partnership for peace has provided a US\$ 6.4m grant for a four year SALW ammunition destruction programme which began in December 2002.)

Although good progress has been made in relocating weapon and ammunition stores and bringing storage and security standards closer to NATO standards, the Albanian Ministry of Defence still considers around half of its stores as high-risk in terms of public safety. The current rate of destruction is unable to absorb the excess weapons arising from the closure of storage facilities, and existing depots, already strained by surplus stocks, cannot safely house the added burden. Most government agencies are still lacking in resources and equipment, and essential systems such as the civilian firearms registry maintained by the police continue to be paper-based. It is estimated that at least 200,000 illegal weapons are still in civilian hands, yet comparatively few people are prosecuted for illicit possession, indicating a need for more consistent enforcement of domestic arms laws.

BOSNIA AND HERZEGOVINA SNAPSHOT: TRANSPARENCY AND WEAPONS DESTRUCTION

The government of Bosnia and Herzegovina (BiH) continues to face a number of serious challenges in the field of SALW control, not least the large numbers of illegal small arms that have remained in circulation since the end of the conflict in 1995, with civilians continuing to retain SALW for their own security. In this context the implementation of the PoA has occurred at a relatively slow pace.

Nevertheless, over the last two years, the government of BiH has made significant progress in increasing transparency in regards to exports of SALW following past misdemeanours. Prior to 2003 there was no public oversight over the export of SALW and military equipment. Following the adoption of the Law on

the Import/Export of Arms and Military Equipment (2003) and the earlier passage of the Freedom of Access to Information Act (2001), the Ministry for Foreign Trade and Economic Relations (MOFTER) is now responsible for tracking and compiling an Annual Report detailing the import and export of SALW and military equipment. This report is shared both with the Parliamentary Assembly of BiH, and as of March 2005, with any member of the public who requests it. Export and import decisions, details of destination and origin states, values of shipments and details of their contents are now fully in the public domain.

While the destruction of 20,000 surplus army SALW in November 2004 is an encouraging sign of BiH's commitment to reducing state SALW stockpiles, there remains an estimated 370,000 surplus SALW in BiH stockpiles. Until recently such surpluses have been actively exported, mainly to developing countries. However, controversy arose in December 2004 in relation to the authorization, by MOFTER, of the export of surplus SALW to Chad and Rwanda. This led to the imposition of a moratorium on the export of state owned surplus SALW. This moratorium has been welcomed by international actors, but it is due to expire in July 2005, raising fears of renewed exports to countries in regions of instability, particularly in view of the potential for the BiH government to generate considerable revenue from the sale of surplus SALW. Sustained political will on the part of the government of BiH is needed in order to ensure that the remaining large surplus of SALW in Bosnia are destroyed and not exported.

If the current indications that the Stabilisation Force (SFOR) is to complete its mission in BiH by the end of 2005 are correct, it will be crucial that the successor EU force ensures that weapons collection and destruction efforts continue to be prioritised.

RESEARCH AND ADVOCACY IN THE REPUBLIC OF BULGARIA

From 1999 onwards, organisations such as the Bulgarian Red Cross, the Bulgarian Helsinki Committee and the Centre for the Study of Democracy (CSD) have worked to improve understanding of SALW issues in Bulgaria by publicising research reports and organising seminars for policy-makers and academics.

One of the most significant recent contributions by Bulgarian NGOs has been a comprehensive national SALW survey, conducted by CSD and examining the impact and distribution of SALW in Bulgaria as well as public perceptions of the issues and the capacities of national agencies to control SALW effectively. The report, entitled 'Taming the arsenal – SALW in Bulgaria', published by SEESAC, was launched by CSD in March 2005, attracting considerable media interest and generating a number of requests for information from government agencies involved in SALW control. CSD is now partway through a yearlong programme of work to improve SALW controls in the country, and plans a number of policy briefings, newsletters and roundtables in 2005 with a strong focus on lobbying and briefing Bulgarian Government officials on the need to provide substantive reports to the 2005 Biennial Meeting of States (BMS) and to participate actively in the UN Programme of Action at the 2006 Review Conference.

BULGARIA CASE STUDY: SALW TRANSFER CONTROLS, SUB-REGIONAL CO-OPERATION AND DESTRUCTION OF SURPLUS

Many of the SALW challenges that Bulgaria currently faces can be traced back to the Communist era, when Bulgaria maintained a large standing army and the defence industry was a mainstay of the national economy. Simultaneous changes to the structure and workings of the defence industry, security forces and national administration resulted in a weak arms export control system, a growing number of surplus SALW and a progressive downsizing of the SALW production industry. Since 1998 the government's

control over arms transfers has improved significantly; the regulatory framework is now fairly comprehensive in scope covering all major aspects of PoA implementation. Yet, there remain problems that need to be overcome such as the surplus of small arms and ammunition and the illicit manufacturing and possession of arms by organized criminal groups.

At the same time, the rate of legal firearms ownership amongst the civilian population has increased almost threefold between 1993 and 2003, following the gradual relaxation of controls on civilian gun ownership and a growth in imports. Currently, there are approximately one million SALW in circulation in Bulgaria of which some 300,000 are legally-registered firearms, and whilst the gun murder rate for 2003 is considerably less than that of neighbouring countries in Central and Eastern Europe, it is nevertheless twice as high as the average rate in Western Europe. The majority of Bulgarians would now prefer greater controls on gun licensing.⁴⁸

Developments in SALW transfer control legislation

On March 7, 2002 the Council of Ministers adopted a *Decision for the approval of the United Nations Programme of Action*. The decision called for all institutions that had a role in SALW control to designate an authorised point of contact. The decision in effect formalised the already existing practice of regular interdepartmental meetings of an informal group of experts which had begun in January 2001.⁴⁹

In the same year, 2002, a political decision was made to strengthen and enforce Bulgarian arms export controls. The first step was the introduction of significant amendments to the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies of 1995 (LCFTADGT). Although this initiative coincided with the Council of Minister decision to adopt the PoA, in practice the motives lied elsewhere, namely, in the on-going accession talks with the European Union and NATO. The Bulgarian authorities came under increasing pressure to amend the existing arms control legislation so that it corresponds to the arms control standards adopted by NATO and EU members.

The main amendments regarding the control over SALW included the following changes:

- the inclusion of provisions that made easier the application, in Bulgarian arms export policy and decision-making, of UN Security Council resolutions, of the decisions or sanctions of the EU, and of Wassenaar Arrangement principles, or any other international arms control mechanisms to which Bulgaria is a party.⁵⁰
- clearer definition of the rights and duties of the controlling state institutions.
- specific provisions aiming to improve the establishment of the identity of the end-user of weapons and technologies exported from Bulgaria. This included, for example, establishment in law, for the first time, of a specific requirement for an end-use certificate to be provided by the end-user's national authorities, as part of the export licence application process. Also, exporting companies are now required to include a re-transfer clause in all contracts for ADGT export, to the effect that the end-use(r) may only be changed with the agreement of the Interdepartmental Commission. The new legislation also allowed for on-site post delivery inspection of exports from Bulgaria.
- increasing the penalties and legal sanctions for companies or individuals who violate the law (see below).

⁴⁸ Taming the Arsenal: Small Arms and Light Weapons in Bulgaria, Saferworld, CSD, SEESAC, April 2005, p66

⁴⁹ Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V "Illicit trade in small arms and light weapons in all its aspects"

⁵⁰ In April 2001, a Decree issued by the Council of Ministers established a 'consolidated list of countries and organisations' to which prohibitions or restrictions to the transfer of weapons and related equipment applies. The Decree provides for the list, which is publicly available, to be amended in accordance with resolutions and decisions adopted by the UNSC, EU and OSCE.

- introduction of requirement for registration (with the Interministerial Council on the Issues of Military Industrial Complex and Mobilisation Preparedness of the Country) and licensing of all intermediaries (brokers, transport companies, forwarders, financing companies, other consultants) in international trade in arms and dual-use goods and technologies.⁵¹

Since 2002, there have been two minor amendments to the LCFTADGT. In 2003, the amendments aimed to limit the possibilities for corruption by making it mandatory that the reasons for denying an export permit should be clearly presented to the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction. The Commission, which meets about twice a month, is the key body in arms transfer control system and is tasked with overseeing the implementation of the Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies. The remaining amendments, in 2004, strengthened the pre-existing requirement that the owners and the members of their companies' boards and controlling bodies that apply for trading licenses and permits for export, transport, or brokerage, should have clear criminal records. A new requirement was also introduced for the Secretary of the Interministerial Commission to inform the members of the commission about the "presence or absence of export permit denial notifications from within the EU or other export-control mechanisms to which Bulgaria is a party".⁵²

Amendments to the LCFTADGT also increased the penalties in cases of violation of the law. Previously there had been no minimum penalties and a maximum of only 250 Euros and no distinction made between individuals and companies. The new texts established in 2002 lay down fines ranging from 5,000 to 50,000 Leva (2,500–25,000 Euros) for private individuals. For companies the fines are even higher, amounting to double the value of the transaction. Terms of imprisonment of up to 8 years are also envisaged for violations of export control legislation.

Regional co-operation on SALW

For a country whose arms trade was veiled in complete secrecy a decade ago, Bulgaria has made speedy progress towards routine co-operation with European organisations and processes and in respect of the exchange of information that entails. At the same time constructive Bulgarian involvement has played a part in the development and strengthening of these initiatives. For example, in August 1998 Bulgaria formally aligned itself to the EU Code of Conduct on Arms Exports and committed itself to abide by all guidelines, decisions and positions related to arms transfers taken by the EU. Although as a non-EU country Bulgaria is not involved in the regular denial notification and consultation mechanisms of the EU Code, the Ministry of Foreign Affairs is known to have fulfilled at least one information exchange requirement contained in the Code by submitting a report to the EU Working Party on Conventional Arms Exports (COARM) in 2003, on its efforts to implement the Code.⁵³ Bulgaria is also party to a number of recently established sub-regional initiatives in South East Europe with the declared aim of combating organised crime and cross-border trafficking including the Southeast Europe Co-operative Initiative (SECI) Centre for Combating Transborder Crime, based in Bucharest and the South East Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC).

⁵¹ Bulgarian legislation on arms brokering does not relate to transactions whereby a Bulgarian resident, national or company is involved in the transfer of arms or controlled technologies between two overseas territories. Rather, it applies when the activities of a person or company performing such trade are related to the territory of the Republic of Bulgaria and take place with the use of telecommunication facilities for connection and/or postal services of the Republic of Bulgaria.

⁵² LCFTADGT, Art. 66.4

⁵³ 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

Surplus and seized weapons and ammunition in Bulgaria

Bulgaria has sizeable stocks of surplus weapons, primarily those held by the army – approximately 200,000 small arms and light weapon units. The Bulgarian government has, however, shown increased willingness to discuss and implement the disposal of its SALW stockpiles in recent years. In 2001 Bulgaria signed an agreement with the US government for SALW destruction and destroyed around 96,000 SALW. In July 2003, under a project funded by the UNDP and with support from SEESAC, the MoD destroyed 4,500 AK-74 rifles, 750,000 bullets and 4,000 100 mm rounds of ammunition. Notwithstanding these initiatives, and despite the sizeable SALW surpluses, Bulgarian government efforts have since focused on selling such weapons (such as to the new Iraqi army), rather than destroying them.⁵⁴

Weapons seized from the population during police work fall under the jurisdiction of the Ministry of Interior (Moi). However, the police are not known to have carried out destruction on a significant scale preferring instead to sell captured weapons at auction. In January 2003, the Moi auctioned off 1,350 confiscated SALW⁵⁵ and again on March 31, 2004, 705 firearms were auctioned.⁵⁶

At the end of 2004, the Bulgarian Armed Forces also had close to 80,000 tons of surplus ammunition, of which about 21,000 tons was SALW ammunition. Bulgaria has co-operated with the US Government and UNDP on the destruction of surplus ammunition and, on 4 March 2004, Bulgaria's Council of Ministers approved a National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria. The programme document identifies several gaps in the current capabilities and technologies of the defence industry companies including the inability of defence facilities to comply with environmental regulations and a limited capacity for recycling of ammunition. As a consequence, the programme document recommended the establishment of a new 'centre, where the most modern destruction and recycling technologies will be implemented.'⁵⁷ At the time of writing the programme was being considered by the Bulgarian parliament and no further progress is anticipated before late 2005.

Learning points

- ◆ One result of the progressive strengthening of Bulgarian export controls since the late 1990s is that SALW transfers no longer take place in violation international arms embargoes. Whilst NGOs have raised questions over the wisdom of exporting to other countries of concern, a lack of transparency and accountability mechanisms has meant that independent observers are still not in a position to make an accurate assessment of export policy in practice.
- ◆ The large quantities of surplus ammunition stocks together with the limited capacity to deal with them is a pressing problem for Bulgaria. Sustained international support and assistance – both financial and technical – will be required in order to resolve the situation.

MONTENEGRO SNAPSHOT: WEAPONS COLLECTION AND PUBLIC AWARENESS CAMPAIGNS

The experience of conflict in the Balkans over the past fifteen years means that Serbia and Montenegro have a legacy which includes large numbers of SALW in private possession. In border areas of Serbia and Montenegro, in particular, civilians still keep weapons for their own personal protection. However, the widespread availability of SALW has also been linked to a rise in violent crime and the activities of organised criminal groups.

⁵⁴ Taming the Arsenal: Small Arms and Light Weapons in Bulgaria, Saferworld, CSD, SEESAC, April 2005. p100

⁵⁵ 168 Chasa, 31 January 2003

⁵⁶ Dnevnik, 1 April 2004

⁵⁷ Ministry of Defense, *National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria*, Sofia 2003, p58

The government of Serbia and Montenegro has been making some modest progress on implementation of the PoA including the adoption of new firearms law in July 2004 and undertaking awareness-raising, weapons collection and destructions activities. For example, a two-month 'Farewell to Arms' initiative was launched between 12 March and 12 May 2003, incorporating an illegal weapons amnesty and collection effort. This was organised through the Ministry of Interior (Mol) with funding from USAID and in co-operation with a local NGO network - Akcija. Citizens were encouraged to hand in weapons 'anonymously' using a special NGO-operated hotline number and with the collection of arms from homes or nearby neutral places carried out by a team comprising one or two plain-clothes police officers and an NGO representative to help provide additional reassurance. A small number of weapons were also handed in to local police stations and, in a limited number of cases, police also approached individuals they knew had received weapons which had been distributed by the Mol to 'reserve' forces in the late 1990s, to encourage surrender.

The initiative resulted in the collection of 1,770 guns and 3,000 hand grenades, mines and other explosive devices, all of which were subsequently destroyed with support from the UNDP. The authorities and USAID and Akcija partners claimed the initiative was a success and although there was disappointment at the relatively low number of weapons that were collected, over 70 per cent of the public supported the campaign.⁵⁸ In addition, although it is claimed by the NGO community and international organisations that the active involvement of the Mol in the collection process increased public trust in the police, it is clear from local research that the public still has a profound mistrust in the police, and indeed this seems to be one reason why the initiative was not more successful. Nevertheless, international organisations and NGOs reported that trust and good working relations have been established with the Government and police as a result.

CAMPAIGN AGAINST CELEBRATORY FIRING IN SERBIA & MONTENEGRO

The Christmas and New Year holiday period is traditionally a time when many Serbs are endangered or injured by the practice of firing guns into the air. The Balkan Youth Union launched a campaign in late 2004 in suburban Belgrade using billboards, leaflets, petitions and media outreach on the theme of PAZI METAK! - NE PUCAJ ZA PRAZNIKE! (Don't shoot on holidays!). The campaign was supported by the media, the police and community organisations. Public feedback indicated that fewer guns were fired during the holiday period this year, and according to the police there were no accidental shooting injuries in the areas where the campaign was conducted.

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FORMER YUGOSLAV REPUBLIC OF MACEDONIA SNAPSHOT: WEAPONS COLLECTION AND NEW SALW LEGISLATION

In 2003, the Government of FYRoM, with the support of international community (particularly the UNDP), implemented a major weapons collection initiative in an effort to reduce the approximate 500,000 illicit weapons in circulation. SALWs were collected during a period of amnesty between 1 November and 15 December 2003. Over the 45-day period, a total of 7,571 pieces of weaponry were collected as well as 100,219 pieces of ammunition; and 5,204 requests for legalization were received. Although many of the surrendered weapons were older, less sophisticated models, several hundred assault rifles, over fifty rocket launchers and about 800 hand grenades were collected – an indication that contemporary military

⁵⁸ Opinion poll carried out by the Centre for Democracy and Human Rights (CEDEM), in 2004 and 2005

weapons were removed from society during the operation. The initiative was praised by the international community for its efficiency and its contribution to increased confidence between the ethnic communities in the country. The initiative consisted of several aspects – legislative, awareness raising and operational.

The legislative framework for the collections programme was created by the adoption of the Law on Voluntary Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons in June 2003. A National Co-ordination Body was established to oversee the process, including the drafting and adoption of the new Amnesty Law. Two representatives from civil society were included on the National Co-ordination Body. The election of Col Gezim Ostreni, an ethnic Albanian and former KLA and NLA senior officer, to preside over the NCB helped alleviate concerns that the process would be perceived as a one-sided tool to disarm the ethnic Albanian communities. The National Co-ordination Body continued to oversee the collection process, while a National Operation Centre was established to work on the logistics and practical implementation of the amnesty and the licensing process. A total of 123 local commissions, acting as collection points, were established across the country, each receiving training on SALW awareness and the collection procedures. The first destructions of the surrendered weapons, ammunition and explosives took place between 27-30 December 2003 in Krivolak. The rest of the weapons were destroyed in Skopje on 15 March 2004. A comprehensive national SALW awareness campaign, begun in early September 2003, supported the collection initiative. It involved all sections of the media and created strong awareness among citizens about the SALW problem in FYRoM and the need to take action. The implementation of the weapons collection initiative demonstrated an unexpected readiness to co-operate among all the actors involved – central and local authorities, civil society and the international community present in the country.

The new Law on Weapons, passed in January 2005, transposed EU and international standards and incorporated best practices from EU countries with regard to weapons control. This marks an important improvement in the government and state agencies' ability to control SALW. Important provisions in the law include the prohibition of the public from carrying firearms in public places; explicit circumstances in which firearm licenses may be withdrawn and annulled; strict guidelines for the transportation of firearms; and penal provisions for the contravention of this law including custodial sentencing guidelines.

FYRoM has also drafted a National Strategy and Action Plan for the Control of Small Arms and Light Weapons in line with UN, OSCE and Stability Pact guidelines. According to the plans of the Government of FYRoM, the national strategy and action plan should be adopted in mid 2005. Implementation of these various legislative and programme initiatives, including the anticipated National Action Plan, will require continued and significant political will on the part of the FYRoM government as well as ongoing engagement and assistance from the international community.

ARMS INTO ART IN THE REPUBLIC OF MONTENEGRO

Art has a powerful role to play in the transformation of post conflict societies, as it helps to build a perception of lasting peace. IANSA members undertook the successful weeklong Arms for Art event in the Republic of Montenegro bringing together artist and peace activists from Serbia and Montenegro, Macedonia, Bosnia and Herzegovina, Croatia and the province of Kosovo. The artists created a 'bird of peace' out of 450 decommissioned small arms for the Ministry of Interior's stockpiles.

To help create a business out of transforming arms into art, the artists were also given examples of business plans, budgets and other material useful to setting up a small business. Examples from Cambodia and from Mozambique were shared with the artists from the Balkans.

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EASTERN EUROPE

OVERVIEW

In Eastern Europe, factors such as over-capacity in the defence industry, shrinking domestic arms markets and economic hardship continue to create strong incentives to export arms, including SALW. The problem is compounded by the existence of vast stocks of weapons that are no longer required by the armed forces. Ukraine, for example, is struggling to cope with several millions surplus SALW and 2.5 million tonnes of ammunition. Across the region, storage of weaponry and ammunition in many cases falls below international standards, with the risk that weapons and ammunition might enter the black market. Modernisation programmes and for some countries the requirement to achieve NATO compatibility, may create additional surpluses.

National Implementation

Overall progress on implementation of the PoA in Eastern Europe has been of a modest standard. At the minimal level of implementation, all five countries have established a PoA point of contact and have provided at least one report on PoA implementation to UN DDA. Moreover, Eastern European countries have adopted more stringent legislation and arms-control regulations and have engaged in increased international co-operation, especially on the destruction of surplus SALW. The main challenge, however, remains that of implementation, with many states still struggling to improve law enforcement capacity and effectively manage and control goods transiting across borders. A general lack of financial, technical and human resources undermines the countries' ability to implement and enforce effective measures of dealing with stockpile management and destruction and export and border controls.

Russia has been pursuing a policy of tightening its legal controls over SALW (see below). It has also been at the forefront of international efforts to implement MANPADS controls. In 2003, it took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) to provide notification on MANPADS transfers. Since then, Russia has signed relevant bilateral documents on information exchange about MANPADS movement with all the CIS countries except Turkmenistan. Ukraine has taken action to strengthen its national export controls by adopting a new law in 2003. Likewise, Belarus has tightened its export and import controls and has acceded to the EU Code of Conduct on Arms Exports.

Civil Society

Although SALW control does not represent a priority for civil society organisations working in this region, several organisations have been active in terms of conducting research, advocacy and promoting transparency with regard to SALW. In Russia, the PIR Centre is currently working on an EC funded 2 year project (from April 2005 – 2007) on 'Building civil society capacity to engage with government to tackle small arms in Russia.' In Ukraine, NGOs such as the Razumkov Centre, have mostly concentrated on researching the problem of surplus SALW and ammunition, trying to identify priority areas on which international co-operation and assistance should focus. In Belarus, Voluntas has been particularly active in the promotion of domestic and regional initiatives in the area of SALW, especially in the promotion of transparency in transfers, stockpile security and surplus arms decommissioning. It has co-organised workshops on these issues in Minsk and in Warsaw. In Moldova, the Institute for Public Policy has been involved in research projects looking at various aspects of the SALW problem in the country.

RUSSIA SNAPSHOT: NEW SALW LEGISLATION, DESTRUCTION OF MANPADS, THE PROBLEMS OF ILLICIT TRAFFICKING AND STOCKPILE MANAGEMENT

Whilst Russia appears to be in compliance with many of the legislative and administrative provisions of the PoA, in practice implementation of a number of these provisions has proved particularly challenging, with room for improvement in enforcement of SALW regulations, including on transfer controls and stockpile management provisions. Nevertheless, since the adoption of the PoA, Russia, a major producer and exporter of SALW, has pursued a policy of tightening its legal controls over SALW. In particular, the Russian legislative and executive authorities have been active in developing and refining the legislative and statutory acts of the country as they relate to manufacture, stockpiling, import, transit and re-export of arms, including SALW. Among them are the 2002 new provisions regulating activities in the field of: arms and military engineering; licensing the production of arms and the main components of small arms; licensing the manufacture of firearms cartridges and their components. Since 2001, the Federal Law on Arms, which regulates the production of SALW, has been amended eight times. Amendments to the Criminal Code, which came into force in June 2002, also added further penalties, including a revocation of rights to occupy particular positions and undertake particular activities.

Russia has been at the forefront of international efforts to implement MANPADS controls. In 2003, it took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) to provide notification on MANPADS transfers. Since then, Russia has signed relevant bilateral documents on information exchange about MANPADS movement with all the CIS countries except Turkmenistan. In February 2005, the Russian Defence Minister Sergei Ivanov and US Secretary of State Condoleezza Rice signed an agreement which provides a bilateral framework for the United States and Russia to co-operate on stricter control over MANPADS, including provisions for information sharing on MANPADS supplies to third countries.

Russia faces serious internal problems where the availability of small arms, especially in regions of internal conflict such as Chechnya and Dagestan, exacerbates the situation. Estimates of the quantity of illegally held firearms in Russia range from 300,000 to 1.5 million. However, there have been various efforts to retrieve illegally-held firearms and law enforcement agencies have taken actions for identifying and stopping organised groups and individuals engaged in illegal manufacture, trade, stockpiling, transfer and possession of SALW. From January 2000 to January 2004, Russian law enforcement agencies seized more than 25,000 firearms and about 4,000,000 rounds of ammunition.

Although Russia has destroyed significant quantities of surplus and confiscated SALW, the leaking of weapons, ammunition and explosives out of army and Ministry of the Interior's storage sites pose a major challenge. This is the case even in the North Caucasus, where it is suspected that Russian weapons themselves are fuelling the conflict in Chechnya. There are plenty of reports on incidents related to theft and losses at the storage facilities and arsenals of the Ministry of the Interior and the Ministry of Defence. The Office of the Chief Military Prosecutor (CMP) has claimed that up to 54,000 firearms were 'lost' in Russia in 2004. In 2001 only, the CMP office registered 197 crimes connected with the theft of arms and ammunitions from arsenals.

UKRAINE SNAPSHOT: EXPORT CONTROL AND SALW AND AMMUNITION DESTRUCTION

In terms of PoA implementation, Ukraine has made progress in improving norms and policies regulating SALW, but more needs to be done to strengthen export controls, improve public transparency and destroy, with international assistance, huge quantities of surplus SALW and ammunition. Despite these challenges, since the adoption of the PoA, Ukraine has attempted to strengthen its national export control policies and practices on SALW. In February 2003 a new law 'On State Control of International

Transfers of Goods Designated for Military Purposes and Dual-Use Goods', was adopted. The law provides a new legal base for arms export regulations in Ukraine. Ukraine's efforts and challenges in controlling the export of defence equipment have also been high on the bilateral agendas of the USA, UK, Canada and Poland.

Notwithstanding the achievements made at the normative level, a trilateral delegation comprising government experts from the United States, the UK and Poland who in 2003 visited the country to analyse the practical application of export control regulations, found that the Ukrainian export control system needs comprehensive root-and-branch reform. The weakness of the export control regime was highlighted in April 2005 when the new Ukrainian government admitted that in 2001 cruise missiles were illegally exported using forged documentation.

Ukraine is struggling to cope with some 1.5 million surplus SALW and 2.5 million tonnes of ammunition, of which some 1.5 million tons are categorised as surplus. While these unsafe stocks pose a threat to human life in Ukraine itself (five people were killed and twenty wounded in May 2004 when a depot exploded), the weakness of Ukraine's border and export control systems means that these weapons and ammunition might plausibly be trafficked, or (illegally) exported to sensitive destinations, such as human rights crisis areas and conflict regions. Since the available technical and financial capacities of Ukraine enable the country to dispose only of some 20-25,000 tons of ammunition a year and with the stockpiles increasing every year due to the downsizing of the army, the process of disposal may drag on for decades unless there is substantial foreign technical and financial assistance. The USA, UK, Germany, and Canada have already demonstrated their willingness to assist Ukraine. The USA has expressed readiness to lead on a NATO Partnership for Peace Fund's project for the safe destruction of 133,000 tonnes of conventional munitions and 1.5 million SALW. In February 2005, the UK announced £400,000 of funding towards the NATO PfP project destroying weapons such as surface-to-air missiles.

BELARUS SNAPSHOT: DEVELOPMENTS IN EXPORT CONTROLS AND STOCKPILE SECURITY

Whilst Belarus would appear to be in compliance with most of the principal requirements of the PoA, as with other countries in Eastern Europe, the adequacy of SALW control provisions and their implementation may not always match the standards of international good practice. In this regard, Belarus is faced with three main issues with regard to SALW control: these are the need for effective export and import controls, the requirement for greater security of stockpiles and the need to decommission surplus weapons.

With regard to arms export and import controls, there have been important changes to their legal and policy basis in Belarus since the adoption of the PoA. These include Governmental Decree 133 (2003) 'On Fulfilling Measures of State Regulation of Export (Import) of Specific Goods' which aims to enact a unified procedure for licensing the import and export of specific goods and technologies Presidential Edict 94 (2003) 'On Measures Regulating Military and Technical Co-operation of the Republic of Belarus with Foreign States' which lists the categories of military goods and services subject to export controls and defines the principles governing state policy in the field of military-technical co-operation Governmental Decree 522 (2002) 'On adopting the Regulation on the Transfer of Goods for Military Purpose through the Territory of the Republic of Belarus' which defines the modalities of transfers of military goods through the customs border of the country.

In an important development in its efforts to promote co-operation with EU countries on arms export controls, in April 2004 Belarus declared adherence to the EU Code of Conduct on Arms Exports by committing to use the Code to inform national export control policies and practices. Although it remains hard to measure the effectiveness of Belarus' export control regime because of a lack of ready

access to information regarding resources, capacity and performance, transparency has improved through the production of annual reports on arms exports and imports, which also provide some data on SALW transfers.

Beyond export-import controls, while Belarus is not a producer of SALW, it has considerable stockpiles, which it inherited from the Soviet Union. The state of most of the SALW storage facilities is poor, with a lack of modern alarm and video systems, inadequate lighting and telephone systems, gates and doors in need of replacement, etc. In July 2003 Belarus submitted through the OSCE Forum for Security Co-operation a request to OSCE participating states for assistance in the destruction of surplus SALW and in the improvement of stockpile security management. A team composed of SALW experts from the UK, Switzerland and Spain made four visits to Belarus between December 2004 and March 2005 with the aim of evaluating the scope for assistance to Belarus. Three areas where assistance is needed were identified: improvement of stockpile security; MANPADS destruction; and destruction of surplus SALW. At this point in time, it is difficult to quantify the levels of assistance that will be provided, although priority has been given to the improvement of stockpile security and the disposal of MANPADS.

SOUTH CAUCASUS

OVERVIEW

Large amounts of SALW entered into circulation in the South Caucasus in the early 1990s. Territorial conflicts over Abkhazia, Nagorno Karabakh and South Ossetia were fuelled by large quantities of weapons from the disbanding Soviet Army. Much of this weaponry was centrally controlled by the new authorities, but many SALW also ended up in the hands of the civilian population. Though ceasefires across the sub-region have now held for over ten years, these conflicts remain unresolved and continue to overshadow all initiatives to improve security, including in the sphere of SALW controls. This has perhaps been the principal reason for there having been only limited progress in implementing the PoA since 2001.

Sub-regional co-operation

There is a distinct lack of sub-regional co-operation in the South Caucasus. Whilst information exchange takes place at the macro level of the OSCE and at the UN, there appear to be no institutionalised forums for co-operation between states at either the bilateral or sub-regional level. Border control remains a challenge for all states in the sub-region, because of difficult terrain, under-paid (and under-trained) staff who may thus be susceptible to corruption, and limited equipment and resources.

There has also been little progress on the issue of surpluses. The continuing threat of renewed violence has meant that governments in the sub-region are unwilling to identify weapons as surplus. Though seized weapons are occasionally destroyed, it is believed that most weapons are re-registered as government weapons.

Nonetheless, 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. This was highlighted in responses to a questionnaire by Saferworld that was published in October 2003, which provided detailed information about legislation and practice in the three countries.⁵⁹

⁵⁹ 'Tackling small arms and light weapons proliferation in Armenia, Azerbaijan and Georgia: the view from government.' Government responses to a questionnaire on small arms and light weapons in the South Caucasus. Saferworld, October 2003. Compiled and edited by Stephen Gethins.

National implementation of the PoA

Of the three South Caucasian countries Armenia and Georgia have established a PoA point of contact whilst Armenia and Azerbaijan have provided at least one report on PoA implementation to UN DDA. In Armenia and Azerbaijan there has been very little action towards implementing the PoA. Changes to legislation and to internal government procedures have been few, whilst neither country has established a National Commission or published a national SALW strategy. Nor have there been any particular amnesties or collection initiatives in either country. This appears to stem from a perception that illicit civilian possession is not a major issue in either country, since both governments took steps to collect such weapons in the early to mid 1990s. It is certainly true that firearms-related violence as a whole is not excessive and is rarely high on the public's list of concerns. Nonetheless, it is interesting to note that the Ministry of Internal Affairs of Azerbaijan has recorded year-on-year increases in the amount of weapons seized, reaching 31,631 in 2004 (no such data is publicly available in Armenia). This total suggests that a significant amount of firearms remain in illicit circulation.

There have been more changes to legislation and practice in Georgia since 2001, but it is unclear to what extent these have been motivated by the Programme of Action. Yet it is widely acknowledged that Georgia still faces major challenges in improving SALW control. One potentially promising initiative is the Government's expression, in April 2005, of a desire to establish an inter-agency monitoring group on SALW, though at the time of writing this is not yet confirmed. These issues are discussed in more detail below.

Civil society action on SALW

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. However, some actions have taken place, such as a German-funded project in 2004 on arms control in the Kvemo Kartli region of Georgia, which ended with a concert against arms control attended by 5,000 people. In 2003, local researchers came together with Saferworld to publish research on arms control across the sub-region, and Saferworld has also held training workshops for civil society organisations on the role of civil society organisations in combating small arms proliferation. International engagement in the South Caucasus

Though the South Caucasus is rising up the overcrowded list of priorities for the international community, regional organisations and European states, international interest in and support for SALW control initiatives in the sub-region remains limited. The OSCE has funded some training, collection and destruction activities, for example, and some civil society work has been sponsored by the Governments of Germany and the UK, but overall, international engagement on arms control in the South Caucasus is lagging well behind other sub-regions.

GEORGIA CASE STUDY: SALW CONTROL LEGISLATION, WEAPONS COLLECTION AND DONOR SUPPORT

At present, the SALW problem remains formidable in Georgia. Current challenges include:

- the conflicts in Abkhazia and South Ossetia and the existence of uncontrolled territories within the state
- the presence of foreign military bases on Georgian territory that are not controlled adequately
- weak weapons control measures undertaken by state actors
- an ineffective law enforcement system coupled with lack of public confidence and high crime rates
- ineffective state border controls.

Furthermore, small arms spread widely in the late 1980s and early 1990s against the background of the dissolution of the Soviet Union and the start of the civil and ethno-territorial conflicts. To this day, weapons are still available and people still feel motivated to acquire them.⁶⁰

Over the past years, Georgia has made a number of steps to strengthen its fragile security, such as improving its legislative controls on SALW. Some progress has been made in refining national legislation governing SALW in Georgia. Since 2001, several laws that relate to SALW control were changed and amended and a new Law on Firearms was passed to replace the old law of 1994. In addition, some weapons collection initiatives have been undertaken, with varying degrees of success. Nonetheless donor involvement in SALW initiatives in Georgia remains very limited.

Legislation on production, import, export and civilian ownership of small arms

Laws on weapons have been elaborated and refined in Georgia since 1994. Since then the state has been attempting to curb illicit arms sale and proliferation in compliance with international law. Many of the laws were developed in co-operation and with the assistance of international experts. Requests from the international community to step up antiterrorist efforts in Georgia have played their part in encouraging the Georgian government to improve the SALW-related legislation over the past four years.

Today, the principal piece of legislation governing the transfer, possession and use of SALW in Georgia is the Law on Firearms, passed on 8 May 2003. This law governs the production, certification and domestic trade in all types of small arms, from hunting rifles to machine guns and related ammunition. It also governs civilian possession of small arms and has provisions relating to the export, import, re-export and transit of small arms and ammunition.

The need for the development of the new Law on Firearms was prompted by a number of factors, among them:

- the previous Law on Firearms was first passed very early after the independence, in 1994, even before Georgia had passed its Constitution (which happened in 1995). Thus the new legislation was drafted so as to reflect all the realities and requirements of the coming years.
- in the years following the adoption of the original law, new governmental entities were established, such as the National Security Council's Commission for Military-Technical Issues, that assumed the responsibility for certain issues related to SALW control. Accordingly, the responsibilities of such entities were defined in the new law.

A number of significant improvements were made in the new legislation of May 2003, for example:

- the old law made little distinction between manufacturers and owners of firearms. The new law places more detailed restrictions upon potential manufacturers of SALW.
- the old law did not have any provisions governing the trade in arms. The new law rectifies this situation by including an article on arms export, import, and transit.
- the new law has more thorough definitions of the arms themselves and differentiates between different sorts of weapons by type and by designation.

Although the new law can be described as comprehensive, the major problem is still its actual implementation. This in addition to the strengthening of the administration and enforcement capacities, co-ordination among the agencies involved in SALW control and tackling the underlying security problems.

⁶⁰ For example, in 2000, the OSCE mission to Georgia conducted a survey in South Ossetia in order to estimate the number of weapons in civilian possession in this area. According to the data, each family owned an average of 8 items of SALW.

SALW collection and destruction in Georgia

Over the past decade Georgia has gained some experience in conducting weapons collection and destruction programmes. However, the programmes implemented to date can be seen as having had only a minor influence on the level of illicit proliferation of SALW in Georgia as a whole.

In 2000, the OSCE with the support of Joint Peacekeeping Forces deployed in South Ossetia launched a weapons collection and destruction programme. Unfortunately, public figures in South Ossetia, including those who had fought against Georgian units in 1989-1992, disapproved of this programme. Their main concern was the inefficient security guarantees for civilian population because of the possibility of re-escalation of the conflict. According to local analysts,⁶¹ most of the surrendered ammunition – exploded shells, outdated mines and weapons – was obsolete.

Later, in 2002, the OSCE initiated a programme of voluntary handover of SALW in South Ossetia under the slogan “Weapons for Development”. The initiative took place within the framework of an exchange programme under which local authorities were rewarded with equipment (communication, information technology, transport, etc.) upon destruction of weapons. The project was expanded at a later stage and the voluntary handover of weapons by the local population was rewarded with finances for public works (e.g. repair works on a 40km irrigation canal). By late July 2002, within the framework of the programme, more than 1,300 units of arms and ammunition and 210 kg of pure explosives were collected in the region, two thirds of which had been destroyed by that date.

Following the “November Revolution” of 2003 and the election of the new government, a weapons collection programme was initiated in Ajaria in May 2004 when it transpired that the former separatist leaders had distributed a great deal of weapons among the population. The programme was conducted without complications and, over a ten day period, resulted in the seizing or voluntary surrender of 3,000 automatic weapons and up to 150 grenade launchers. Although the programme was not supported by a specific public education or confidence building campaign targeted at the general population, public trust in the government played a decisive role in its success.

It would appear that the Government of Georgia does not have a clear and consistent policy with regard to dealing with the SALW collected during such programmes. In some cases the confiscated or collected weapons were destroyed (e.g. under the OSCE programmes), in others (e.g. Ajaria) they have never been destroyed and they are thought to have entered into the possession of different Ministries.

Donor support for SALW initiatives in Georgia

Beyond the OSCE support for weapons collection and destruction in South Ossetia, there appears to be only limited donor support for SALW initiatives in Georgia. One of the few noteworthy efforts currently underway is a project entitled “SALW Availability and Its Impact on Social and Economic Life of Kvemo Kartli Region of Georgia”. This project is a joint initiative of three Georgian NGOs: the Caucasus Institute for Peace, Democracy and Development, (CIPDD), the Georgian Association of Euro-Atlantic Partnership (GAEAP), and the Union of Intercultural Co-operation in the Kvemo Kartli Region. Supported by the German Development Ministry (GTZ) Food Security, Regional Co-operation and Stability in South Caucasus (FRCS) programme, the overall goal of the project is to prevent negative effects of the proliferation and misuse of SALW on the development of the sub-region and the country as a whole through researching the situation and raising awareness about SALW among the authorities and the multiethnic population.

⁶¹ Alan Parastaev, “North and South Ossetia: Old Conflict and New Fears”, Saferworld report papers, Small Arms and Security in the Caucasus, April 2003.

Learning points

- ◆ Weapons collection efforts conducted in the South Ossetian conflict zone have been largely ineffective owing to the latent tensions and deep mistrust which exist there. Further programmes are unlikely to yield sustainable results until successful conflict resolution initiatives are in place.
- ◆ A priority for the government should be the establishment of an interagency commission or a national co-ordination unit on SALW that is capable of co-ordinating and promoting policy planning in this area as well as of developing a comprehensive SALW Action Plan for Georgia.
- ◆ The support of the international community for efforts on the part of the Georgian government to tackle the SALW problem can make a significant difference within the rubric of an effective partnership with the government and local NGOs.

CENTRAL ASIA

OVERVIEW

Central Asia has historically been, and continues to be, a major crossroad between Europe, North Asia and South Asia. However, in terms of arms control regimes, as a part of the CIS and the OSCE, it is more relevant to talk of this sub-region in the context of Europe rather than Asia although culturally and geographically it might seem less appropriate. Whilst not a major producer of SALW or ammunition, Central Asia is still important internationally, in part because of the sub-region's conspicuous lack of engagement in SALW control processes. One reason for this has been the international community's apparent pre-occupation with weapons of mass destruction (WMD) in the sub-region along with the need to control the flow of illicit narcotics from the sub-region into Europe. Nonetheless, there are a number of concerns about the sub-region that make the issue of SALW controls important. These include a lack of state transparency, corruption and large surplus stockpiles inherited from the end of the Cold War.

The sub-region borders onto Afghanistan to the south which is still highly unstable and the Chinese province of Xinjiang where there has been ongoing ethnic violence between the Uyghur and the Han Chinese communities. Further, Tajikistan is a post-conflict state while Uzbekistan has had a domestic violence control issue specifically related to alleged Islamic extremist groups; this erupted into open violence in early 2004 and more recently in May 2005 the security forces reportedly killed over 500 civilians in armed action against unarmed demonstrators. On a more positive note, during a constitutional crisis in March 2005 the Kyrgyz security forces were ordered not to open fire on demonstrators by the outgoing President Askar Akayev and small arms were not used by either side. However, drug smuggling from Afghanistan and the associated violence linked to the international trade in illegal narcotics remains a destabilising influence in the sub-region.

National Implementation

The key SALW concerns in the sub-region continue to be inadequate stockpile management provisions, including the threat from unstable ammunition and the danger of leakage from stockpiles to conflict zones, as well as issues of corruption and transparency. Historically the sub-region has been a source of weapons that have found their way into conflict zones and/or onto the international illicit market. In the last few years, however, there have been no major reports or allegations of such diversions indicating an increased willingness among Central Asian Republics to implement more thorough export controls. This may in part be due to the OSCE and the UN having been active in the sub-region in promoting increased awareness of international SALW control measures. In 2002 the OSCE hosted a Regional

Follow up Meeting on combating illicit trafficking in the sub-region, while in 2004 the UN DDA Regional Centre for Asia organised a meeting on implementing the PoA in Almaty, Kazakhstan. This momentum needs to be maintained and further encouraged by the international community. The OSCE is a particularly important stimulus for sub-regional SALW control since all the states in the sub-region have signed up to the range of SALW agreements that have emanated from this forum. In some ways, the OSCE small arms framework could be considered to be more important than the PoA to Central Asian states.

Only two countries, Tajikistan and Kazakhstan, have submitted a national report to the UN DDA and both of these countries also are the only states in the sub-region to have a national focal point. However, all the republics in the sub-region do have controls on civilian ownership of small arms and Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan also have export legislation. However, the adequacy of this legislation is very unclear as is the extent to which it is implemented. Transparency in the sub-region remains an issue especially in Uzbekistan and Turkmenistan where both states are highly authoritarian in nature, preventing civil society oversight or strong investigative journalism.

Civil Society

In February 2004 an IANSA sub-regional grouping was formed at meeting in Bishkek, Kyrgyzstan organised by the international NGO International Alert and the Kyrgyz based Foundation for Tolerance International. This meeting was the first attempt at persuading civil society and government officials to sit around the table at the same time. However, a key issue that emerged at the meeting was that there was a significant lack of research as to what if anything was the small arms problem in the sub-region. Key concerns included the rise of militant Islamic groups and drug smuggling from Afghanistan; however, as a general issue it was agreed that small arms were not a key issue in the sub-region. It is perhaps for this reason that the group has not been particularly active since its foundation.

KAZAKHSTAN SNAPSHOT: EXPORT LEGISLATION AND SUBMISSION OF NATIONAL REPORT

The process of implementing the PoA in Kazakhstan has been positive, with the Republic submitting its first national report this year. Kazakhstan is the only SALW producer in Central Asia and also has significant arms stockpiles inherited from the old Soviet Army. Therefore, as it does not have a major domestic gun violence problem, export legislation and criteria are the key concerns. SALW production has been consolidated into one company, Kazakhstan Industries, which remains state owned. International concern and pressure has tended to concentrate on WMD held in the country and, as such, small arms have tended to take a lesser priority in the country and the sub-region as a whole. However, there have been a number of indications that the government is beginning to address PoA commitments and OSCE reporting requirements.

In terms of implementing the PoA Kazakhstan has a designated national point of contact – the Ministry of Defence – and for the first time in 2005 produced a national report for the UN DDA. This is, in part, reflected an increase in international attention to security in the sub-region and also Kazakhstan's desire to have a close relationship with both Russia and the West. Kazakhstan is keen to be seen to be exemplary in its adherence to international agreements. Kazakhstan's pivotal role in the global war against terrorism and in the campaign against illegal narcotics has also led to increased concerns with regards to the proliferation of SALW. As mentioned in the sub-regional overview, above, the OSCE hosted a conference on SALW in 2002 and the UN organised a conference promoting the PoA in 2004. Both conferences were held in Almaty, the commercial capital, demonstrating the importance of Kazakhstan in leading sub-regional implementation of regional and international SALW commitments.

Kazakhstan has a fairly well developed export licensing system organised through the Ministry of Trade and Industry which involves consultations with the Ministry of Defence and the Ministry of Foreign Affairs. However, issues remain relating to a potential conflict of interest between the exports of a state owned industry and the state regulatory framework. While Kazakhstan does have a system of marking weapons manufactured in the country, the marking does not include information on the country of manufacture and only states the name of the manufacturer with an initial (eg Metalist has the letter M) followed by a three digit serial number. The issue of stockpile management continues to be a serious concern both in terms of safety and in terms of the risk of illegal diversion. While there have been no recent reports of diversion from these stockpiles and the last explosion at a stockpile was in August 2001 the scale, security and safety of Kazakhstan's SALW and ammunition stockpiles remain an issue of concern.

Civil society involvement in SALW control is minimal, which reflects the rather limited development of civil society organisations across the sub-region. However, there are a number of IANSA members in the country and in early 2004 a number of civil society organisations in the sub-region including Kazakh members formed a sub-regional group. However this has not been active since its formation.

KYRGYZSTAN CASE STUDY: ASSESSING IMPLEMENTATION OF THE POA

SALW control has remained a low-priority issue for the government of Kyrgyzstan in the last few years. Following the UN Conference of 2001 and the adoption of the PoA, Kyrgyzstan has made some positive noises in support the PoA but it has done virtually nothing to implement the agreed provisions. So far, the country has not faced any major challenge in terms of SALW spread and abuse which may partly explain such inaction. However Kyrgyzstan will need to act quickly if it is to prevent the potential growth of a problem.

As this report was being prepared, the political situation in Kyrgyzstan underwent a major process, culminating in the so-called "Tulip Revolution" on 24 March 2005. As this process continues, it carries possibilities for changes in many areas. This includes scope for action by the government in the arena of small arms control and in the development of a positive attitude and renewed commitment to combating SALW proliferation, including implementing the PoA. Much, however, depends upon the outcome of the presidential elections, scheduled for 10 July 2005.

Armed crime and police violence

In recent years, the most prominent problem involving SALW abuse has been that of assassinations and murders. Crimes involving illegal arms sales and stockpile mismanagement were placed under less scrutiny as they were largely perceived to be related to the export of arms and therefore were not regarded as a priority. During 2003 and 2004, over half-a-dozen prominent figures were killed including several businessmen, a high-ranking law enforcement officer, and most recently, in April 2005, a public activist. Firearms were used in all of these cases, with the weapons being either Kalashnikov machine guns or various models of pistols.

Following an incident in 2002 in which the security forces fired on and killed protesters, the OSCE reached an agreement with the Kyrgyz government on the implementation of a police training program. Controversially, this assistance project of about US\$4 million initially planned the provision of riot control equipment to the Kyrgyz police as well. These included shields, tear gas, paint bullets (used to leave stains to mark violators), and other equipment, but excluding rubber bullets. The police training program has now been running for over 18 months. It is mainly focused on technical and skills training having only limited relevance to SALW and human rights issues.

Legal regulation of SALW

The legal basis that governs all questions related to SALW is contained in the single major document called *The Law on Weapons* of the Kyrgyz Republic, supported by a few other legal documents. It was adopted in 1996, and has been edited and amended five times (last editions were made on 6 March 2003). Among the most pressing SALW issues of concern, this Law makes provisions concerning: licensing acquisition; production; transporting firearms into and out of the country; trade and other forms of transfer; storage; use; and confiscation of SALW. Article 27 mentions bearing, transportation and destruction of weapons, but only refers to organs authorized to carry out and those involved in authorising such actions.

The Law separates SALW into three different categories (civilian, service and military) allowing civilians only access to hunting weapons while ensuring that it is only the security forces or licensed security guards who have access to security weapons, and the military who have access to military weapons. Apart from this mention of military weapons these remain out of the Law's purview, thus leaving the questions of handling army stockpiles and other major weapons stocks for relevant ministries and agencies to define.

A second important regulatory document is *The Rules of Circulation of Service and Military Weapons and their Supplies in the Kyrgyz Republic*, adopted in November 2001. However, this document does not concern military weapons. It merely supplements the Law on Weapons with more details about procedures in a number of weapons-related activities. It also allows for the withdrawing of licenses, and the confiscation and destruction of weapons. Besides these documents, major legal codes dealing with SALW are the Law on Licensing, a number of articles of which concern SALW, and the Criminal Code, which determines punishment for SALW-related crimes.

With regard to internationally agreed standards of good practice for SALW control, the above-mentioned legal documents contain some major omissions. For example, no mention is made of arms brokering, end-user certification, transit, and weapons marking. SALW exports and imports, and procedures of transportation and surplus SALW destruction are only very briefly addressed. Further, rules about maintenance of SALW stockpiles, a prominent international concern with particular relevance to Kyrgyzstan, are the subject of continued secrecy. Generally, questions relating to military stockpiles addressed to the Ministry of Defence have not been answered, as there remains strong military opposition to the ideas of transparency and publicity.

Civil society role in reaching SALW security

Civil society in Kyrgyzstan is thought to be one of the more developed in Central Asia. This is due to a relatively more liberal political regime. Numerous civil society communities and organizations have appeared since independence. However, the involvement of these groups in the issues of weapons and security has been negligible. Reasons cited to explain why so few civil society groups work on these issues include the actual low level of weapons availability, meaning that SALW proliferation is not perceived to be a major security concern. In addition there is a culture of taboo related to discussions on the use and ownership of firearms, and government agencies' remain unco-operative and discourage discussion of the issue.

Nevertheless, some organizations have still opted to raise security issues and SALW to public attention. The Foundation for Tolerance International (FTI), an NGO, has been the most notable organization which has entered into this topic. Partnering with International Alert, in February 2004, FTI co-organized a regional consultations workshop on small arms in Bishkek (Kyrgyzstan), where representatives of

government agencies and civil society from Kazakhstan, Kyrgyzstan, and Tajikistan, as well as a number of international organizations' representatives took part. FTI has been an active participant and contributor to public assessments of various programmes, such as the OSCE police training project, along with other major civil society organizations, including the Coalition of NGOs for Democracy and Civil Society. The latter organization was particularly effective in articulating public criticism of the riot-policing equipment provision component of the OSCE project, which was dropped as a result.

Implementation of the Programme of Action

The general conclusion from the above observations would be that the Kyrgyz government has not undertaken sufficient efforts to implement the requirements of the PoA. To start with the most basic and principal requirement of the PoA, Kyrgyzstan has neither designated a national point of contact, nor assigned a national co-ordination agency.

The Kyrgyz government has largely maintained the legal position of SALW as it was during the Soviet period, with only a few differences. The major legal documents do not reflect an awareness and recognition by the Kyrgyz national authorities of the threats posed by SALW to security. The division of responsibilities amongst the governing authorities regarding SALW issues indicates a lack of close co-ordination among the relevant ministries and agencies. There is no talk of developing a comprehensive national approach to controlling SALW, or even of preventing their spread and usage.

Notwithstanding the continuing debates in various sub-regional and international forums concerning the importance of adopting adequate legal regulations on such issues as export/import of weapons, end-user certification of exports, weapons brokering, and others, Kyrgyzstan has yet to undertake any concrete action in any of these areas. Moreover, Kyrgyzstan's situation in a region where most security issues are cross-border means that adopting comprehensive SALW control measures is essential in order to prevent the growth of these problems in the future.

Learning points

- ◆ The Kyrgyzstan government should establish a national co-ordinating agency in order to co-ordinate all governmental efforts in controlling SALW and co-operate with non-governmental efforts in supporting and evaluating governmental actions.
- ◆ All relevant legal documents should be revised so as to bring all regulations and laws into line with Kyrgyzstan's international (PoA) and regional (OSCE) commitments on SALW control.
- ◆ The Kyrgyzstan government should encourage greater civil society involvement in issues of security and especially SALW control, including through research into the nature and dynamics of the SALW problem in the country and in the Central Asian sub-region with a view to developing a comprehensive national strategy.
- ◆ The Kyrgyzstan government should allow greater public access to information concerning the management of weapons stocks and should make the rules pertaining to stockpile maintenance transparent.

TAJIKISTAN SNAPSHOT: POST CONFLICT WEAPONS COLLECTION

In 2003, Tajikistan was the only country in the sub-region to submit a national report but, unfortunately, has not since submitted any further reports. However, domestically the country continues to try and reduce the number of SALW in circulation on its territory. The SALW situation is a greater challenge in Tajikistan than in any other Central Asian republic. Following civil war in the mid-1990s, illicit weapons possession by individuals, political and criminal groups, as well as SALW trafficking, continues to be

widespread. However, the government of Tajikistan has slowly begun to address the causes of conflict and illicit SALW demand in the country. Following a period of relative internal stability and the reduction of external threats from militant Islamists, the government now has the opportunity to make significant progress in tackling the challenge of SALW proliferation in Tajikistan.

In 2003, according to the Ministry of Interior, 9,694 SALW were legally registered, but many more are thought to exist illegally in civilian hands. A wide variety of SALW, largely of Soviet or CIS origin, are owned and used in Tajikistan today, including AK-47 and AK-74 assault rifles, sniper rifles, sub-machine guns, machine guns, and rocket-propelled grenades. Through an ongoing amnesty and 'search and seize' operations, the Ministry of Interior claims to have collected 26,000 weapons since 1994. The disarmament process led by the Commission on National Reconciliation (CNR), government SALW amnesties, and a presidential decree banning the public display of weapons by private citizens has lessened the appearance and, to some extent, the scope of illicit SALW in Tajikistan.

The 'Law on Weapons' of February 1996 is the principal legal instrument for regulating SALW issues in Tajikistan, aided by the March 2000 Government Resolution regulating measures for its implementation. The overall co-ordination of SALW issues is one of the functions of the Government Commission on Implementation of International Humanitarian Law (CIHIL), however there is no specialised state body that would be responsible for tackling illicit SALW circulation. Tajikistan has, however, established a national point of contact on the implementation of the PoA and was the first Central Asian republic to submit a National report in 2003. Tajikistan was also the recipient of international assistance in the run up to the 2003 BMS. The joint UNDP, UNIDIR and Small Arms Survey Reporting Assistance Project assisted the republic in presenting a national report which was exemplary in its structure and clarity. Unfortunately, at the time of writing it has not submitted a second report in the run up to the 2005 BMS which perhaps suggests that this project did not have as strong an impact in terms of sustainability as was initially hoped.

3.2.4 THE MIDDLE EAST AND NORTH AFRICA (MENA)

OVERVIEW

The MENA region is significantly affected by SALW. All Arab countries, Israel, Iran and Sudan have long been major recipients of SALW transfers. Legal and illicit SALW flows into and within the region have resulted in widespread proliferation of SALW. These SALW pose a considerable problem, both in terms of the continuing Arab-Israeli conflict and the numerous illicit transfers both to non-state actors involved in that conflict as well as in fuelling the numerous border disputes in the region. Cross-border trafficking occurs between states for political reasons and arms are also retransferred to tribes or non-state actors to consolidate relations between sub-national actors and central governments. Monitoring and policing the borders in the region is a key challenge for the effective control of SALW as is the formulation and implementation of adequate legislation on SALW issues.

Recent events in Iraq and the collapse of the Iraqi army in 2003 has led to millions of weapons falling into civilian hands.⁶² These weapons are not only being used by insurgents in violent attacks aimed at destabilising the country but are also fuelling other violent crimes and murders. Furthermore Iraq's geographic position means that the stability of the Middle East may be threatened for many years as these weapons can easily be transferred to other countries.

Implementation of the PoA has tended to be slow and in the past the region was notable for its lack of coherent regional collaboration. However over the last few years there appears to have been a degree

⁶² BBC report 'Millions of guns' inundate Iraq, Imogen Foulkes 30 June 2004 http://news.bbc.co.uk/2/hi/middle_east/3852505.stm

of increased engagement on the issue of SALW generally and the PoA more specifically. In December 2003 the UN and Arab League held a meeting in Cairo which marked the start of a dialogue on SALW between the UN DDA, Arab states and civil society. This meeting resulted in a slow but significant increase in regional co-operation. In April 2005 the UN DDA organised a regional symposium, hosted by the Algerian government, on the Implementation by the Arab States of the UN PoA. 18 Arab states participated including Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Saudi Arabia, Sudan, Syria, Tunisian, United Arab Emirates and Yemen from the MENA region.

Regional control measures

Despite the increase in regional engagement on the issue of SALW in general and the PoA more specifically, no regional agreement/instrument has yet been established. However, early steps towards enhanced regional co-operation on SALW issues are beginning to be taken. The issue of such an instrument remains difficult for a number of reasons including the Arab-Israeli conflict. The significant variations in local understandings of SALW makes co-ordinated activity difficult. Israel views SALW as a major national security concern and believes that illicit transfers of weapons to Palestinian combatants and other groups exacerbate the Arab-Israeli conflict and compromises the potential for peace, and that as a result the chance for co-ordinated regional activity is affected too. Another complicating factor to SALW control is that SALW are seen by many other actors in the conflict as their only means of defence against a modern state army.

While there is no specific instrument at the regional level to tackle SALW the Arab League has issued a resolution to combat the illicit trade in SALW. Article 2 of Resolution 6447 urges Arab States and the General Secretariat to intensify their co-ordination to combat the illicit trade in small arms and light weapons. Article 3 assigns responsibility to the General Secretariat in its capacity as the regional focal point to coordinate the efforts of the Arab States and to secure programmes for national capacity building in order to diminish, prosecute and combat the illicit trade of SALW, especially in the field of border management, information exchange and legislation development, and to establish authorities, initiate committees and focal points and launch relative studies. Article 6 states that the General Secretariat shall provide technical assistance for willing member States in preparing their national reports and in establishing their national authorities or focal points with regional and international authorities or organizations.

In addition to the measures discussed above states have agreed to focus on improving existing, as well as establishing new, communications channels between States and Non State Actors as part of fight against illicit SALW and some states are involved in trans-border co-operation.

National implementation of the PoA

Specific actions in implementation of the PoA have been limited in the MENA region. A number of countries believe their legislation is sufficient to satisfy PoA requirements, even though this may not be the case or lack of enforcement negates it, and for others SALW issues are not necessarily their first priority. The Arab-Israeli conflict, increasing tensions in Lebanon and the war and subsequent instability in Iraq have created a very difficult context for implementation.

Despite the slow progress in implementation of the PoA in the region it seems that more states are now starting to address the issue, although a systematic attempt to address small arms proliferation and misuse is yet to emerge. However in addition to improving prospects for regional co-operation, the building of foundations for implementation of the PoA has grown. This has yet to be reflected in concrete action or systematic implementation in most countries, but – in contrast to almost absent progress in the

first two years since the UN Conference - this progress is encouraging. Progress within the region includes:

- Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Oman, Qatar, Sudan and Syria have notified the UN DDA of a designated national point of contact for small arms matters. Of these, Algeria, Israel, Morocco, Oman, Qatar, Sudan and Syria have designated individuals with contact details provided. The others have relied instead on the designation of a pre-existing department or agency in the national government. The extent to which these agencies have the capacity or will to advance the PoA agenda is presently unclear.
- ten countries from the region provided formal report to the UN DDA on the implementation of the PoA in 2003, namely Algeria, Egypt, Iran, Israel, Jordan, Morocco, Oman, Sudan, Syria and Yemen.
- Israel and Lebanon submitted reports in 2004.
- to date Jordan and Morocco have submitted national reports for 2005.
- in Sudan a National Commission is due to be established and there is a current proposal for a National Action plan. Unconfirmed sources suggest that a review of legislation in relation to the production of SALW is underway.

The role of civil society

Civil society actors in the region have become much more active on small arms issues in the last few years. In 2003 NGOs formally launched the Middle East and North Africa Action Network on Small Arms (MENAANSA). The network currently has active members in Jordan, Lebanon, Palestine, Syria, Sudan and Yemen. There are also interested organizations in Iraq, Egypt, Morocco, Algeria, Saudi Arabia, Bahrain, Kuwait and the United Arab Emirates. The MENA network has a website and circulates a regular e-bulletin update on events in the region.⁶³ The Network and interested governments are involved in an ongoing dialogue about the importance of establishing partnerships among themselves to tackle the illegal proliferation and misuse of SALW and address adequate laws, regulations and administrative procedures related to various aspects of SALW in the region. Civil society is also included in the work of the Arab League.

However civil society actors throughout the region have highlighted the difficulties of working with governments on such a sensitive issue. In some cases actors have been threatened and as a result much of the SALW work focuses on community violence and other less sensitive topics, as discussions with governments are not possible on issues related to national security, such as stockpile security.

For progress in the region to continue there are a number of key points which need ongoing focus. The nascent regional co-operation that has been highlighted above needs to be encouraged and supported in order to build momentum for implementation. In order to facilitate national and regional engagement, both on SALW and the PoA, a concerted effort needs to be made to ensure implementation efforts are politically and culturally relevant and sustainable. It is essential that all relevant documents are available in Arabic

NATIONAL IMPLEMENTATION IN THE MENA

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 9 states have established an official point of contact (PoA Section II, Para 5) to act as liaison between states. 2 have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Neither of these countries actively involves civil society in their national co-ordination of action on

SEE
MENA
TABLES
1-4:

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⁶³ <http://www.mena-small-arms.org>

SALW. As yet no countries in the region have developed national strategies on small arms. 11 states have submitted at least one report on national implementation to the UN DDA.

Laws and Procedures

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):

- 2 states have laws and procedures controlling the production of SALW
- 3 states have laws and procedures controlling the export of SALW (Section II, Paras 2, 11, 12)
- 3 states have laws and procedures controlling the import of SALW
- 2 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- 1 state has laws and procedures controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, varies considerably and given the lack of a regional overview on SALW there is no reference point for harmonisation. At a national level no states have, to date, reviewed any of their laws and/or procedures controlling international SALW transfers.

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

- 5 states have laws and procedures criminalising the illicit possession of SALW
- 3 states have laws and procedures criminalising the illicit trade in SALW
- 2 states have laws and procedures criminalising the illicit manufacturing of SALW
- 2 states have laws and procedures criminalising the illicit stockpiling of SALW.

Despite the considerable importance attached to such national controls, no states have reviewed any of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing.

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 weapons management. Of the states in the region:

- 3 have standards and procedures for the management and security of stockpiles (Section II, Para 17)
- 1 of these includes regular reviews of stocks (Section II, Para 18)
- 0 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. However, within the region:

- 0 states have destroyed surplus stocks since 2001 (Section II, Paras 18 and 19)
- 0 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:

- 0 states have a policy of destroying most or all surplus weapons and ammunition
- 0 states have a policy of destroying most or all collected and/or confiscated SALW.

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. However only 1 state has conducted some form of disarmament:

- 0 post-conflict DDR programmes (Section II Para 21)
- 0 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 1 amnesty; (Section II, Para 20)
- 0 forcible disarmament programmes.

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

- 1 requires that all SALW are marked as an integral part of their manufacture (Section II, Para 7)
- 0 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 1 keeps detailed records on holdings and transfers of SALW (Section II, Para 9)
- 0 have measures to facilitate tracing (Related to Section II, Para10) including 0 that actively cooperate in tracing (Section III, Para 11).

International Co-operation and Assistance

The PoA contains a wide range of commitments to assist other states' implementation, and to cooperate with civil society. In MENA:

- 0 states have provided some form of donor assistance to SALW-related projects
- 0 states actively cooperate with civil society.

SAUDI ARABIA SNAPSHOT: STOCKPILE MANAGEMENT SYSTEMS

Saudi Arabia is one of the world's top recipients of SALW imports, importing amongst other things SALW parts and accessories, military style SALW parts and accessories, sporting and hunting shotguns, and shotgun cartridges. As a result there is a high level of gun ownership by police and civilians and this has implications for stockpile management issues.

In response to the situation, and in line with requirements of the PoA, Saudi Arabia has developed a set of measures, including a digital database, which it is using for stockpile management purposes. A presentation of these measures and the experience of using them was given at the UN DDA regional symposium held in Algiers in April 2005. Saudi Arabia has agreed to share its documentation amongst Arab League countries as it was felt that they could usefully implement these measures. It has also agreed to have further discussions with the Arab League on this issue.

The main focus of the measures presented is a digital database. This is used to maintain inventories for all weapons stockpiled in armouries. This database is also used to monitor weapons held by government officials and the condition of these weapons. Fines are levied for the loss of these weapons which amount to twice the price of the weapon.

A database also exists to record civilian ownership of weapons. In order to own a weapon citizens need permits which must be renewed once they expire. Any weapons that are seized are also placed on this database in order to monitor their location.

Despite these controls weapons still do go missing and there is the need to review broader stockpile management and security procedures in order to identify where these weapons have gone and how to minimise the leakage.

LEBANON CASE STUDY: LICENSING PROCESSES AND LEVELS OF CO-OPERATION ON SALW ISSUES

The problem of SALW in Lebanon was significantly exacerbated by the fifteen years of civil war that the country experienced (1975-1990). No substantial action was taken at the end of the war to collect weapons or disarm fighters and many people returned to their homes with their guns. As a consequence the level of civilian possession of SALW in Lebanon is high with a million weapons believed to be in private circulation among the population of 3.7 million. With recent events surrounding the assassination of ex-Prime Minister, Rafiq Al-Hariri in early 2005 and the withdrawal of Syrian troops, demand for weapons has increased. This has resulted in increased illicit trade on the black market, where the price of weapons has increased by as much as 100% since the assassination,⁶⁴ as well as the exploitation of the open licensing system which has led to a proliferation in weapons which do not necessarily remain in the hands of the licensed owner. The problems are also integrally linked to regional instability. While there is no significant licit or illicit manufacture nationally, Lebanon's porous borders and lack of capacity and financial resources to support policing have resulted in significant arms smuggling into the country. In this context implementation of the PoA is vital, specifically in relation to legislation and regional co-operation.

Lebanon's progress in implementing the PoA has been fairly slow but the recent increase in regional engagement on the issue, as discussed above, may mark a change. A Lebanese focal point has been designated, but as this is situated within the Department of International Organisations in the Ministry of Foreign Affairs rather than in one of the Ministries that have a security function, the problem is kept in the political arena rather than dealt with at a practical level.

There has been no significant review of national legislation and the increase in illicit weapons ownership is facilitated by the absence of legislation enabling suspect premises to be searched and SALW to be confiscated. On paper the existing laws may seem adequate but the problem lies in their implementation.

Licensing Processes

Increasing tensions have led to a huge rise in the demand for SALW within Lebanon. Some sources suggest that demand for licensed weapons such as pistols and pump action rifles has risen by 60-70%.⁶⁵ This increase in demand is particularly problematic in a situation in which licensing procedures are weak. Current licensing procedures make it very easy to apply for small arms possession licenses and almost all applicants are provided with a license and very quickly. Licenses are provided without recording the kind of weapon to be acquired nor its serial number; instead they only note the number of weapons it is permissible to carry.

The inadequacy of the licensing process was demonstrated when in mid 2005 the surge in arms sales prompted the outgoing defence minister, Abdel-Rahim Mrad, to freeze new weapons licences until further notice. This was amid concerns that too many licenses were being granted without adequate

⁶⁴ Fadi Abi Allam, Permanent Peace Movement in Lebanon, e-mail 17/05

⁶⁵ Reuters - <http://www.alertnet.org/thenews/newsdesk/L23120943.htm>

monitoring. It is not known what criteria have been attached to the lifting of the ban but it is essential that the licensing process is reviewed.

Levels of Co-operation

Implementation of the PoA is very much reliant on co-operation between various groups and at number of different levels. Lebanon's slow progress in implementing the PoA, in part, appears to relate to a lack of consistent co-operation across all levels (national, regional, and with civil society).

National co-operation and co-ordination is lacking: there is no comprehensive national action plan or strategy for small arms control that brings together different government departments and civil society to address Lebanon's SALW problem. Instead there are disparate actions and projects undertaken by some civil society organisations such as the Permanent Peace Movement in Lebanon which focuses on monitoring incidents of violence resulting from the misuse of SALW.

Regional co-operation is limited. Lebanon is a permanent member of the League of Arab states and attended the December 2003 UN and Arab League meeting in Cairo on SALW as well as the April 2005 UN DDA regional symposium, hosted by the Algerian government, on the Implementation by the Arab States of the PoA. The increase in regional co-operation is encouraging but it is too early to tell what impact this will have on national implementation.

Civil society co-operation is stronger, but hampered by the limitations of governmental co-ordination: There are a variety of civil society actors in Lebanon working on security and human rights issues generally and SALW more specifically. Lebanon is represented by the Permanent Peace Movement (PPM) of Lebanon on the steering committee of the Middle East and North Africa Network for Small Arms (MENAANSA). As part of this PPM is working with MENAANSA to adopt a regional strategy to raise awareness and to strengthen the role of the civil society in implementation of the PoA. Civil society actors themselves do collaborate on their work but this work is undermined by their inability to engage the government on sensitive issues related to SALW which are seen to threaten national security.

Learning points

- ◆ There is a real need to foster co-operation between civil society and the government in order to maximise the efficiency of initiatives designed to tackle the proliferation of SALW and encourage the implementation of the PoA.
- ◆ While there is existing legislation which broadly covers the areas of concern in relation to SALW, a broad review of legislation and its implementation would significantly enhance efforts to implement the PoA.
- ◆ The licensing process is in urgent need of review, particularly in light of the recent freeze on granting licenses.
- ◆ There is a real need to organise an amnesty or weapons collection project – it is very difficult for people to get rid of unwanted SALW. If they hand them in they will be subject to legal questioning and investigation. Instead people have taken to dumping them in garbage containers resulting in numerous accidents.

YEMEN SNAPSHOT: CURBING ILLICIT CROSS-BORDER TRADE

Yemen is a heavily armed society and SALW are widespread. There is a strong tradition of weapons ownership and attempts to address this issue have not succeeded in altering the underlying relationship of Yemenis to their weapons. While armed criminality does not appear to be particularly high, injuries as

a result of SALW are common. The control of SALW has received increasing government attention not least because of the focus on international terrorism. Yemen has been used as a major conduit for SALW in the MENA region and illicit weapons are regularly smuggled out across its borders.

As part of its attempt to control SALW proliferation and illicit trafficking the Yemeni government has made efforts to curb the cross-border trade. This has been aided by the resolution of the border dispute with Saudi Arabia. Since early 2004 there has been increased co-operation between the two governments on issues including border controls to reduce the level of weapons smuggling. The joint initiatives include running joint border patrols, establishing security checkpoints, deciding on where shepherds can pass and erecting observation towers.⁶⁶ In addition to these measures, in the context of its war on terror, the US is providing funds to the Yemeni government in 2005 which will be directed primarily toward the provision of training and equipment to Yemeni forces in the deterrence of cross-border and internal arms smuggling.

These measures are only one step towards tackling the problem and with thousands of kilometres of border territory there are many ways for smugglers to avoid the patrols. However the Yemeni government do appear to be taking notice of the issue and the fact that some measures have been taken is encouraging.

MEDIA MONITORING OF GUN VIOLENCE IN LEBANON

The Permanent Peace Movement in Lebanon, a member of the Middle East and North African small arms network (MENAANSA) collected information via media monitoring on the number, type, location, and gender of all incidents of gun violence in Lebanon. Between 1 January - 31 May 2005, the research indicated that the majority of incidents of gun violence occurred between people who know each other, co-workers, neighbours, or even within families or in the same home. Moreover, most of the cases of gun suicide were committed with handguns kept in the home. The Permanent Peace Movement is using this research to argue for modernising the regulations on gun owners.

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3.2.5 ASIA

NATIONAL IMPLEMENTATION IN THE REGION

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 19 states have established an official point of contact (Section II, Para 5) to act as liaison between states. Seven have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, two actively involve civil society in their national co-ordination of action on SALW. None have developed formal national action plans on small arms, though Sri Lanka is in the process of developing one (see case study below). Additionally, 13 have submitted at least one report on national implementation to the UN DDA.

SEE
ASIA
TABLES
1-4:

Pages
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⁶⁶ <http://weekly.ahram.org.eg/2004/687/re10.htm>

Laws and Procedures

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):

- 15 states have laws and procedures controlling the production of SALW
- 15 states have laws and procedures controlling the export of SALW
- 16 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12).
- 7 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12).
- 2 states have laws controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, varies considerably. At a national level 6 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

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

- 16 states have laws and procedures criminalising the illicit possession of SALW
- 17 states have laws and procedures criminalising the illicit trade in SALW
- 16 states have laws and procedures criminalising the illicit manufacturing of SALW
- 6 states have laws and procedures criminalising the illicit stockpiling of SALW

Reflecting the considerable importance attached to such national controls, 5 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. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, varies considerably.

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. Of the states in the region:

- 13 have standards and procedures for the management and security of stockpiles (Section II, Para 17)
- 11 of these include regular reviews of stocks (Section II, Para 18)
- 4 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, within the region:

- 4 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 6 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:

- 1 state has a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 2 states have a policy of destroying most or all collected and/or confiscated SALW (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. Eight states have conducted some form of disarmament, including:

- post-conflict DDR programmes (Section II Para 21)
- Voluntary Weapons Collection Programmes (Section II, Para 20)
- 5 amnesties; (Section II, Para 20)
- forcible disarmament programmes.

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:

- 7 require that all SALW are marked as an integral part of their manufacture (Section II, Para 7)
- 3 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 10 keep detailed records on holdings and transfers of SALW (Section II, Para 9)
- 5 actively co-operate in tracing (Section III, Para 11).

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 Asia:

- 3 states have provided some form of donor assistance to SALW-related projects
- 6 states actively co-operate with civil society.

SOUTH ASIA

OVERVIEW

Since 2003 important progress has been made in quelling some of South Asia's most protracted conflicts. The fragile ceasefire in the long-running conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam has been maintained since February 2002, although a lasting political settlement has yet to be reached. There has also been progress in resolving the long-running dispute between India and Pakistan over the territory of Kashmir. These improved relationships are seen as much needed positive steps which may allow strengthened sub-regional co-operation in the future.

This progress has, however, been offset by continuing, and in some cases deteriorating, conflicts elsewhere in the sub-region. Throughout India a number of armed groups are operating and in many areas insurgency is extremely high. In Pakistan, the law and order situation in Baluchistan continues to deteriorate whilst the stability of Bangladesh has been threatened by the presence of several foreign insurgent groups. The temporary truce between the Nepalese government and the Maoist insurgency, which began in October 2004, ended after 8 days with a resumption of violence in November. In February 2005 the King dismissed the government and formed a new government under his own leadership. Moreover, whilst two decades of conflict have been replaced by an uneasy peace

in Afghanistan, this divided country continues to have a destabilising influence in the South Asian sub-region at large.

Small arms are an increasing concern in South Asia with the ongoing conflicts being fought overwhelmingly with small arms and with improvised explosive devices. In South Asia there is a flourishing illicit production of small arms, which in turn encourages the illicit trade and a growing illicit weapons market. The sub-region is also faced with a major problem in relation to controlling cross border trafficking across porous borders and a lack of capacity compounded by the arms smuggling activities of insurgents.

Sub-regional co-operation

Since the PoA was agreed in 2001 there has been no co-ordinated sub-regional action taken by governments aimed at implementing this agreement in South Asia. The South Asian Association for Regional Co-operation (SAARC), the sub-regional body covering Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka, has not engaged in any discussion or activities related to addressing the problem of SALW at sub-regional level. Indeed SAARC has avoided engaging in any security issues, viewing these as issues of national sovereignty and not within their mandate. SAARC's role in the sub-region is increasingly being placed in doubt as the lack of proper co-ordination in the sub-regional organisation is undermining its ability to fulfil its mandate. One of the main reasons for its low performance as a high profile sub-regional body is its inability to deal with serious contentious bilateral issues among its member states. The SAARC summit, which was scheduled for February 2005, was postponed as India pulled out of the summit citing concern with regard to the ongoing security situation in the sub-region following the assassination of the former Bangladesh finance minister and political instability in Nepal. Negotiations are now under way for rescheduling this summit to December 2005.

National Implementation

In South Asia progress towards the implementation of the PoA at the national level has been very slow. However, four countries have established a PoA point of contact, namely India, Pakistan, Bangladesh and Sri Lanka and the same four countries have provided at least one report on PoA implementation to UN DDA. Sri Lanka has made the most progress implementing the PoA at the national level and has established a National Commission to monitor and co-ordinate all SALW control activities in the country (see below). This is the first Commission of its kind in the sub-region.

Elsewhere in the sub-region there has been little progress by governments on implementation of the PoA nor are there many positive signs that this situation is likely to change in the near future. Since the 2003 Report there has been no substantive progress on crucial aspects of PoA implementation such as reviewing, amending or updating arms control legislation in the South Asian sub-region. Most countries have legislation relevant to illicit arms production, possession and transfers. However, much of this legislation dates back many decades and none of the countries has reviewed its legislation since the PoA was agreed in 2001.

Under the UN-led disarmament, demobilisation and reintegration (DDR) programme in Afghanistan, which began in October 2003, an estimated 45,000 combatants had surrendered their weapons by March 2005. However, tens of thousands of fighters remain attached to militias in different parts of the country. In Pakistan, openly displaying firearms is now strictly prohibited in rural and urban areas whilst in early 2005 the government of Pakistan has also imposed a ban on the public display of firearms in tribal areas, with the exclusion of the Federally Administered Tribal Areas (FATA) where the government does not have authority to exercise control.

At the international level, India has taken a leading role in the open-ended discussions on an international instrument for marking and tracing. India is strongly supportive of comprehensive international controls on marking and tracing and is seeking a legally binding instrument in this regard which includes ammunition. India is also examining the possibility of developing a legal instrument to prohibit the transfer of weapons to non-state actors. India was also closely associated with the group of governmental experts to study the continued operation of UN register of conventional arms and its further development.

The role of civil society

In contrast to the slow pace of progress on tackling illicit SALW proliferation at the government level, South Asian civil society has become increasingly active in recent years, working on a diverse range of SALW projects.

At sub-regional level, in the run-up to the 2003 Biennial Meeting of States, a group of South Asian civil society organisations formed the South Asia Small Arms Network (SASA-Net). The sub-regional NGO network has since developed national chapters in all the South Asian countries, providing an excellent structure for co-ordinated civil society engagement from the sub-regional level to the district level. The network has had a number of sub-regional meetings, and 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.

At national level, civil society organisations in most of the South Asian countries have made a concerted effort to try to engage with their government on small arms control. In Sri Lanka civil society representatives are included as full members of the National Commission. In India, the Indian Working Group on Arms Control was formed in 2004 and is conducting research into small arms control to encourage the implementation of the PoA. The Indian chapter of SASA-Net has also been very active in supporting the Control Arms campaign, working with the World Social Forum, with youth and with the police. In 2005 South Asia Partnership Bangladesh in collaboration with Bangladesh Small Arms forum (SASA-Net Bangladesh Chapter) undertook a poster campaign against arms proliferation. In addition, despite the fragile internal situation, the Nepal chapter of the SASA-Net has conducted awareness-raising meetings in several parts of the country to sensitise the public to arms proliferation and its impact on community safety.

SRI LANKA CASE STUDY: NATIONAL COMMISSION, THE ROLE OF CIVIL SOCIETY AND WEAPONS AMNESTIES

After more than 2 decades of continuous conflict, the proliferation and misuse of small arms are serious problems for Sri Lanka. Official estimates claim there are around 45,000 legally owned and 20,000 illegal firearms in Sri Lanka. However other estimates put the figure much higher. Incidents of gun violence are reported on a daily basis whilst the misuse of small arms by security forces is also a matter of concern. Despite the permanent ceasefire between the Government of Sri Lanka (GoSL) and the LTTE (Tamil Tigers) in February 2002, Sri Lanka continues to face a number of serious challenges, not least the increasing levels of armed violence and the problem of child soldiers recruited by the LTTE.

Sri Lanka is nevertheless making progress in terms of implementing some aspects of the PoA and in tackling the illicit trade in SALW, although much remains to be done. In particular the Sri Lankan government, in partnership with civil society and international institutions, has sought to establish the necessary institutional framework that will allow the development of national initiatives to tackle illicit SALW proliferation.

The Sri Lanka National Commission

In February 2002, the UN Department for Disarmament Affairs (UN DDA) led an evaluation mission to Sri Lanka to explore potential UN assistance for national efforts to address SALW issues. The mission proposed inter alia that a National Commission be established “responsible for policy guidance, research, and monitoring of efforts to address the proliferation and misuse of illicit small arms”.⁶⁷ Subsequently, in June 2003, the Sri Lankan government entered into an agreement with UN DDA and UNDESA to establish a National Commission Against the Proliferation of Illicit Small Arms (NCAPISA) and on 25 October 2004 the President appointed a National Commission on Small Arms in Sri Lanka.⁶⁸

The objectives of the National Commission are:

- to facilitate co-operation and co-ordination of measures taken by government departments, the UN and civil society in their efforts to check, control and eradicate the SALW problem and in doing so to advise the government in the formulation of national policies in this respect
- to create strategies for tackling the SALW problem
- to prepare a National Plan of Action to control SALW
- to assess and monitor the implementation of initiatives.

The Sri Lanka National Commission has a fifteen-strong membership comprising the Secretary of the Ministry of Public Security, Law and Order (or his nominee) and a senior representative from each of: the Office of the Prime Minister, the Ministry of Foreign Affairs, the Ministry of Defence, the Office of the Attorney General, the Army, the Police, the Department of Customs, the Ministry of Home Affairs, as well as three further representatives of the Ministry of Public Security, Law and Order who are expert in SALW issues and three representatives of civil society organisations. Besides the aforementioned committee members the agreement between GoSL and UN DDA recommended the establishment of a Secretariat with a Secretary, Deputy Secretary and 1-2 assistants. It is expected that the Secretary will be someone with technical expertise and advocacy capacity.

Responsibilities of the National Commission

On 25th October 2004 the intended responsibilities of the National Commission were established, as follows:

- formulation and implementation of a public awareness programme with a view to obtaining the maximum co-operation in preventing, combating and eradicating the illicit trade in small arms and light weapons
- formulation of a National Plan of Action to collect illicit SALW and implementation of the same
- examination of the adequacy of the punitive measures currently in force to combat the problem and propose amendments where necessary
- formulation of a reward system for informants
- formulation of a scheme under which amnesty could be granted to those who surrender illicit SALW
- obtaining the assistance of independent technical experts and NGOs as and when necessary
- identification of sources of supply of illicit SALW and suggest ways of effectively curbing such trafficking.

In terms of the financial resources available to the National Commission, the GoSL has secured a commitment from UN DDA/UNDESA to fund the establishment of the National Commission. The total allocation in this

⁶⁷ “Support to the Establishment of a National Commission Against the Proliferation of Illicit Small Arms in Sri Lanka”, UN DDA/UNDESA project document, page 5

⁶⁸ One of the major tasks of the National Commission, though not specified, is to establish the NCAPISA through a Parliamentary Procedure. Therefore, while working on the issue itself, the National Commission has to ensure the regularization process of the full NCAPISA.

regard was US \$282,500. In addition other actors, including foreign governments and NGOs, have expressed a willingness to extend financial support to strengthen the process of establishing the National Commission.

The development of and increase in co-operation between government and civil society

Also specified by the UN assessment mission was the need for the establishment of a National Civil Society Small Arms Forum. To this end, on 19 October 2004 a civil society-government interface meeting was held where all stakeholders shared their views on civil society involvement in the National Commission. From this meeting it became clear that a civil society awareness raising and consultation effort was required to communicate local problems from district to national level and to facilitate a selection process for nomination of civil society representatives to the National Commission.

The civil society consultation process began in early November 2004, continuing until March 2005. The process was carefully designed in order to minimize potential conflict of interests and sensitivities amongst the participants. As a result of this consultation process, the first ever Sri Lanka National Small Arms Forum was held on the 31st March 2005. The aims of the Forum were threefold: i) to communicate the findings of the civil society consultation process as broadly as possible, ii) to nominate civil society representatives to the National Commission, iii) to form a civil society Action Committee.

The National Small Arms Forum was successful in highlighting a number of key concerns for civil society with regard to the SALW problem and for making several recommendations to the National Commission including the need for:

- SALW legislative review and reform
- a national small arms policy which looks at the impact of SALW on human security
- a weapons destruction programme
- awareness-raising programmes and campaigns of action against SALW
- a systematic approach towards identifying and issuing weapons to security personnel, politicians, accredited institutions and individuals
- a system for monitoring the use and impact of SALW
- the National Committee to operate in a transparent and accountable manner upholding fundamental rights and the rule of law
- civil society to be fully involved in all aspects of the work of the National Commission
- a National Action Plan to address the problem of small arms proliferation.

National Action Plan

All parties involved in addressing the SALW problem in Sri Lanka have highlighted the importance of having a National Action Plan (NAP) in place and, indeed, one of the primary tasks of the National Commission is to prepare a NAP. To this end an induction workshop to initiate the work of the National Commission was supposed to be held in January 2005. However, owing to the aftermath of the tsunami of 26 December 2004 this was delayed until April 2005 with the consequence that the initiation of the NAP process has also been delayed. Establishment of a NAP and assignment of the National Survey are amongst the first activities that the National Commission will carry out.

Disarmament and weapon collection programmes

To date, arms collections in Sri Lanka have met with only limited success. One amnesty, covering the whole of Sri Lanka, was declared during January 2004 allowing the renewing of licences for civilian-owned small arms, but only around 1,300 arms were re-licensed.

A further national two-month amnesty was declared on 1 October 2004 but also had poor results (although exact figures have not been confirmed) and was extended till the end of January by the Ministry of Public Security Law and Order. In order to encourage people to co-operate, sums of money were offered to those surrendering weapons, ranging from SLR 5000/- to SLR 50,000/- depending on the type and condition of the weapon handed over, and also SLR 50/- per unit of any type of ammunition. It is not clear why, with such inducements offered, the programme met with such limited success.

Learning points

- ◆ It is important that the National Commission has sufficient knowledge, skills and resources and receives the necessary financial support in order to develop and effectively implement the National Action Plan for Sri Lanka.
- ◆ Relevant civil society organisations should be included in the National Commission subsidiary bodies, which are to be established at the Provincial, District and Village levels. An essential task for the Secretariat will thus be to identify organizations of civil society that could be involved.
- ◆ The operation of the recent amnesty process will need to be assessed and evaluated. A major drawback appears to be the failure to educate the public with regard to amnesties. Notices in the newspapers and at Government Offices have proved to be inadequate in this regard. Future campaigns will need to make use of the electronic media.

ESTABLISHING A NATIONAL ARMS CONTROL WORKING GROUP IN INDIA

Individuals and organisations working on arms and security issues in India have established a national working group to take forward joint work on arms control issues. The group, comprising senior policy experts, academics, activists, journalists and lawyers has organised a number of meetings with government officials in order to share ideas and progress on implementation of the PoA. The group, including CSIS and Amnesty International plans to develop a comprehensive programme aimed at understanding the small arms problem and facilitating dialogue between government and civil society.

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INDIA SNAPSHOT: SALW LEGISLATION, MARKING AND TRACING AND GOVERNMENT-CIVIL SOCIETY INTERACTION

In recent years the Government of India has been concerned with the development and implementation of a comprehensive strategy to address the challenges of terrorism. However implementation of the PoA in India does not appear to be part of this strategy since progress in this respect has been slow.

There are a number of armed groups operating throughout India and in many areas insurgency is extremely high. Terrorism and insurgency have emerged as serious security concerns in several parts of the country. However, since India-Pakistan peace talks began, confidence building between the two countries has progressed expeditiously, opening up travel and improving mutual relations.

Indian firearms legislation, enacted in the early 1960s, theoretically covers licensing procedures, transfers, marking, tracing and record keeping as well as civilian possession. However, despite the existing provisions, there is a need for stricter control on SALW and more effective implementation and enforcement of laws. The availability of SALW in India to non-state actors and to civilians has steadily

increased in recent years. Illegal manufacture in the informal sector, leakages and pilferage of state controlled weapons and problems in the licensing process have all contributed to the proliferation of small arms in India. India is also faced with a major problem in relation to controlling cross border trafficking. As a result, a review of Indian legislation is required in order to more effectively address the current realities of the illicit SALW trade.

On the international level, India has played an important role in chairing the group of governmental experts established to examine the feasibility of developing an international instrument on marking and tracing. India has also taken a strong position on the need for a legal instrument to ban the transfer of arms to non-state actors.

Despite seeking to strengthen controls in these areas, the Indian government has done little to implement the PoA at the national level since the last Biennial Meeting of States. In reporting to the UN DDA India has stated that it has appointed a national point of contact within the Ministry of External Affairs for international liaison on matters relating to the implementation of the PoA. However, given the scale of the problem in India and India's strategic position in the South Asian sub-continent an increase in effort is required to implement the PoA in order to control the proliferation of SALW. In this regard, it is important that India take steps to create an inter-agency body to take forward the recommendations contained in the PoA so as to comprehensively assess and respond to the proliferation of SALW in India and across the sub-region.

On the other hand, civil society in India has taken important steps to consolidate their activities on SALW control. Two civil society initiatives on small arms control in particular have been developed to foster support for the implementation of the PoA. The Indian chapter of the South Asia Small Arms Network (SASA-Net) was formed in 2003. It is a nationwide network of organisations working on small arms control. SASA-Net has been very active in supporting the Control Arms Campaign and working to promote an international Arms Trade Treaty. In March 2005 a training of trainers workshop was organized by SASA-Net for Indian civil society actors supported by Saferworld and Amnesty India where participants shared views of many of the conflict dynamics in different areas and developed activity plans for their home states.

The Indian Working Group on Arms Control was formed in 2004. This Delhi-based working group was established to initiate research into small arms control and to promote implementation of the PoA. The Working Group has had some success in engaging with the Indian Government and in September 2004 the Working Group held a joint Discussion Forum on Arms Control. At the forum the Indian government representative welcomed engagement by civil society to combat the problems of gun-running and proliferation of small arms by non-state actors. As its first activity the Working Group has agreed to undertake research into the implications and practicalities of developing and implementing a ban on arms transfers to non-state actors.

ASSESSING SALW IMPACT ON PUBLIC AND COMMUNITY PERCEPTIONS OF SAFETY AND SECURITY IN SRI LANKA

Civil society organisations in Sri Lanka have played a leading role in efforts to address small arms problems in the country. A nationwide project was undertaken by SASA-Net Sri Lanka with support from other national and international organisations to understand the different ways in which small arms impact on public and community perceptions of safety and security. The process involved over 600 NGOs who came together in a process involving 23 district meetings, 9 regional meetings and a national meeting where the results were shared with government representatives and members of the national small arms commission as a contribution to the development of a comprehensive national strategy to address small arms problems in Sri Lanka.

Further details of the process and a copy of the findings report can be obtained from: <http://www.saferworld.org.uk/publications/Sri%20Lanka%20challenges.pdf>

ACTION-ORIENTATED RESEARCH IN PAKISTAN

Paragraph 3(18) of the PoA urges states and civil society to develop action-oriented research to better understand the nature and scope of the small arms problem.

Over the last year, there have been two important pieces of research undertaken by civil society in Pakistan focussing on the dynamics and impact of small arms on local populations. In October 2004, South Asia Small Arms Network (SASA-Net Pakistan) completed a four-month pilot project measuring the gun deaths in the Baluchistan region. 97 deaths from small arms were recorded in these four months, an annual gun murder rate of about 4.5 deaths per 100,000 population. SASA-Net is using these statistics to lobby for tougher legislation on civilian gun possession. And in February 2005, IANSA member Community Appraisal and Motivation Programme (CAMP) Pakistan published the results of a study entitled 'A Situation Analysis of SALW in Pakistan and its Impact of Security' which included a population survey undertaken in Peshawar to understand public perceptions of crime, security, police performance and attitudes towards weapons possession.

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SOUTH EAST ASIA

OVERVIEW

The problem of SALW proliferation in the South East Asian sub-region is a result of a combination of factors including internal conflict in several countries in the region, such as the Philippines and Indonesia; the lack of effective legal frameworks and law enforcement capabilities, especially in countries emerging from internal conflict; corruption within state organs which results in the 'leakage' of state-owned weapons; the presence of expanding criminal networks; and the region's geographic situation on the major international arms trafficking routes which, coupled with very long borders that are hard to patrol, makes it vulnerable to illegal arms transits.⁶⁹ Accordingly, South East Asian countries

⁶⁹ Presentation by Pongphisoot Busbarat, Plan and Policy Analyst, Office of National Security Council of Thailand, delivered at the UN Workshop on SALW, Beijing, 19 – 21 April 2005, 'ASEAN's Efforts against the Proliferation of SALW: Thailand's Perspective'.

tend to view the problem of SALW in the context of transnational crime and thus the main focus of their SALW-related efforts has been on combating illicit arms trafficking.

Sub-regional co-operation

Sub-regional discussions on SALW control have largely taken place within the framework of Association of South East Asian Nations (ASEAN) Plan of Action on Transnational Crime adopted in 1998. The Action Plan urges ASEAN member states to develop a more cohesive regional strategy to prevent and control transnational crime. As yet, despite calls from civil society for concrete action,⁷⁰ this has yet to manifest itself in any comprehensive regional or sub-regional mechanism for tackling SALW proliferation.

A number of significant sub-regional and regional meetings have, however, been held since 2003 which have encouraged small steps towards the development of a common agenda for ASEAN states in the field of illicit SALW trafficking.

- South East Asian countries co-hosted with the UN a second regional seminar on the implementation of the PoA. This seminar, entitled 'Implementation of the PoA adopted at the UN Conference on the Illicit Trade in SALW in All Its Aspects: The Asia-Pacific Perspective,' was held in Bali in February 2003, hosted by Indonesia and co-sponsored by Japan. In these seminars participants confirmed the importance of the PoA as an international framework for tackling the illicit trade in SALW.
- At the so called "ASEAN Plus Three" Summit in Bali in October 2003, where the ASEAN countries met with their dialogue partners China, Japan and the Republic of Korea, participants reiterated their determination to further strengthen co-operation in the area of 'non-traditional' security issues. The summit identified key areas in which co-operation to tackle arms smuggling is to be enhanced, such as information sharing on best practice and the development of regional training programmes
- At a Regional Workshop on Arms Smuggling held in Kuala Lumpur in March 2005, Thailand and Malaysia have established an Arms Smuggling Co-ordinating Committee to help combat arms trafficking across the border between the two countries through an integrated approach.

Some progress has also been made in the field of information exchange within ASEAN. Member states signed an Agreement on Information Exchange and Communications Procedures in 2002. The ASEAN Secretariat is in the process of compiling national laws and regulations of the ASEAN member states pertaining to the control of arms trafficking, with view to establishing a repository of these laws which should also be available through the ASEAN website. The Secretariat has also established and regularly updates a list of national focal points/ relevant officials working on various aspects of transnational crime, including arms smuggling, and it has initiated informal discussions with the World Bank to explore possible technical assistance for the establishment of a database on arms smuggling. Meanwhile, ASEANPOL (ASEAN Chiefs of National Police) has established its own database system pertaining to transnational crime.

National implementation

Progress towards the implementation of the PoA at national level has been limited. Six countries in South East Asia have established a PoA point of contact and five countries have provided at least one report on PoA implementation to UN DDA.

⁷⁰ According to Edgardo Legaspi "the [ASEAN] plan of action conveniently sidesteps more sensitive security issues, in which historically there has been a policy of 'non-interference' with internal affairs of members and even friction on alleged support of neighbours for enemies of states. Closer co-operation on SALW would have entailed dealing with issues of security, laws on civilian demand and misuse, and transparency issues in internal SALW trade, on which there is a general low level of concern as reflected in the reports." *East Asia Inaction On Arms: Assessing regional compliance to the UN PoA on small arms and light weapons* Southeast Asia Forum on Armed Violence, Bangkok, 2005

The 24th Annual Conference of ASEANOPOL held in Chiang Mai, Thailand, between 16 and 20 August 2004, adopted a resolution encouraging member countries to adopt effective arms control laws. However, to date the progress at the level of national legislation, as called for by the PoA, has been largely absent. The exception is Cambodia's new law on weapons, passed in April 2005 and discussed below; and the directive for a total ban on civilians carrying firearms outside their homes issued by the President of Philippines in January 2003. Malaysia is in the process of strengthening its legal enforcement capabilities, especially in response to the need for a more comprehensive domestic legislation to address illicit arms trafficking.⁷¹ Whilst SALW transparency measures are few and far between across South East Asia, Thailand is to be applauded for the effort it has made (see below).

Civil society

Civil society action on SALW is confined to a very few countries in South East Asia. In Cambodia, the Working Group for Weapons Reduction (WGWR) works co-operatively with the government in order to reduce and manage SALW in Cambodian society. In addition WGWR has undertaken a range of activities including the launch, in November 2004, of a national campaign that involves mobilising public support for the passing of new arms legislation by the National Assembly. Throughout 2004 the Philippines Action Network on Small Arms (PHILANSA) hosted and participated in several forums in which SALW issues were explored. One session on the small arms issue was held with the Bantay Ceasefire Monitoring Group in Kidapawan, Cotabato, on 6-7 August 2004. Although government co-operation with civil society on the SALW issue has been developing positively in some countries in the region, much remains to be done in this respect, from both sides. For example, in Thailand Non-violence International Southeast Asia is the only NGO working on SALW issues, thus in Thailand the government has very little civil society to work with in this respect.

THE PHILIPPINES ACTION NETWORK ON SMALL ARMS (PHILANSA)

Throughout 2004 the Philippines Action Network on Small Arms (PHILANSA) have actively pursued awareness raising activities. PHILANSA launched a roving exhibition under the title 'Making Communities Safer' which has gone to a number of places nationwide. The exhibition shows the extent of the arms problem as well as a call for communities to generate responses addressing the arms issue. The roving exhibit was displayed during the Asian Civil Society Forum in Bangkok in November 2004. Moreover, the exhibit led to a number of schools' responses and activities like destruction of symbolic guns, burial of toy guns and simply children giving up of their toy guns. In 2004, PHILANSA in co-operation with the Bonn International Centre for Conversion conducted a small arms training needs assessment. Actual training and capacity building activities of different sectors have yet to take place.

CAMBODIA SNAPSHOT: NEW ARMS LAW, SALW DESTRUCTIONS AND STOCKPILE MANAGEMENT

The Royal Government of Cambodia (RGC) has continued to take important steps towards reducing the number and availability of SALW in Cambodia. In particular, the RGC has made significant progress in its policy and practice of destroying confiscated and surplus SALW and in developing the legislative framework for gun control.

⁷¹ Presentation by Ramli Mohd. Noor, Ministry of Internal Security, Malaysia delivered at the UN Workshop on SALW, Beijing, 19-21 April 2005, 'Regional efforts among ASEAN countries: Malaysia's perspectives'.

Cambodian legislators passed a new law on gun control on 26 April 2005. According to Cambodian NGOs, the new Arms Law is 'an important tool to help the Government strengthen its on-going efforts to eradicate illicit small arms and light weapons' and to regulate more tightly the use of state-owned weapons.⁷² It is hoped that the new law will close the loopholes in the existing gun control legislation whilst maintaining strong restrictions on civilian gun ownership and handling of guns. An important new provision is the specification of severe penalties (prison sentences and financial penalties) for gun-related offences, such as possession, carrying, selling, purchase, lending, hire, production and repair, which were neglected by previous legislation.

A day after the new law was passed, the RGC held a 'Flames of Peace' weapons destruction ceremony in Pursat where 4,700 surplus military weapons were destroyed. This was the most recent in a series of 39 Flames of Peace ceremonies held so far by the RGC since January 2001 in which over 120,000 confiscated and surplus weapons were publicly destroyed by burning (of these 110,000 were destroyed with the financial and technical assistance from the EU ASAC⁷³ programme, and over 12,000 with the assistance from the Japanese Government's JSAC⁷⁴ programme, see Japan case study below). Added to the 36,505 weapons destroyed by the RGC by crushing between 1999 and 2000, the total number of weapons destroyed since the end of fighting in 1998 now exceeds 150,000. Some of the weapons destroyed by burning were given by RGC to the Peace Art Cambodia Project which trains Cambodian artists to utilize them by making sculptures and furniture. In addition, the Cambodian army's entire stock of 233 MANPADs was destroyed on 31 of March 2004 with the assistance of the Government of the United States. The RGC is at the moment still looking for assistance in developing and implementing its policy regarding the destruction of ammunition.

In 2004, all Commune Councils in four of Cambodia's provinces received training in SALW security. The Government has indicated that they may extend this programme to the remaining twenty provinces. Important progress has also been made by the Cambodian Ministry of National Defence in implementing a Weapons Registration and Safe Storage project for all SALW under their control (with EU ASAC's assistance). Since 2001 all SALW in five military regions have been registered in a centralised computer database and securely stored. Similar initiatives are underway in 2005 in the last remaining region, Special Military Region (Phnom Penh), and in all provinces with the Royal Gendarmerie. Following the implementation of these projects, thousands of weapons are allocated for destruction as surplus.

Despite these positive developments, there has been a notable increase in reported gun-related incidents, in particular robberies and personal conflicts, in the first quarter of 2005. An average of 69 cases per month were reported, compared with the monthly average of 36 in the first quarter of 2004. Civil society organisations have called on the Government, and in particular on the police, the military police and the local authorities, to prosecute violators consistently. The abuse of legally owned and government owned SALW is also of concern. While no arms are legally imported, there is a particular need to control the problem of illegal smuggling of handguns used in armed criminal activity in the country.

While the Government remains active in terms of improving the SALW situation in the country, no national action plan has been created to date. Cambodian civil society organisations see the creation of a national action plan as necessary with the view to creating an explicit policy with a long-term strategy for SALW control that will build on RGC's progress to date.

⁷² WGWR Press release, 28 April 2005, available from IANSA website: <http://www.iansa.org/regions/asiapacific/documents/wgwr-pr-280405.pdf>

⁷³ Assistance on Curbing Small Arms and Light Weapons to the Kingdom of Cambodia

⁷⁴ Japan Assistance Team for Small Arms Management in Cambodia

THAILAND SNAPSHOT: INCREASING TRANSPARENCY ON SALW

Thailand faces a number of challenges in the field of SALW control, including a flourishing illegal trade and a growing demand for SALW on the part of civilians. Whilst the government of Thailand has proposed a number of measures for addressing aspects of the SALW problem including the development of a national strategy and improved border controls, these have yet to come to fruition and implementation of the PoA overall remains inconsistent.

One area where the Government of Thailand has made important progress is in efforts to increase transparency by publishing some SALW related statistics online. At the moment, imports and exports statistics for years 2001 – 2004 are available through the Governments Customs Department's website (<http://www.customs.go.th/Statistic/StatisticIndex.jsp>). The information, which is regularly updated, is divided into several subgroups such as: military weapons, revolvers and shotguns, firearms and similar devices which operate by the firing of an explosive. However, the current presentation of the data is not user friendly and further development to improve accessibility of the information would be welcomed.

While data provided on the trade in SALW is appreciated, further information is required on critical SALW issues, such as illicit trafficking and the increasing use of arms in the conflict in southern Thailand. Bringing transparency to this level would enable effective participation by civil society and local groups, and collaboration with other governments to address such issues.

POPULAR MOBILISATION TO REGULATE THE ARMS TRADE IN CAMBODIA

IANSA members in Cambodia have been uniquely successful in obtaining signatures for the Million Faces petition to demand regulation of the international small arms trade. Over 83,000 photographs and signatures have been collected in the first year of the campaign. This success in popular mobilisation is an indication of the ability of civil society in Cambodia to reach a significant percentage of the population for awareness raising efforts and of the widespread public support for efforts to control the international arms trade.

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NORTH EAST ASIA

OVERVIEW

North East Asia experiences a range of SALW related problems. In particular, issues related to transnational crime and arms smuggling are apparent in the sub-region. For instance, China has experienced problems of armed separatism and crime, and sees SALW issues in terms of transnational crime and terrorism. In Taiwan, seizures of illicit arms (including a large number of illicit homemade guns, and smuggled weapons) have reportedly grown significantly in recent years, increasing by almost 65% between 2003 and 2004.⁷⁵

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

⁷⁵ Taipei Times, Taiwan Quick Take, March 21 2005, <http://www.taipetimes.com/News/taiwan/archives/2005/03/21/2003247169>

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. 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, and a further meeting in Beijing, China in April 2005. These, however, have broader regional scope, encompassing states from South East Asia and Central Asia, as did the regional seminar in Bali, Indonesia on 10 and 11 February 2003, and a regional meeting in Almaty Kazakhstan from 16 to 18 March 2004.

Some states in the sub-region have, however, been active at the global level. Japan and China participated in the Group of Governmental Experts on Marking and Tracing, and Japan, China, and the Republic of Korea are all represented on the OEWG

National Implementation

National implementation has been mixed, but relatively limited, though in some cases this is largely because states perceive that their existing laws, standards, and practices are in line with PoA commitments. Nevertheless, most states in the sub-region still lack the basic foundations of implementation. Only four states have appointed national points of contact: China, Japan, Mongolia, and the Republic of Korea. No progress has been made in this regard since 2003. The submission of reports on national implementation of the PoA to the UN DDA has been relatively good. China has submitted reports in three of the four years since the UN Conference, and is the only state in the sub-region to have submitted its national laws and procedures to the UN DDA; Japan has reported twice, and the Republic of Korea has reported once.

Although Mongolia has appointed a point of contact, no further information is available on PoA implementation by that state. Similarly no information is available to indicate implementation of PoA commitments by the Democratic People’s Republic of Korea (DPRK). Entities such as Hong Kong, and Taiwan, have some laws and procedures on SALW and sporadically implement measures to tackle illicit SALW. For instance, Taiwan cracked down on illicit firearms possession in 2004 following a shooting attempt upon President Chen Shui-bian and Vice President Annette Lu on 19th March 2004. This police-led crackdown was coupled with a three-month firearms amnesty and revision of the Firearms statute to impose stronger penalties upon illicit manufacturing and selling firearms.⁷⁶ Hong Kong has its own licensing requirements for the import, export and transit of arms and ammunition. These were last revised on 16th April 2004, though this appears to have entailed only minor procedural changes.⁷⁷

Civil society

In contrast to the limited scale and scope of progress by states in North East Asia, some progress has been made by civil society organisations. The formation of a Japanese Network on Small Arms stands out as the main area of activity in the sub-region. Civil society groups in other parts of North East Asia, however, are limited and are not strongly engaged in SALW issues.

CHINA SNAPSHOT: MARKING, RECORD-KEEPING AND TRACING

Chinese implementation of the PoA has been mixed. Although China made some amendments to its national controls over exports in 2002, China’s arms exports, including to areas of conflict and tension,

⁷⁶ Shu-ling, Ko, “Cabinet reviewing draft amendments to tighten gun law”, 9th July 2004, page 2, Taipei Times at <http://www.taipetimes.com/News/taiwan/archives/2004/07/09/2003178238/print>.

⁷⁷ “Strategic Trade Controls Circular” No. 13/04 at http://www.stc.tid.gov.hk/print/english/circular_pub/stc13_04.html

continue to raise concerns. Overall, there is no evidence to suggest significant or systematic implementation of PoA commitments since 2001. China submitted a detailed report to the BMS, but in 2004 merely submitted as a report a letter drawing attention to the 2003 report. China has submitted key parts of its legislation to the UN DDA, though only some have been officially translated into English. China hosted a UN regional workshop on SALW from 19 to 21 April 2005, supported by Japan, Switzerland and the UN Regional Centre for Peace and Disarmament in Asia and the Pacific. The workshop aimed to promote PoA implementation and enhance regional and multilateral efforts to tackle illicit trade in SALW.

One of the few areas of policy that China has expressed a potential for further improvement in is marking, record keeping and tracing. China participated in the Group of Governmental Experts from 2001 to 2003. China has been represented as a Vice-chair of the OEWG. However, in some regards China appears to have adopted a regressive position to emerging good practices in marking, record keeping and tracing. For instance, it has expressed a view that it is not necessary to establish a globally uniform marking system, and a view in conflict with emerging international best practices (including those minimum standards contained in the report of the Group of Governmental Experts and the UN Firearms Protocol), that the primary purpose of marking is to identify only the country of manufacture, leaving other marking requirements necessary for unique identification (such as serial numbers) unresolved.⁷⁸

At a national level, however, China has revised its marking systems, in particular to include a clearer marking identifying China as the country of manufacture. Thus, since 2004, new firearms are marked with a CN code and the date of manufacture. Further reforms are expected to bring China's marking standards into line with the Firearms Protocol by 2006.

Additionally, since 1996 Chinese police forces have undertaken a number of national crackdowns on illicit firearms. Between 1996 and 2004, 4 million firearms, including 30,000 military-style weapons, were seized and destroyed.

JAPAN CASE STUDY: PROMOTING AND ASSISTING POA IMPLEMENTATION

Japan's implementation of the PoA has been largely internationally focused. Very little change appears to have occurred at the national level, largely because of the stringency of existing controls. Japan has created a national point of contact but does not have an official national co-ordination agency. Japan has laws and regulations governing the manufacture, export, import, and brokering, civilian possession and domestic trade in SALW. While there is no sub-regional agreement on SALW in North East Asia, Japan is active in other types of multilateral forums related to SALW, including the Wassenaar Arrangement and the OEWG on Marking and Tracing.

Promoting PoA implementation

Japan has been significantly engaged in encouraging and supporting implementation of the PoA both regionally and globally. The Japanese government has organised, hosted, and co-operated with numerous regional and international meetings to further the implementation of the PoA. For instance Japan has:

- organised and hosted the "Tokyo Follow-up meeting of the UN Conference" in January 2002
- organised and hosted the "Regional Seminar for Pacific Islands Countries on Implementing the UN PoA" in Tokyo in January 2003

⁷⁸ Statement by Counsellor Li Song, Head of Chinese Delegation, at the First Meeting of the Open-Ended Working Group on an International Instrument for the Identification and Tracing of Illicit SALW, (14 June 2004, New York).

- co-organised, with the UN DDA and Indonesia, the “Regional Seminar on the implementation of the PoA” in Bali in February 2003
- provided the chair of the first Biennial Meeting of States
- co-sponsored a UN Workshop on SALW in Beijing in April 2005.

The Japanese Government’s most substantial role has been in providing assistance to SALW projects. In addition to its support for the aforementioned workshops, Japan has contributed financially to UNDP SALW work, for instance it provided 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 UNIDIR for SALW related work.⁷⁹ Additionally, the Japanese government has provided technical assistance in police investigation techniques in Asia, and Central and Latin America.⁸⁰

Much substantial 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 Disarmament, Demobilisation, and Reintegration (DDR) in Afghanistan, costing US\$35 million. Japan’s most comprehensive assistance, however, has been that provided to Cambodia.

Comprehensive and Co-operative Assistance in Cambodia

Japan has long been a significant donor to SALW activities in Cambodia. The Japanese government initially supported the work of the civil society Working Group for Weapons Reduction (WGWR), provided financial support for the EU ASAC (Assistance on Curbing Small Arms and Light Weapons to the Kingdom of Cambodia) projects development components, and conducted Weapons for Development projects in co-operation with the EU. In 2003 the Japanese government undertook a significant expansion of its SALW-related assistance in Cambodia. 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.⁸¹ Drawing upon and complementing the approach of the EU ASAC projects (which began in 2000), JSAC has developed a comprehensive approach to SALW projects. JSAC’s “Peace Building and Comprehensive Small Arms Management Program in Cambodia” consists of four projects targeting three north-western provinces (Otdar Mean Chey, Banteay Mean Chey, and Siem Reap Provinces).⁸² These four projects are closely linked and include:

- the “Weapons Reduction and Development for Peace” (WDP) Project
- the Safe Storage and Registration Project
- the Weapons Destruction Project
- the Public Awareness Project.

The close links between these projects and the comprehensiveness of the strategy is claimed to lie behind the considerable successes of this programme. Key achievements of JSAC to date include:

- the WDP Project has collected 11,443 weapons through 1,022 workshops. In return for the weapons collected, community development projects have provided roads and schools in two districts of Siem Reap Province in 2004. Other development projects are currently being planned.⁸³

⁷⁹ Japanese report to DDA, 2003.

⁸⁰ Japanese report to DDA, 2003.

⁸¹ Speech by Yusuke Shindo, Director of Conventional Weapons Division, Ministry of Foreign Affairs At the Weapons Destruction Ceremony in Banteay Srey, Siem Reap Province, Cambodia, 21 September 2003.

⁸² Kentaro, Gemma, (JSAC Project Manager), “Progress Report on “Peace Building and Comprehensive Small Arms Management Program in Cambodia” by Japan Assistance Team for Small Arms Management in Cambodia (JSAC), 31 July 2004.

⁸³ JSAC Website: <http://www.bigpond.com.kh/users/adm.jsac/newsENG.html>

- the Safe Storage and Registration Project has built two warehouses for provincial police weapons, and provided storage racks for weapons, and office equipment and training for record keeping and registration.
- over 12,216 weapons have been destroyed in six flames of peace assisted by JSAC.⁸⁴
- significant efforts at raising public awareness, in addition to the 93,600 participants attending the WDP workshops, public awareness has been raised using billboards, stickers, and public weapons destructions.

In addition to having relatively comprehensive scope and substantial resource, JSAC has adopted a commendable approach to co-operation and co-ordination with the government of Cambodia, with other donors (particularly EU ASAC), and with civil society. For instance, WDP workshops take place at district, commune and village levels of each targeted province and often involve government and civil society partners. JSAC, EU ASAC, and civil society partners reportedly hold monthly “disarmament forums” to discuss SALW issues and share information on their activities. Moreover, JSAC and EU ASAC have also collaborated in the production of a police training manual, and in some provinces it appears that EU ASAC supports the stockpile management and security needs of the military, while JSAC provide similar support to the Police.

The first phase of JSAC activity was completed in February 2005. The Governments of Japan and the Government of Cambodia immediately signed a new Agent Agreement for a second phase of JSAC which began in April 2005 and will run until March 2007. This second phase will focus on two other provinces: Preah Vihea and Kompong Thom.

Review of export controls

In 2004 the Japanese government reviewed its export laws. Previously bound by an absolute prohibition on international exports of any defence related material, including most SALW (this does not cover hunting or sporting guns), the review prompted significant debate. This review was not largely concerned with possible transfers of SALW and/or ammunition. Rather, it was related almost exclusively to allowing the transfer of weapons technologies to the United States for a missile shield project. In December 2004, the Japanese Government published new ‘Defence Guidelines’ that emphasise a tight coalition with U.S. strategy. The potential for future SALW exports and for arms transfers through the USA to third countries remains a concern for civil society.

Learning points

- ◆ The success of donor-assisted SALW projects can be enhanced by adopting a comprehensive approach
- ◆ Regular consultation and co-ordination with other donor programmes and civil society is essential. There is scope for improvement in the complementary development of Japan’s, and other donors’ programming in this regard
- ◆ The liberalisation of arms export controls, while not specifically articulated in relation to SALW, raises concerns about the controls and standards that would be applied to possible future possible exports.

⁸⁴ According to EU ASAC Figures at <http://www.eu-asac.org/programme/weaponsDestructionTable.php>

3.2.6 OCEANIA/PACIFIC

OVERVIEW

For most states in the region SALW trafficking and misuse are a low priority. Many smaller states have no military forces, and neither the police nor civilians are armed. Nevertheless, the main regional body, the Pacific Islands Forum (PIF) has a reasonable level of declared commitment to tackling SALW proliferation, and there is a regional agreement on SALW.

Within the PIF, the Nadi Framework was produced by the South Pacific Chiefs of Police Conference and the Oceania Customs Organization in the document *Towards a Common Approach to Weapons Control* of March 2000. 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). In May 2001 the first draft of this legislation was produced, 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 PIF meeting in August 2003. The Nadi Framework process emphasises harmonisation of regulations and good basic standards therein. 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. In the French territories of New Caledonia, French Polynesia (Tahiti) and Wallis & Futuna small arms are largely regulated by the legislation of mainland France.⁸⁵ The Model Weapons Control Bill formalises, improves and harmonises standards in the following areas:

- establishes controls over civilian possession, trade, and manufacturing
- establishes registration and licensing systems for possession and trade
- establishes the need for a “genuine reason for possessing and using a weapon” and outlines what such reasons include
- criminalises illicit trafficking
- controls import and export of arms
- contains standards on marking and record keeping and storage for civilian weapons
- deals with border control issues.

Implementation of the model harmonised weapons legislation has thus far been slow, and it appears likely to remain at that pace. This is largely because of the limited urgency associated with changing local laws. Only Australia, New Zealand, and Fiji have amended their laws largely in line with the Model Weapons Law. Papua New Guinea may do so in the near future. While not officially announced, there is some momentum within the region for the PIF to promote regional export controls on small arms.

Most illicit firearms in the Pacific (except those 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.⁸⁶ Thus, the safety and security of weapons stockpiles has been a priority in the region, and much practical progress on tackling SALW within PIF states has focused upon this – largely with the financial and technical assistance of Australia and New Zealand.

⁸⁵ Of all Pacific Islands, these territories have reportedly been the least transparent in their small arms-related policies and have failed to cooperate with independent researchers.

⁸⁶ 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.

NATIONAL IMPLEMENTATION IN THE OCEANIA/PACIFIC

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 7 states have established an official point of contact (Section II, Para 5) to act as liaison between states. 2 have national co-ordination mechanisms, including officially designated national co-ordination agencies or bodies (Section II, Para 4). Further, none actively involve civil society in their national co-ordination of action on SALW. 2 have developed national strategies, though only one is a formal plan on small arms. Additionally, 5 have submitted at least one report on national implementation to the UN DDA.

Laws and Procedures

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):

- 16 states have laws and procedures controlling the production of SALW
- 5 states have laws and procedures controlling the export of SALW (though others are covered by less formalised controls)
- 19 states have laws and procedures controlling the import of SALW (Section II, Paras 2, 11, 12)
- 5 states have laws and procedures controlling the transit of SALW (Section II, Paras 2, 12)
- No states have laws and procedures controlling the brokering of SALW (Section II, Para 14).

The scope and stringency of these laws and procedures, and their enforcement, varies considerably. At a national level 2 states have reviewed at least some of their laws and/or procedures controlling international SALW transfers since 2001.

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

- 20 states have laws and procedures criminalising the illicit possession of SALW
- 15 states have laws and procedures criminalising the illicit trade in SALW
- 14 states have laws and procedures criminalising the illicit manufacturing of SALW
- 3 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 4 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. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, varies considerably. However it will become increasingly harmonised through implementation of the Nadi Framework.

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. Of the states in the region:

- 6 have standards and procedures for the management and security of stockpiles (Section II, Para 17)
- 4 of these include regular reviews of stocks (Section II, Para 18)
- 7 states have reviewed or enhanced 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, within the region:

- 2 states have destroyed some surplus stocks since 2001 (Section II, Paras 18 and 19)
- 3 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:

- No states have a policy of destroying most or all surplus weapons and ammunition (Section II, Paras 18 and 19)
- 2 states have a policy of destroying most or all collected and/or confiscated SALW (Section II, Para 16).

Disarmament programmes also reduce the stock of arms and ammunition available for illicit circulation. 4 states have conducted some form of disarmament, including:

- 2 post-conflict DDR programmes (Section II Para 21)
- 1 Voluntary Weapons Collection Programmes (Section II, Para 20)
- 4 amnesties (Section II, Para 20)
- 0 forcible disarmament programmes.

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:

- 1 requires that all SALW are marked as an integral part of their manufacture. (Section II, Para 7)
- 4 have measures to tackle unmarked or inadequately marked weapons (Section II Para 8)
- 7 keep at least some detailed records on holdings and transfers of SALW (Section II, Para 9)
- None appear to actively co-operate in tracing (Section III, Para 11).

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 the Oceania/Pacific:

- 2 states have provided some form of donor assistance to SALW-related projects
- At least 2 states actively co-operate with civil society.

Civil society

Government co-operation with civil society in the region is limited, though governments have demonstrated some openness and support for further co-operation. In both New Zealand and Australia, government consultation and correspondence with gun lobby groups remains far more frequent than with NGOs supportive of the PoA. New Zealand's Ministry of Foreign Affairs and Trade (MFAT) has invited disarmament-oriented NGOs to only one domestic PoA-related meeting since 2001, while another was mounted by the UN in Wellington (in March 2001). In Auckland, New Zealand Police met once in 2003 with peace, disarmament and gun control groups.

Civil society groups in the region have not tended to prioritise SALW issues, with some notable exceptions. The Catholic development agency, Caritas Australia, and the Australian Campaign Against the Arms Trade have been relatively active, and IANSA member organisations have been active on particular SALW issues in Fiji and Papua New Guinea.

PAPUA NEW GUINEA SNAPSHOT: CONSULTATION IN THE REVIEW ON LEGISLATION

Emerging from the aftermath of conflict, Papua New Guinea (PNG) faces high levels of armed crime: 80% of violent crime is believed to involve the use of firearms in PNG.⁸⁷ As part of efforts to tackle such problems Papua New Guinea is in the process of reviewing its SALW controls. This review process, ongoing at the time of writing, has included significant efforts at consultation in a process covering a wide range of SALW issues.

The National Executive Council of Papua New Guinea established a Gun Control Committee to review the state of its current legislation. This process will culminate in a national Gun Summit in June 2005. UNDP has pledged to provide support for this summit.⁸⁸ This summit is expected to examine key SALW issues such as the armoury control procedures for the defence force, the police, and correctional centres; means of international collaboration in limiting illicit trafficking into PNG; and the tightening of the firearms act.⁸⁹ A Gun Control Roadshow was launched by the government in March 2005 in order to consult with communities prior to the Gun Summit.

Additionally, in rural PNG, small arms-related activities are slowly being developed within the country's largest religious organisation, the Catholic Church.

AUSTRALIA AND NEW ZEALAND CASE STUDY: REGIONAL CO-OPERATION, CO-ORDINATION, AND ASSISTANCE

Overall implementation of the PoA by Australia and New Zealand is good. Notable elements of recent implementation by the two states include reviews of legislation and policies, such as New Zealand's declared national policy of destruction of all surplus and collected small arms,⁹⁰ and Australia's review of export control legislation which it claims, will address the issue of extra-territorial arms brokering controls. Both states also participate in the Open-Ended Working Group.

In particular both states have tackled the need for co-operation, co-ordination and regional action. While there remains room for improvement, and the two states have laid the foundations for co-operation differently, action in this regard has been notable. Both states have appointed national points of contact. New Zealand is only state in region with an official co-ordination agency: The Small Arms Programme of Action Coordinating Group comprises representatives from Ministry of Foreign Affairs and Trade (MFAT), Defence, Police, Justice and Customs, along with the Environmental Risk Management Authority. Although New Zealand's 2004 annual report to UN DDA states that the Group "consults regularly" in recent times such consultations have been ad hoc, with contact made between members only when needed, to achieve immediate aims. The current MFAT officer responsible can neither recall attending, nor being made aware of, any recent meetings of the full Group.

Australia names as its national co-ordination agency on small arms the Australian Police Ministers' Council (APMC). This body, however, does not appear to have discussed any international policy aspects of small arms control, and has only tackled domestic small arms issues on an irregular basis. However,

⁸⁷ <http://www.postcourier.com.pg/20050304/news01.htm>

⁸⁸ <http://www.undp.org.pg/vrpci.html>

⁸⁹ "PNG to Tackle illegal arms trade", *ABC Online* at <http://www.abc.net.au/news/newsitems/200505/s1358860.htm>

⁹⁰ New Zealand National Report 2003.

Australia did develop a national policy framework on small arms prior to the UN Conference in 2001 and this policy framework emphasised the importance of “enhanced regional action” in support of the UN process.⁹¹ The foreign policies of both states are traditionally close and without major tension – including within the small arms field. As the region’s two industrialised states, New Zealand and Australia financially maintain, and strongly support the 16-nation Pacific Islands Forum.

Regional Assistance, Co-operation and Co-ordination⁹²

Australia and New Zealand often seem to work in close concert within the region. Even prior to the PoA both states have reportedly been determined to reduce the flow of arms and ammunition into the region, particularly into troubled areas such as the Solomon Islands and PNG. Thus, both states apply close scrutiny to all applications to export small arms and ammunition to all states, an particularly with regard to those transfers which will impact upon the region.

However, collaboration between Australia and New Zealand is reportedly more due to parallel aims and to coincidence than it is to organisation: Both states national reports emphasise the role of the “Quadrilateral Working Group” meetings in which defence representatives from Australia, New Zealand, France and the United States meet annually to discuss, co-ordinate and reduce duplication in their respective national security assistance programmes for the Pacific Region. However, these “Quadrilat” meetings cover a wide range of issues and sources suggest that discussion of SALW issues is minimal. Further co-ordination between Australia and New Zealand is limited. Reportedly, only one organised event in this field links the two countries: an annual foreign affairs meeting at branch head level whose 12-month agenda must cover the entire range of issues related to disarmament and arms control. Sources indicate that although in appearance the two nations seem to work closely together, common positions are rarely planned and collaboration is almost invariably ad hoc. Consensus and co-ordination largely reflects pre-existing parallel interests.

Bilateral co-ordination appears also to have occurred de facto as a result of secondments of officers in each of the years 2002-2004: a career officer has been seconded from New Zealand’s MFAT in Wellington, to the International Security Division at Australia’s Department of Foreign Affairs and Trade (DFAT) in Canberra. All three seconded officers worked in part on small arms issues and automatically kept the two countries close in this area. However, this appears to have been largely fortuitous rather than co-ordination by design.

Capacity

Neither New Zealand nor Australia maintains dedicated budget lines, or personnel, for small arms-related issues. Indeed, in both New Zealand’s Ministry of Foreign Affairs and Australia’s Department of Foreign Affairs a single desk officer is tasked with small arms work, accounting for estimated 10% and 20% of their workload. In both Canberra and Wellington, an important additional role of the part-time “small arms contact” is to liaise with, and in a variety of ways to assist, their counterparts in the 14 minimally-resourced member nations of the Pacific Islands Forum.

Neither Australia nor New Zealand report a noticeable increase, nor any lessening of financial commitment to small arms policy matters since the 2001 UN conference. Although internal budget lines are not split, and so no figures are available, it is felt that there may have been a marginal increase in New Zealand’s expenditure, though largely as a result of the new Arms Amendment Bill (No 3) rather than regional assistance.

⁹¹ International Small Arms Issues : An Australian Policy Framework 1999. http://www.dfat.gov.au/media/releases/foreign/1999/fa082_99.html

⁹² PoA Section II, Paragraph 26.

In Australia, some years ago DFAT dedicated a AUS\$100 million, ten-year dedicated aid budget, in line with Australia's obligations under the Ottawa Convention on antipersonnel landmines. This, however, has not been repeated for PoA implementation or small arms related assistance, and is unlikely to be pursued. Both before and after the 2001 UN conference, all small arms-related projects have been mounted only for the duration of the relevant construction or weapon collection programme. Most of these have now been completed.

Assistance

Australia and New Zealand are the primary providers of donor assistance to small arms projects in the Pacific region. Indeed, while other donors, such as Japan and the EU, express enthusiasm at regional UN seminars, there are no known examples of small arms-related projects that are unrelated to an immediate armed conflict situation which have been funded by outside donor agencies. The UNDP is developing a violence reduction project in the Pacific, focused largely on PNG, but this has no dedicated small arms component. In contrast, assistance from Australia and New Zealand has had wider regional scope.

Broadly, while New Zealand's connections are closest with the eight or nine Pacific Islands Forum nations of Polynesia to the north and east, Australia is much more involved with the Melanesian members of PIF, the most prominent of which are Papua New Guinea and the Solomon Islands. The actions of Australia and New Zealand in the provision of assistance in SALW projects have largely reflected these connections, thereby avoiding duplication.

Assistance has particularly, but not exclusively, been related to the regional level commitments within the PoA to "promote safe, effective stockpile management and security, in particular physical security measures,"⁹³ and to support disarmament.⁹⁴ Australia and New Zealand have both contributed to the building, rebuilding, and securing of state-run armouries, and the training of those responsible for keeping them secure.

Australia has 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.⁹⁵ This contrasts strongly with the significant loss of small arms from PNG Defence Force stocks in previous years.

Similarly, both donors have provided assistance to the upgrading of armouries in the Solomon Islands and in Vanuatu and the building of armouries in Samoa. Australia has supported the building of armouries in Fiji, and New Zealand has provided similar support to the Cook Islands and Tonga. Thus, half of all Pacific Island states have received some assistance from either, or both, Australia and New Zealand on this critical element of weapons management. To date, reportedly, none of these new armouries has suffered a loss due to inadequate security measures.

While apparently prioritising the creation and bolstering of secure armouries in the region, both donors have supported wider good practice in weapons management. For instance, the Australian Defence Force has provided expert assistance to PNG military and police to destroy surplus small arms and crime gun, and the Regional Assistance Mission to the Solomon Islands (RAMSI), which was deployed in July 2003 led by Australia with a significant New Zealander element, collected and destroyed over 3,700 weapons there.

⁹³ PoA Section II paragraph 29.

⁹⁴ PoA Section II, paragraph 30.

⁹⁵ Alpers, Philip, "Gun-running in Papua New Guinea: from arrows to assault weapons in the Southern Highlands", Geneva: Small Arms Survey, forthcoming.

In cases where both donors have actively supported work in a particular Pacific nation or for a particular action, the two donors appear to have co-operated effectively, such as in the RAMSI, the various cases of mutual support for armoury rebuilding in some states, and the donors' joint funding for independent small arms research.⁹⁶

National firearms controls

The Australian buy-back and destruction of well over 700,000 privately owned small arms remains the largest such effort in the world. The country's stringent laws have continued to be refined and improved – both in terms of the letter and enforcement of the law. In the wake of high-profile mass shootings, the federal government used a long-scheduled, semi-annual APMC meeting to broker agreement between attending police ministers to harmonise aspects of domestic firearm legislation across the jurisdictions of the eight states and territories of Australia. Internally, the Australian Crime Commission is developing a national intelligence framework on illicit trafficking in firearms, and various enforcement units have been tasked with targeting illegal handguns. A national system to electronically link the firearm registers in each jurisdiction is currently under construction.

In New Zealand, legislation related to domestic gun ownership is considerably more permissive. New Zealand remains the only PIF nation without universal firearm registration. Though many owners are reportedly asked to voluntarily divulge their holdings of small arms to a firearms licensing officer once a decade, during renewal of their 10-year licence to possess firearms, this is not required by law. Further, there is no requirement for any voluntary list of firearms or markings to be verified, cross-checked or centrally recorded. There remains no system for police or other officials to centrally search weapon descriptions, serial numbers and other distinguishing data for 96% of civilian-held firearms in New Zealand. Despite strong recommendations that universal firearm registration be re-introduced, this move has been explicitly rejected by government. However, some changes have been made to New Zealand's arms regulations. The February 2005 Arms Amendment Bill (No 3) established three new offences, in line with the UN Firearms Protocol and the PoA. These are:

- illicit manufacture of firearms and their parts
- illicit trafficking of firearms, their parts, and ammunition
- the removal or altering of firearm marking without lawful excuse.

Learning points

- ◆ The two states' assistance provided to SALW-related work, has been substantial and significant. It has, however, been largely project oriented rather than part of a wider and co-ordinated regional strategy, and there remains scope for enhanced co-ordination.
- ◆ Assistance focusing upon stockpile management and security has been targeted at priority areas. While these remain a priority, the focus for future action may shift towards implementation of the Model Weapons Regulations agreed under the Nadi Framework. The greater regional focus of these types of SALW activities is likely to require enhanced, and less ad hoc, forms of co-ordination and of co-operation between the two donors.

⁹⁶ Since the 2001 UN conference, four independent small arms-related research projects have been sponsored by Australia and New Zealand. The first was funded from a trust sponsored by the New Zealand Government, while the three most recent studies, to a combined value of more than US\$200,000, were jointly funded from the Foreign Affairs budget of both countries.

FIJI SNAPSHOT: CIVILIAN WEAPONS LAWS AND ILLICIT MANUFACTURING

Fiji has low levels of civilian firearms ownership (estimated at 0.18 arms per 100 population).⁹⁷ It is one of the few Pacific Island states to appoint a national point of contact. Fiji also participated in the various regional SALW meetings and is a signatory to the Nadi framework. Fiji is one of only three Pacific Island states to produce a national report on implementation of the PoA. This report, submitted to the UNDDA in 2004, focused particularly on the adoption of a new Arms and Ammunition Act in 2003.

Fiji is the only state in the region to move towards implementing the model weapons controls agreed within the Nadi Framework. In this regard, the Fijian Arms and Ammunition Act includes controls over: manufacture, possession, use and carriage, dealership, import, transit and export of SALW.

The new act largely focused upon closing minor loopholes in the 1961 Act. It also created some new offences and toughened penalties. In line with regional and global agreements, including the Firearms Protocol, and defined in terms set out in the model Weapons Control Bill of the Nadi Framework, the Arms and Ammunition Act criminalized illicit trafficking and concealment of imported arms as well as those intended for export. In most areas of regulation, however, the new act made very little significant change.

One key issue raised by the new Act, relates to the changes to controls over manufacturing. The 1962 law did not contain an explicit control over manufacturing, but merely required that the commissioner of police must approve the establishment of an arms arsenal. This provision was interpreted by experts as constituting a de facto prohibition upon manufacturing. Part 2 of the new law does include more explicit provisions on manufacturing but effectively loosens rather than tightens this provision by providing for local manufacturing by any one, provided that they are licensed to do so by the Minister. Civil society organisations in Fiji have criticised these provisions as being too permissive. While technically living up to the requirement in the PoA to criminalise illicit manufacture, this case illustrates that the underdeveloped commitments in the PoA on domestic controls can lead to lower levels of control over aspects of the illicit trade in SALW.

Fiji is also undergoing modernisation of its stockpile management and security, with Australian assistance one new armoury is being built, and two more are planned for the near future.

THE SOLOMON ISLANDS SNAPSHOT: DISARMAMENT AND LINKS WITH BROADER INITIATIVES

The Solomon Islands is emerging from a period of violent conflict and instability in which SALW have played a critical and destructive role. In this context, its implementation of the PoA and efforts to tackle SALW-related problems have been substantial. The Solomon Islands have appointed a national point of contact, and reported twice to the UN DDA. The Firearms and Ammunition Act, include controls over production, import, export, and transit; and possession, stockpiling and trade; were last amended in 2000. However, the Solomon Islands government lacks a national co-ordination agency, and there has not been a national level co-ordination effort.

In 2000 the Townsville Peace Agreement (TPA) ending two years of conflict on the island of Guadalcanal was signed between Guadalcanal and the Malatian Militias on that island. Weapons collection was a key part of the TPA. An International Peace Monitoring Team was deployed to assist the Peace Monitoring Council, particularly in receiving and managing surrendered weapons given in under a weapons amnesty. However, worsening violent instability undermined efforts to consolidate peace in the Solomon Islands.

⁹⁷ Alpers, Philip, and Twyford, Conor, *Small Arms in the Pacific*, Small Arms Survey Occasional Paper No. 8, (Geneva, Small Arms Survey, March 2003), p 11.

In July 2003, under the auspices of the Pacific Island Forum, the Regional Assistance Mission in the Solomon Islands (RAMSI) was deployed to stabilise Honiara. This policing mission was staged by 2,250 personnel provided by ten member states (predominantly by Australia and New Zealand, and small numbers from Fiji, Tonga, Papua New Guinea, Cook Islands, Kiribati, Samoa, Vanuatu, and Nauru). This mission rapidly stabilised Honiara and progressively much of the rest of the Solomon Islands.

RAMSI prioritised the collection of illicit SALW. In contrast to two previous weapons amnesties, which had collected mostly old hunting weapons and craft manufactured arms, disarmament during the RAMSI period has been highly successful. Within one month RAMSI had collected an estimated 90 – 95% of total number of weapons believed to be remaining in circulation (over 3,700 weapons and over 300,000 rounds of ammunition) – including many of the high-powered rifles that leaked from state stocks during the unrest.⁹⁸

Among the reasons for the success of this weapons amnesty were stronger penalties after the amnesty period. On 20th August 2003 the Facilitation of International Assistance (Weapons Surrender) notice declared the Solomon Islands a Weapons Surrender Area and required the submission of all weapons.⁹⁹ The possession of weapons was made illegal with penalties including 10 years prison sentence or US\$3,500 fine introduced by RAMSI.¹⁰⁰

It is likely that a range of other SALW initiatives, after the limitations of the first two amnesties, contributed to the success of the RAMSI disarmament. In particular, in 2002, the National Peace Council established a Weapons Free Village Campaign after the limited success of the second weapons amnesty. Weapons Free Village ceremonies have played an important awareness raising role. This program aims to establish 1,200 weapons free villages in the Solomon Islands, and appears to be close to achieving this goal.

Further awareness raising and confidence building has taken place with the disposal of collected weapons through public destruction ceremonies. This has been carried out for the majority of arms collected in all three amnesties.

Awareness raising and demand reduction have been a key part of other related projects in the Solomon Islands. The Ministry of Provincial Government, responsible for the DDR program supported by UNDP and AusAid, NZAid and the EU which sought to demobilise former Special Constables, has conducted “weapons stigmatisation programmes” and mediation and reconciliation activities.¹⁰¹

In the past, the Solomon Islands have had serious stockpile management problems. The majority of the more powerful types of weapons used in the conflict came from government stocks. While the Royal Solomon Islands Police have long had procedures in place for stockpile management, in 2001 an International Peace Monitoring Team audit found severe problems with stockpile management.¹⁰² Thus, the division of the Royal Solomon Islands Police that was previously responsible for stockpile management was disbanded by RAMSI. Australia and New Zealand have since provided assistance to upgrading the physical security of the main armoury in the Solomon Islands.

⁹⁸ http://www.ausaid.gov.au/hottopics/solomon/solomons_ramsi_details.cfm

⁹⁹ National Report on the Implementation of the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, Submitted by the Government of the Solomon Islands, June 2003 – June 2004.

¹⁰⁰ Muggah, Robert, “Diagnosing Demand: Assessing the Motivations and Means for Firearms Acquisition in the Solomon Islands and Papua New Guinea”, Discussion Paper of the State, Society and Governance in Melanesia, Australian National University Research School of Pacific and Asian Studies, p 6.

¹⁰¹ National Report on the Implementation of the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, Submitted by the Government of the Solomon Islands, June 2003 – June 2004.

¹⁰² National Report on the Implementation of the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, Submitted by the Government of the Solomon Islands, Submitted to the BMS July 2003.

GLOBAL AND REGIONAL TABLES

The following tables include detailed information on national implementation of the PoA by over 180 states. The data is presented in both global and regional tables to provide an accessible and comprehensive overview. These tables cover a large number of countries which are not discussed in detail in the preceding text.

The tables are organised, first globally and then by region, into sets of four:

- 1 the Foundations of Implementation**
- 2 National Laws and Procedures**
- 3 Weapons Management**
- 4 International Assistance, Co-operation, and Transparency**

Global
Table

1

Foundationsⁱ

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		
Albania	Yes	No		
Algeria	Yes			
American Samoa	No	No		
Andorra	Yes			
Angola		Yes	Yes	3 NGOs are part of the national commission
Antigua and Barbuda	Yes			
Argentina	Yes	Yes	Yes	There is an inter-agency working group to implement provisional national plan that contemplates NGO participation.
Armenia	Yes	No D		Point of contact reportedly not functioning
Australia	Yes	Yes B		Coordination body is Australian Police Ministers Council – partial attention to SALW
Austria	Yes	No D		
Azerbaijan	No	No		
Bangladesh	Yes			
Barbados	Yes			
Belarus	Yes	No	No	
Belgium	Yes	Yes	No	Transfer of competencies for production control and export licensing has undermined coordination
Benin	Yes			
Bolivia	Yes	No		
Bosnia and Herzegovina	Yes	Yes	No	
Botswana	Yes	Yes A		Regular meetings, well organised, identifies gaps in legislation
Brazil	Yes	Yes A	Yes	National Disarmament Commission new law establishes channels for info exchange between army and police
Bulgaria	Yes	Yes B		Export only
Burkina Faso	Yes	Yes	Yes	Civil Society along with relevant technical ministerial departments jointly lead with National Commission on arms control activities.
Burundi	Yes	Yes	Yes	
Cambodia	Yes	Yes	Yes	
Cameroon	Yes			
Canada	Yes	Yes	Yes	10 seats for NGOs at annual meeting. No opportunity for policy input from civil society
Cape Verde	Yes	Yes		
Central African Republic	No	Yes		Coordination mechanism for national DDR
Chad	Yes	Yes		
Chile	Yes	No		
China	Yes	No D		Some inter-agency coordination on exports
Colombia	Yes	Yes B	Yes	Began preliminary meetings in March and April 2005. Ad hoc consultation with NGOs
Congo (Republic of)	Yes	No		
Cook Islands	Yes	No		
Costa Rica	Yes	Yes	Yes	NGOs included in national coordination mechanism as consultative partners only
Côte d'Ivoire	Yes	No		
Croatia	Yes	Yes		National Commission formed May 2005
Cuba				
Czech Republic	Yes	No	No	Some cooperation between government departments
Democratic Republic of Congo	Yes	Yes	No	
Denmark	Yes	No		There is a National Committee on the Control of Firearms
Djibouti	Yes	Yes		

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	
1	
0	
0	
0	No
0	
2	Planned for 2005
2	
3	A
2	No
1	No
2	Very brief
1	
4	No C
1	No
1	
1	No, lacks national legislation
1	Expected
1	Yes A
1	Yes A
2	No
3	No
3	No
1	No
1	
3	No A
0	No
1	
1	
0	
3	
1	Being Developed
1	No
0	
2	Yes A
1	
3	Planned
1	
3	No
1	No
1	
1	No
1	No

⁴ 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		
		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		
Dominican Republic	No	No		
Ecuador	Yes	Yes	No	
Egypt	Yes			
El Salvador	Yes	No D	Yes.	De facto commission with focus on domestic control issues
Equatorial Guinea		Yes		
Eritrea	Yes	No		National Coordination Agency due to be launched in 2005
Estonia	Yes	No	No	
Ethiopia	Yes	No		
Fiji	Yes	No		
Finland	Yes	Yes A	Yes	
France	Yes	Yes	No	
French Polynesia	No	No		
Gabon	Yes			
Gambia	Yes			
Georgia	Yes	Yes C		Inter-agency body covers SALW among many other issues. Point of Contact largely ineffectual
Germany	Yes	No D	Yes	No formal commission, but appears to be significant. Regular informal meetings with NGOs coordination
Ghana	Yes	Yes	Yes	
Greece	Yes			
Grenada				
Guatemala	Yes	Yes	Yes	National disarmament commission formed July 2004, includes NGO
Guinea	Yes	Yes	Yes	5 of the 27 members of NatCom are from civil society organisations
Guinea Bissau	Yes	Yes		
Haiti	Yes			
Holy See	Yes			
Honduras	Yes	No		
Hungary	Yes	Yes	No	Related to export licensing policy
Iceland	Yes			
India	Yes	Yes		
Indonesia	Yes	Yes		Inter-departmental working group
Iran	Yes	Yes		
Ireland	Yes	No D		
Israel	Yes	Yes		
Italy	Yes	Yes A		Interagency working group on SALW meets twice per year
Jamaica	Yes			
Japan	Yes	No D		
Jordan	Yes	No		
Kazakhstan	Yes	Yes	No	
Kenya	Yes	Yes	Yes	
Kiribati	No	No		
<i>Kosovo (entity)</i>	<i>No</i>	<i>Yes</i>		
Kyrgyz Republic	No	No	No	
Laos	Yes	No		
Latvia	Yes	Yes B		Inter-ministerial committee for transfers
Lebanon	Yes	No		
Lesotho		No		
Liberia	Yes			
Liechtenstein	Yes			
Lithuania	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
0	No
1	Beginning to develop a strategy
1	
2	No
1	No
0	No
1	No
1	Being developed
1	
3	No B
1	
0	
1	
1	
0	No
2	No
0	Reportedly being developed
3	
1	
1	Yes A
1	Yes
0	No
1	
0	
2	No
4	No
0	
1	No
1	No
1	
2	
2	
2	No
0	
2	
2	No
1	C
1	Yes
0	
0	
0	No
0	No
2	No
2	No
0	
0	
0	
3	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		
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
Malawi	No	No		Co-ordination mechanism may be established in 2005
Malaysia	Yes	Yes		
Maldives	Yes			
Mali	Yes	Yes		
Malta	Yes	No		
Marshall Islands	Yes	Yes		
Mauritius	Yes			
Mexico	Yes	No D		Frequent inter-agency cooperation
Micronesia (Federated States of)	No	No		
Moldova	Yes	No		
Monaco	Yes			
Mongolia	Yes			
Morocco	Yes			
Mozambique	Yes	Yes	Yes	
Myanmar (Union of)	Yes	No		
Namibia	Yes	Yes	Yes	NGOs part of the commission
Nauru	No	No		
Netherlands	Yes	No	Yes	Generally cooperative with NGOs
New Caledonia	No	No		
New Zealand	Yes	Yes B		Coordination good but reportedly becoming more ad hoc
Nicaragua	Yes	Yes	No	NGOs included on paper, but not yet in practice
Niger	Yes	Yes	Yes	
Nigeria	Yes	Yes	Yes	
Niue	No	No		
Norway	Yes	Yes		
Oman	Yes			
Pakistan	Yes	Yes		
Palau	No	No		
Panama	Yes			
Papua New Guinea	No	No		
Paraguay	Yes	Yes	Yes	Ad hoc consultation with NGOs
Peru	Yes	Yes	No	
Philippines	Yes	No	No	
Poland	Yes	No D		Some national coordination
Portugal	Yes	No		
Qatar, State of	Yes			
Republic of Korea	Yes			
Romania	Yes	Yes B		Inter-ministerial council for export, import and brokering applications
Russian Federation	Yes	No		
Rwanda	Yes	Yes		
Saint Kitts and Nevis	Yes			
Samoa	No	No		
San Marino	Yes			
Sao Tomé and Príncipe	Yes			
Saudi Arabia				
Senegal	Yes	Yes	Yes	
Serbia and Montenegro	Yes	No		Co-ordination mechanism being created
Seychelles	Yes	No		Co-ordination mechanism not yet launched

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	Expected by end of July 2005
0	No B
1	
0	
2	Reportedly being developed
1	No
1	
0	
3	
0	
1	No
2	
0	
2	
0	Being developed
0	No
0	Yes
0	
2	
0	
2	A
1	No
2	
0	No
0	
2	No
1	
1	
0	
1	
0	
1	A
1	No
1	No
2	No
2	
1	
1	
1	
3	No
1	No
0	
0	
0	
1	
1	
1	
2	Under construction
0	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		
Sierra Leone	No	Yes		Interim National Coordination agency only
Singapore	Yes			
Slovakia	Yes	No D		Ad hoc working group
Slovenia	Yes	No		
Solomon Islands	Yes	No		
South Africa	Yes	No D		
Spain	Yes	Yes	No	Export only
Sri Lanka	Yes	Yes	Yes	
Sudan	Yes	Yes	Yes	2 NGOs on commission
Swaziland				
Sweden	Yes	No D		Some limited informal coordination
Switzerland	Yes	Yes	No	
Syria	Yes	No		
<i>Taiwan (entity)</i>	NA	NA		
Tajikistan	Yes	No D	No	Reportedly some national coordination through Vice Prime Minister
Tanzania	Yes	Yes A	Yes	Significant involvement of Civil Society
Thailand	Yes	Yes		
Togo	Yes		No	
Tonga	No	No		
Trinidad and Tobago	Yes	No		
Turkey	Yes			
Tuvalu	Yes	No		
Uganda	Yes	Yes	Yes	
Ukraine	Yes			
United Kingdom	Yes	No D	Yes	No formal commission, but good coordination
United States of America	Yes	No D		
Uruguay	No	No		
Vanuatu	No	No		
Venezuela	Yes	No		
Vietnam	Yes	No		
Wallis and Futuna	No	No		
Yemen				
Zambia	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
0	No
0	
2	No
1	No
2	
1	Yes
1	No
1	Proposed
1	No: Proposed
0	
2	
2	Under discussion
1	
NA	
1	C
0	Yes
1	
2	
0	
2	No
3	
0	
1	Yes
2	Yes
2	No A
3	No
0	No
0	
1	No
0	No
0	
1	
0	No

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		Yes	Yes			
American Samoa	Yes		No					Yes								
Angola	Yes							Yes								
Argentina	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes	No	No	No		Yes	No
Armenia	Yes		Yes	Yes			Yes	Yes		Yes		No				
Australia	Yes		Yes			Yes	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						
Bangladesh	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
Belize			Yes					Yes		Yes						
Bolivia	No		No					Yes			No	No				
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Botswana			Yes			Yes		Yes								
Brazil	Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes	No	No	No			
Brunei	Yes		Yes					Yes								
Bulgaria	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Burkina Faso	Yes	Yes						Yes	Yes	Yes	Yes					
Burundi	Yes	No	Yes					Yes		Yes		No				
Cambodia	Yes		Yes					Yes		Yes						
Cameroon	Yes		Yes					Yes		Yes						
Canada	Yes	Yes	Yes	Yes		Yes		Yes	Yes		Yes	No				
Central African Republic	Yes	No														
Chile	Yes	No	Yes	No		Yes		Yes	No	No		No				
China	Yes		Yes	Yes		Yes		Yes				No				
Colombia	Yes.	Yes	Yes	Yes		Yes				No	Yes					
Congo (Republic of)								Yes								
Cook Islands	No		No					Yes								
Costa Rica		Yes	Yes	Yes		Yes		Yes		Yes	No	No			Yes	
Croatia	Yes	Yes	Yes	Yes		Yes	No	Yes	Yes	Yes	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	
2003 Regulation (no. 9603) reportedly covers brokering	Yes	No	Yes		Yes		Yes		
Prohibition on manufacture of certain types of small arms	Yes		Yes		Yes				
Adequacy of controls unclear.	Yes		Yes		Yes				Enforcement reportedly improved since 2002
Some changes proposed but no progress yet, Some policies, for example, the register of brokers are called for in MERCOSUR agreements but not implemented	Yes	Yes	Yes	No	Yes	No	Yes	No	Categories of arms in need of modernization.
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
	Yes	Yes	Yes		Yes		Yes		Toughened penalties in 2002.
Law amended in July 2001.	Yes		Yes		Yes				
A new export law was drafted in 2003 with western assistance.	Yes		Yes		Yes				
	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
					Yes				
Import regulation focus on payments at entrance		Yes							Currently in process of legislative debate
Brokering controlled by the 2003 Law. Production control reviewed 2004				Yes					
Permit required for export. Arms and ammunition act under review	Yes	Yes	Yes	Yes					Arms and ammunition act under review
	Yes	Yes	Yes	Yes	Yes				December 2003 law changed right to carry. Referendum on banning sales to civilians.
	Yes		Yes		Yes		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.
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	Yes			New Law in April 2005
	Yes		Yes		Yes		Yes		
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				Reviews in 2002 and 2004 largely to cut costs
	Yes		Yes						Review being discussed
Export laws amended in October and November 2002	Yes		Yes		Yes		Yes		
Laws and procedures being reviewed. Laws on export and production unclear.	Yes	Yes	Yes		Yes				Review currently underway. Ambiguity in definitions.
	Yes								
Import prohibited. Law allows for export prohibition	Yes		Yes		No				
Several Bills related export and production are before congress. Brokering is considered part of import.	Yes	Yes							2001 improved law on explosives and gun powder.
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			Law on Arms covers possession, amended in 2001 and 2002. Law on Production and trade introduced in 2002

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
Czech Republic	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Democratic Republic of Congo	Yes		Yes			No	No	Yes		Yes						
Denmark	Yes	Yes	Yes	Yes	Yes	No		Yes	Yes	Yes	Yes	No				
Djibouti	Yes	No	Yes			No		Yes		Yes		No				
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	
Eritrea	Yes	Yes	Yes	Yes		No		Yes	Yes	Yes	Yes	No				
Estonia	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ethiopia		Yes	Yes	Yes				Yes	Yes			Yes				
Fiji	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
French Polynesia	Yes							Yes								
Georgia	Yes	No	Yes	Yes		Yes	No	Yes	Yes	Yes	No	No				
Germany	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No
Ghana	Yes	Yes		Yes				Yes	Yes			No				
Greece	Yes		Yes		Yes			Yes		Yes	No	No				
Guatemala	Yes	Yes	Yes	Yes				Yes	Yes	No	Yes	No	Yes			
Guinea	No	No	No	No				Yes	No	No	No					
Guinea Bissau	No							Yes		No		No				
Honduras	Yes	No	Yes	No				Yes	No			No	No			
Hong Kong (Entity)			Yes	Yes		Yes		Yes	Yes	Yes	Yes					
Hungary	Yes	Yes	Yes	Yes	Yes	Yes	Some	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
India	Yes	Yes	Yes	No	No	Yes		Yes				No				
Indonesia	Yes		Yes							Yes		No				
Ireland	Yes		Yes	Yes	Yes	Yes		Yes		No	No	No	Yes	No	No	No
Israel	Yes		Yes					Yes		Yes		Yes				
Italy	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	No				

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	
New laws in 2004. Transit controls only cover firearms and ammunition	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New law in 2004
All potential arms recipients, except national police and army are under a UN arms embargo									
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				
	Yes		Yes						
	Yes	No	Yes	No	Yes	No			
Export reviewed but not changed. Import regulations reformed in 2002 but are still not in line with CIFTA.	Yes		Yes		Yes	Yes			Express prohibition of craft production in 2002 reform of 1999 law
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.
	Yes		Yes		Yes				
Draft law being prepared	Yes		Yes		Yes				
New law in 2003	Yes	Yes	Yes	Yes	Yes	Yes			New law in 2003
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				
Express prohibition on production	Yes								French law
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	Yes	Yes	Yes	Yes	Yes			New law in May 2003
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	
Currently being reviewed	Yes	Yes	Yes	Yes	Yes	Yes			Currently being reviewed.
	Yes		Yes						
Laws reviewed but not changed	Yes	Yes	Yes	Yes	Yes	Yes			Laws reviewed but not changed
	Yes	No	Yes	No	Yes	No			
Licensing procedures exist for import by third parties, none for government agents.	Yes	No	Yes	No	No				
	Yes		Yes						Implementation of National Arms register
The licensing requirements for Import, export and transit were revised on 16th April 2004.									
Export, Transit and brokering controls tightened in 2004. Production review ongoing	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.
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						
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.
	Yes		Yes		Yes		Yes		
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		

Global
Table

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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
Jamaica	Yes	No	Yes	No				Yes		Yes		No				
Japan	Yes		Yes	Yes				Yes				Yes				
Jordan	Yes	No	Yes	No				Yes	No	No		No				
Kazakhstan (Republic of)	Yes		Yes			Yes		Yes								
Kenya	Yes	Yes	Yes	Yes		No		Yes	Yes	Yes		No				
Kiribati	Yes		No					Yes								
<i>Kosovo (entity)</i>	Yes		Yes					Yes		Yes						
Kyrgyz Republic			Yes	Yes	No	No	No	Yes	Yes			No				
Laos			Yes	Yes				Yes	Yes			No				
Latvia	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lebanon	No		Yes					Yes		Yes		No				
Lesotho	Yes	No	Yes	No		No		No		No		No				
Liberia																
Lithuania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Macedonia (FYRoM)	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No
Malawi	Yes	No	Yes		No	No	No	Yes		No		No				
Malaysia	Yes	No	Yes	No				Yes	No	Yes		No	No			
Mali																
Malta	Yes	Yes	Yes	Yes	Yes			Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Marshall Islands	Yes		Yes	No		No	No	Yes		Yes						
Mauritius	Yes		No					Yes		No		No				
Mexico	Yes	No	Yes	No				Yes	No	No	No	No				
Micronesia (Federated States of)	Yes		No					Yes								
Moldova	Yes	No	Yes	No				Yes	No			No				
Monaco	Yes		Yes					Yes								
Mozambique	Yes		Yes	No				Yes		No		No				
Myanmar	Yes											No				
Namibia	Yes	No	Yes	No		No		Yes	No	No		No				
Nauru	No		No					No								
Nepal	Yes		Yes					Yes								
Netherlands			Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No		Yes	No
New Caledonia	Yes							Yes								
New Zealand	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No				
Nicaragua	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes		Yes	Yes	Yes	Yes	Yes	Yes	
Nigeria	Yes	No	Yes	No		Yes		Yes	No	Yes	No					
Niue			No					Yes								
Norway	Yes		Yes		Yes	Yes	Yes	Yes		Yes	No	Yes	No	No	Yes	Some

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	
Basic legislation requiring authorisation for export, import, and transit.	Yes	No	Yes	No	Yes				Law states that there are prohibited weapons, but does not specify which.
Export laws prohibit export, but are under review. May affect possible SALW transfers.	Yes		Yes		Yes				
	Yes	No	Yes						
New policy being developed	Yes		Yes		Yes				
Import prohibited. Production controls are a formality, it is effectively prohibited.	Yes		Yes		Yes				
Import control law in November 2001	Yes		Yes		Yes		Yes		
October 2001 Presidential Decree regulates import and export. List of prohibited goods amended in February 2004.									
New Law in force since January 2004	Yes	Yes	Yes	Yes	Yes	Yes			New Law in force since January 2004
	Yes	No							Reportedly no controls over gun dealers
	Yes	No	Yes		Yes	No			
	Yes	No		No	No	No			
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 law in July 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
Laws and regulations rudimentary. Permit required for export and import.	Yes				No		No		Law unclear and outdated
	Yes	No	Yes	No	Yes	No	Yes	No	
Transfer, transit, and brokering are prohibited	Yes	Yes							
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					
Production and Import expressly prohibited.	Yes		Yes		Yes				Banned all ownership
Production requires a dealers license	Yes		Yes		Yes				
Transit controls appear to relate solely to internal transportation	Yes		Yes	No	Yes	No			Recent revocation of licenses for some military, police and Private Security Companies
	Yes		Yes		Yes				
	Yes	No	Yes						
French Laws on War Material Apply	Yes		Yes		Yes				
Production controls are limited. Export and Import controls merely require permit	Yes		Yes		Yes				
	Yes		Yes		Yes				
	Yes	No	Yes	No	Yes				
	Yes		Yes		No				Possession in prohibited
	Yes		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			
Express prohibition on most production	Yes		Yes		Yes				French/National
2005 amendment act, revised import controls. It did not cover transit.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New laws in 2002 and 2005
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		New law in 2004 created a new civilian and private security registry, and increased penalties for illicit production
	Yes	No	Yes		Yes				Trading and private manufacture are prohibited
Law allows for export prohibition	Yes		No		No				
Permission required for brokering activity for all resident or domiciled persons	Yes		Yes		Yes				

Global
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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
Pakistan	Yes	No	Yes	No	Yes	Yes	Yes	Yes		Yes		No				
Palau	Yes		No					Yes								
Panama								Yes								
Papua New Guinea	Yes		No					Yes								
Paraguay	No		Yes	Yes			Yes	Yes	No	Yes		No				
Peru	Yes	No	Yes	No		Yes		Yes	No	Yes						
Philippines		No		No					No							
Poland	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes			
Portugal	Yes	No	Yes	No	Yes	Yes		Yes	No			No				
Republic of Korea	Yes		Yes			Yes		Yes								
Romania			Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No
Russian Federation	Yes	Yes	Yes	no	Yes	Yes	Yes	Yes	Yes	Yes		No				
Rwanda	No		No					Yes	No	Yes		No				
Samoa	Yes		No					Yes								
Senegal	Yes		Yes					Yes								
Serbia and Montenegro	Yes	Yes	Yes	Yes				Yes	Yes							
Seychelles	Yes		Yes			Yes		Yes		Yes		Yes		Yes	Yes	Yes
Sierra Leone		No								No		No				
Singapore	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	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				
Solomon Islands	Yes		Yes					Yes		Yes		No				
South Africa	Yes		Yes	Yes	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	
Sri Lanka	Yes	No						Yes		No	Yes	No				
Sudan	Yes	Yes	Yes	No				Yes	No	Yes						
Swaziland	Yes		Yes			No		Yes		No		No				
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
Syria																
Taiwan (Entity)																

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		Arms ordinance amended in 2001
Express prohibition on production. Import prohibited. Law merely allows for possibility of export	Yes		No		Yes				Possession is prohibited
Express prohibition on production	Yes		Yes		Yes				
No controls existed prior to 2002 law and 2004 secondary legislation.	Yes	Yes	Yes	Yes	Yes	Yes			New law in 2002. Prior to new law almost everything was permitted and civilian registration was voluntary.
Import and export controls do not cover government imports or exports. Transit controls require an additional permit.	Yes	No	Yes		Yes				
	Yes	Yes	Yes	No	Yes	No			Supreme court decision in January 2003 upheld Executive Order to halt issuance of permits to carry firearms
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	Yes	Yes				
8 amendments to Federal Law on Arms (1996) since 2001. Production statutes amended in June 2002.	Yes	Yes	Yes	No	Yes		Yes		Reviews and amendments to law in 2001, 2002 and 2003.
	Yes		Yes		Yes				
Law allows for prohibition of export	Yes		Yes		No				
	Yes								Licensing procedures exist for most categories of weapons.
	Yes	Yes							
	Yes		Yes		Yes				
Efforts to review laws underway	Yes	No							
Arms and Explosives Act Amended 2002	Yes	Yes	Yes	Yes	Yes	Yes	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
	Yes	Yes	Yes		Yes		Yes		2003 Weapons surrender also made possession illegal.
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.
Transit and Brokering control reviewed July 2004.	Yes	Yes	Yes		Yes				Law on private ownership is under revision
	Yes		Yes		Yes		No		
Export controls merely allow for possible authorization. Production controls reportedly under review	Yes	No	Yes		Yes				
	Yes		Yes		Yes				
These laws are undergoing revision to be submitted in spring 2005	Yes	Yes	Yes	Yes	Yes	Yes			Undergoing revision
2002 Law on the application of international sanctions strengthened import and export controls			Yes		Yes		Yes		
	Yes								
	Yes	Yes	Yes	Yes	Yes	Yes			

Global
Table

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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	Re-transfer	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
Tajikistan	Yes	No	Yes	No	No	No	No	Yes	No	Yes	No	No					
Tanzania	Yes		Yes		Yes	Yes	Yes	Yes		Yes							
Thailand	Yes		Yes					Yes		Yes		No					
Tonga	Yes		No					Yes									
Trinidad and Tobago	Yes	Yes	No					Yes		No		No					
Tuvalu	Yes		No					Yes									
Uganda		Yes	Yes	Yes				Yes	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	
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					
Vanuatu	No		No					Yes									
Venezuela	Yes	No	No					Yes	No	No		No					
Vietnam			No					Yes									
Wallis and Futuna	Yes							Yes									
Yemen																	
Zambia	Yes	No	Yes			Yes		Yes	No	Yes		No					
Zimbabwe	Yes	No	Yes			Yes		Yes		No		No					

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	
	Yes		Yes		Yes		Yes		
	Yes		Yes		Yes				Ministry of Interior suspended granting of licenses for all types of rifles in May 2003.
Express prohibition on production	Yes		Yes		Yes				
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
	Yes		No		Yes				
Review underway	Yes	No	Yes	Yes	Yes	Yes			Review Underway
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			
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.
No production controls except 1979 prohibition on making certain types of arms	Yes		Yes		Yes				
Disarmament law in 2002, but no change to production or import controls	Yes	Yes	No		Yes				New law in 2002
Express prohibition on production	Yes								French law applies
	Yes		Yes		Yes		Yes		
Transit permits are required	Yes		Yes		Yes		Yes		
	Yes		Yes		Yes				

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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	
Afghanistan									
Albania	Yes	No		Record books checked regularly. No information on checks on stocks.	Yes	Yes		A	
American Samoa									
Angola	Yes					Yes			April 2002 some UNITA weapons caches destroyed on the spot
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		B	
Armenia	Yes	Yes							All illegal weapons go into state arsenals. Unmarked and unusable weapons are claimed to be regularly destroyed
Australia	Yes	Yes			Yes				
Austria	Yes	Yes					B	A	Disposal regulated by July 2001 law. Currently being revised
Azerbaijan	Yes								Weapons deemed unsuitable for further use are destroyed
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
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							
Bolivia	Yes	Yes	No	Procedures reportedly inadequate. Reviews of stocks occur in only some cases	Yes				Armed forces artillery destroyed in 2002
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

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				DDR supported by Japan, Pakistan						
	Yes			UNDP weapons for development programme	No				Outdated paper based system	
					No		R	C	Some	
				Disarmament stage of DDR completed. Some continued sporadic handing in to police. Awareness raising and civil society involvement significant						
					Yes		I	M	Yes	A
No				If weapons voluntarily surrendered, exempt from criminal liability, if no other criminal offence	Some		I, E	C, D	Yes	B
		Yes					I	M, D	Yes	
					Yes		I		Yes	
No	No	No	No		Some	Index number of manufacturer and year			Yes	B
									Yes but some problems	
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			Weapons exchanged for foodstuffs and small community development projects			I	N	No	A
Yes	Yes	Yes	Yes		Yes		I, E	M	No	A

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	
Botswana	Yes	Yes				Yes	A	A	2002 destruction using British machine.
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)
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).
Burkina Faso	Yes	Yes							
Burundi									
Cambodia	Yes		Yes	Significant revision of stockpile management and security	Yes	Yes	A	A	Over 150,000 SALW destroyed since 1998
Cameroon	Yes	Yes	Yes						
Canada	Yes								Destruction occurs at local level
Central African Republic					Yes				
Chad						Yes			
Chile	Yes					Yes			November 2004, destroyed 2,800 firearms held in judicial custody
China	Yes	Yes				Yes		A	4 million confiscated SALW destroyed since 1996
Colombia	Yes		Yes	Being reviewed	Yes				Some surplus destroyed in 2001 and 2002
Congo (Republic of)						Yes			Destruction part of DDR
Cook Islands			Yes						
Costa Rica	Yes	Yes	No			Yes			1,700 weapons publicly destroyed on 1st December 2004.
Croatia	Yes	Yes	No		Yes		B		
Cyprus									Some destruction
Czech Republic	Yes	Yes	Yes	Improvement of technical means of security systems	No	No	B		Policy allows for transfer
Democratic Republic of Congo	Yes	Yes	No		Yes				Symbolic destruction in 2002
Denmark	Yes	Yes					A	A	
Djibouti	No					Yes			Destroyed 1,160 weapons from DDR June 2001

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	No		No		I, E	M or D	No (unreliable and not computerised)	A
	Yes	Yes		VWCP 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
				Proposals for amnesties in 2002 and 2004 were stymied	Yes			Marking	Yes	A
									Some	
No				Has concluded an agreement with the World Bank to fund DDR	No		No		Some	
Yes	Yes		Yes	Various disarmament projects						
	Yes			Various VWCPs	Yes	New legislation	I, E	M	Yes	A
Yes				UNDP weapons collection						
							I, and at time of purchase	M or D	Yes	ad hoc
			Yes	A number of special campaigns to confiscate weapons (30,000 collected by 2002)	No	Being reformed			Yes	A
Yes	Yes			Initiated DDR for Paramilitaries. VWCP involves buyback.	No			No	No	A
Yes										
		Yes			No		No			
		Yes					I	M or D	Yes	A
	Yes	Yes		Numerous amnesties and buybacks within "Farewell to Arms"	No	Has accepted the Firearms protocol into law				
No	No	No	No		Some		No	Yes	Yes	A
Yes					Yes					
No	No	Yes	No	Regular "safe-conducts" (amnesties). Latest in August – September 2003.	Yes		I	M	Yes	A
					No		No		Some	

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	
Dominican Republic			No		No	No			
Ecuador	Yes	No	No			Yes			September 2004 more than 2,500 weapons confiscated from criminals were destroyed
El Salvador	Yes	Yes	No			Yes			6,669 unusable or illegal types of confiscated weapons
Eritrea									
Estonia	Yes	Yes	Yes		No	Yes	A	A	Regular destruction claimed to take place
Ethiopia	Yes		Yes	Standards reviewed in draft legislation.					
Fiji	Yes		Yes	Undergoing modernisation					
Finland	Yes					Yes		B	Weapons from ongoing amnesty are either licensed, handed over to authorities or destroyed
France	Yes	Yes	No		Yes	Yes	Yes	Yes	
French Polynesia									
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
Ghana	Yes	Yes		Checks on police stocks reportedly irregular					Destroyed 874 in July 2001; 200 in July (9th) 2004
Greece	Yes					No			Modifications to law expected to regulate destruction of confiscated weapons
Guatemala	Yes					No			
Guinea	Yes								Destruction of PK 40 arms and ammunition with US support took place Sept-Nov 2003.
Guinea Bissau	Yes	No							
Honduras	Yes		No			Yes			April 2003 UNDP funded destruction
Hungary	Yes	Yes	No		No	Yes			
India	Yes	Yes		Stocks reviewed quarterly					Some destruction has taken place
Indonesia									
Ireland	Yes	Yes							

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	Yes	No
								D	Yes	A
					No			Confiscation by police	Yes	A
No	No	Yes	Yes		No		No			
					Yes		No	Yes	Yes	A
							I, E		No	No
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		Yes	
	Yes						I	M, D	Yes	B
					Some				Yes	A
No	No	No	No		No				Some	No
Yes			Yes	Disarmament of armed rebels following 2000 rebellion					Yes	
Yes	Yes	Yes	Yes		No			No	No	No
	Yes	Yes		In 2003 2137 weapons collected with UNDP support. In 2004 National Amnesty collected 2,700 weapons	Yes	Amended	I2	D	Yes	A
				Reportedly some form of disarmament in conflict areas	Yes				Yes	
					Some		I			
									Yes	A

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	
Italy	Yes						C	C	
Jamaica						Yes			
Japan	Yes	Yes							
Jordan	Yes	No	No						
Kazakhstan (Republic of)	Yes	Yes	No						Some destruction in 2004
Kenya	Yes	Yes							Some destruction has taken place.
<i>Kosovo (entity)</i>						Yes			
Kuwait									
Kyrgyz Republic	Yes	Yes							
Latvia	Yes	Yes	Yes	Merging of armouries and computerisation of accounting system in 2003		Yes		A	Approximately 1000 arms are confiscated and destroyed each year
Lebanon	Yes	Yes							
Lesotho	No				Yes				Carried out by South Africa
Liberia									
Lithuania	Yes	Yes	No		Yes				Regular destruction
Macedonia (FYRoM)	Yes	Yes	Yes	Reviewed standards in 2005	No	Yes		A	All from weapons collection. Confiscated weapons are destroyed annually
Malawi	Yes	Yes	No	Military regularly review stocks. Police do not.					Some destruction has taken place.
Malaysia	Yes	Yes							Ineffective arms are destroyed
Mali	Yes	Yes	No			Yes		A	Collected weapons destroyed by the state.
Malta	Yes	Yes	No			Yes		A	
Marshall Islands	Yes	Yes					B	A	Surplus are reportedly destroyed often
Mauritius	Yes				Yes		A		
Mexico			No			Yes			42,000 destroyed in 2004
Micronesia (Federated States of)									
Moldova	Yes	Yes	No						Government decided to destroy 1513 damaged and old SALW (including hunting weapons) in 2000
Monaco									

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)
					Yes			M, D	Yes	B
					No			No	No	No
					Yes		Yes			
				Some weapons collection	Yes		I, E			
					Some				No	
					No					
Yes		Yes								
		Yes		Amnesty February to May 2005						
No	No	No	No							
							I	No	No	No
					No				No	
Yes				DDR Plus a voluntary disarmament exercise in 2004 involving civil society						
Yes		Yes		2001 DDR "Essential Harvest". Amnesty 01 Nov – 15 Dec 2003.	Yes	Law planned for revision	I	M, D	Yes	No
	Yes	Yes		Buyback	No		I		No	
No					Some	Working to harmonise marking system with UN Fire-arms Protocol			Yes	A
Yes	Yes			Current weapons for micro-development projects funded by Belgium, implemented by the NatCom.						
No	No	No	No				I, E		Yes	
					Yes				Some	B
					No				Some	
	Yes			Several VWCPs	Yes		No	No	Some	A
								Some	Some	
	Yes	Yes		2003 VWCP and amnesty 112 voluntarily given, and 103 "found ownerless"	No				Yes	B
					No	Being drafted				B

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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	
Mozambique						Yes			Destructions under Operation Rachel, and recent British Assistance
Myanmar									
Namibia	Yes								
Netherlands	Yes				No		A	A	All police surplus, most others are destroyed. All confiscated.
New Caledonia									
New Zealand	Yes	Yes			Yes	Yes			
Nicaragua	Yes				Yes				666 MANPADS
Niger						Yes			
Nigeria	Yes		No		Yes	Yes	A	A	Several times in different states
Norway	Yes						C	A	Unfit weapons destroyed other surplus are stored
Pakistan	Yes	Yes				Yes			2001 WWC/Recovered illicit weapons destroyed by heavy road rollers
Panama									
Papua New Guinea	Yes	Yes	Yes			Yes			
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
Philippines	Yes	Yes				Yes			Public destruction ceremonies in July 2001 and July 2002
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
Republic of Korea	Yes	Yes				Yes	B		Confiscated weapons destroyed annually

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			WWCP by NGO Mozambique Christian Council.	No				Some	
									Yes	A
No	No	No	No		Yes				Some	
	Yes	Yes				All SALW held by defence organisation are marked	Plan to introduce import marking	D	Yes	A
					No		No		Some	
		Yes		Amnesty prompted by change in legislation						
		Yes		New law in 2004 included temporary decree for amnesty and legalisation		Only requirements are for military arms to be marked	I	M, D	Yes	A
	Yes									
	Yes		Yes	Buyback						B
		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	
				Dewearisation	Yes			C	Yes	
	Yes			Arms for food						
Yes	Yes	Yes		DDR in December 2001 in Bougainville	No		No			
					Yes	Serial numbers and others.		M, C		B
					No			C	Some	No
		Yes			Yes			D	Yes: Being improved	No
					Yes		I	C	Yes	
					Yes				Yes	
		Yes		Annual amnesties	Yes		All military arms		Yes	A

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	
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				In 2001, 21,000 destroyed. In first half of 2003 35,000 destroyed.
Rwanda	Yes	Yes	Yes						
Samoa			Yes						
Serbia and Montenegro	Yes	Yes			Yes		A	A	
Seychelles	Yes	Yes			Yes	Yes			
Sierra Leone	Yes	No	No						
Singapore	Yes	Yes	Yes		Yes				
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
Solomon Islands	Yes		Yes	Armouries being modernised		Yes		A	
South Africa	Yes	Yes	No		Yes	Yes			450,000 in the last couple of years
Spain	Yes	Yes	No		No	No		B	Unmarked surrendered weapons are destroyed
Sri Lanka	Yes								
Sudan	Yes	Yes	Yes	Are reportedly periodic reviews of procedures	Yes				February 2003 destruction of Invalid weapons
Swaziland									
Sweden	Yes						B	B	Regular destruction, but not all
Switzerland	Yes	Yes			Yes	Yes		A	
Syria	Yes								
<i>Taiwan (entity)</i>									
Tajikistan	Yes				No	No	C	C	
Tanzania	Yes	Yes	Yes						
Thailand	Yes	Yes	Yes	Navy currently revising record keeping	Yes				
Tonga			Yes						
Trinidad and Tobago	Yes	Yes	Yes						Reviewing destruction method
Uganda	No		Yes	In the process of establishing a national register					
Ukraine				Has requested assistance from OSCE	Yes	Yes			Large destruction of SALW and ammunition with NATO PFP

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)
					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.	Yes			D, C	Yes	
					No		R			
	Yes	Yes							Yes	No
									Yes	
Yes	Yes			CACD Weapons for development	No				No	No
					Yes		Yes	Yes	Yes	No
					Yes		I, E	M	Yes	B
No		Yes		July 2004 change in arms law led to an amnesty and legalisation process	Yes	Changed in 2002		C, M	Yes	
Yes		Yes		Compulsory weapons collection in 2003.	No		I, R	M		
		Yes		Amnesty in 2005 had collected 12,306 weapons by 3rd March	Yes		I	C D	Yes	A
No	No	No	No		Yes		I	M, D	Yes	A
	Yes	Yes		January 2004 and October 2004 to January 2005	Yes					
Yes	Yes	Yes	Yes	Buybacks and Weapons for Development.	Yes		I	M	Yes	B
					No		Some basic		No	
					Yes		I, E	M, D	Yes	A
No	No	No			No		No	No		A
									Yes	
Yes	Yes	Yes	Yes	3 month amnesty in 2004 26,000 weapons since 1994 (10% forcibly collected)					Yes	
	Yes									
		Yes		7 amnesties implemented. Latest in 2003						B
							R	M		
							I	No	Yes	A
	Yes		Yes	VWCP collected 10,000 in 2001. Forcible disarmament in Karamoja in 2001 collected less than 1000 weapons	No			No	No	No
					Yes			M, D		

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	
United Kingdom	Yes	Yes			Yes		B		Most are destroyed, some sold on. All surplus ammunition is sold
United States of America	Yes	Yes			Yes	Yes			
Uruguay			No						
Vanuatu			Yes						
Venezuela			No			Yes			Army destroyed 130,000 weapons in recent years
Wallis and Futuna									
Zambia	Yes					Yes			July 2003
Zimbabwe									

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		31 March to 30 April 2003 amnesty collected 43,908 guns and over 1 million rounds of ammunition	Yes				Yes	
	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
					No		No		Some	
	Yes	Yes		Done "on an ongoing basis"	No		I 2	D		
					Some	No standardised system	No		Yes	

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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	Firearms Protocol	
Afghanistan				No	
Albania			OSCE Document. Stability Pact RIP	No	
Algeria				Ratified	
American Samoa			No	No	
Andorra			OSCE Document.	No	
Angola			Bamako Declaration	No	
Antigua and Barbuda				No	
Argentina			CIFTA; CICAD Model Regulations, MERCOSUR	Signed	
Armenia	No		OSCE Document.	No	
Australia	Yes	Substantial	Nadi Framework	Signed	
Austria	Yes	UNDP project	OSCE Document. EU Code of Conduct, Joint Action	Signed	
Azerbaijan			OSCE Document	Ratified	
Bangladesh			No	No	
Barbados				Signed	
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	
Belize				No	
Benin			Bamako Declaration	Ratified	
Bolivia			CIFTA, CICAD Model Regulations MERCOSUR, Andean Community	No	
Bosnia and Herzegovina			OSCE Document. Stability Pact RIP	No	
Botswana	No		SADC Protocol; Bamako Declaration	No	
Brazil			CIFTA; CICAD Model Regulations, MERCOSUR	Signed	
Bulgaria			OSCE Document. Formally Aligned with EU COC and Joint Action, Stability Pact RIP	Ratified	
Burkina Faso			ECOWAS Moratorium; Bamako Declaration	Ratified	
Burundi			Nairobi Protocol; Nairobi Declaration; Bamako Declaration; Co-ordinated Agenda for Action.	No	
Cambodia			No	No	
Cameroon			Bamako Declaration	No	
Canada	Yes		CIFTA; OSCE Document.	Signed	
Cape Verde			ECOWAS Moratorium; Bamako Declaration	Ratified	
Central African Republic			Bamako Declaration	No	
Chad			Bamako Declaration	No	
Chile			CIFTA, CICAD Model Regulations, MERCOSUR mechanisms	No	
China			No	Signed, claims to be making preparations for ratification	
Colombia			CIFTA; CICAD model regulations; Andean Community Decision 552	No	
Congo (Republic of)			Bamako Declaration	No	
Cook Islands			Nadi Framework	No	
Costa Rica		Arias foundation provided support to other Central American NGOs	CIFTA, CICAD Model Regulations, Central American Integration System	Ratified	
Cote d'Ivoire			ECOWAS Moratorium; Bamako Declaration	No	
Croatia			OSCE Document; Stability Pact RIP	Ratified	
Cuba				No	
Cyprus			OSCE Document. EU Code of Conduct, Joint Action	Ratified	

		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	
					OSCE and Stability Pact	
		Yes D				
Wassenaar		Yes B	Yes	Imports; ownership		
No Wassenaar		None			OSCE	
Wassenaar		Yes C				
		Yes C				
	Russia	Yes C	Yes	Import, Ownership	OSCE	
Wassenaar		Yes C	Regional reports	Import		
		Yes D				
	Yes	Yes			OSCE, SEESAC	
		No				
		Yes A	Yes	Import		
Wassenaar		Yes B	Yes	Ownership ammunition stocks		
	Mali	Yes B				
		Yes A				
Wassenaar		Yes C	Yes	Ownership	Wassenaar	
		Yes D		Stockpiles	Yes	
		Yes D				
		Yes	No	Stockpiles		
			No	No	OSCE	

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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	Firearms Protocol	
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	
Democratic Republic of Congo			Nairobi Protocol, Nairobi Declaration, Bamako Declaration, Coordinated Agenda for Action	No	
Denmark	Yes	Numerous DDR programmes supported	OSCE Document, EU Code of Conduct, Joint Action	Signed	
Djibouti			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	No	
Dominican Republic	No	No	CIFTA, CICAD Model Regulations	Signed	
Ecuador			CIFTA, CICAD Model Regulations, and Andean Plan of Action	Signed	
Egypt				No	
El Salvador			CIFTA, CICAD Model Regulations, incipient Central American Integration System	Ratified	
Equatorial Guinea			Bamako Declaration	No	
Eritrea			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	No	
Estonia	No		OSCE Document. EU Code of Conduct, Joint Action	Ratified	
Ethiopia			Nairobi Protocol; Bamako Declaration	No	
Fiji	No		Nadi Framework	No	
Finland	Yes	Significant	OSCE Document, EU Code of Conduct, Joint Action	Signed	
France	Yes		OSCE Document. EU Code of Conduct and Joint Action	No	
French Polynesia			No	No	
Gabon			Bamako Declaration	No	
Gambia			Bamako Declaration	No	
Georgia			OSCE Document.	No	
Germany	Yes		OSCE Document. and EU Code of Conduct and Joint Action	Signed not ratified	
Ghana			ECOWAS Moratorium; Bamako Declaration	No	
Greece	No		OSCE Document. EU Code of Conduct, Joint Action	Signed	
Grenada				Ratified	
Guatemala	No		CIFTA, CICAD Model Regulations, Central American Integration System	Ratified	
Guinea			ECOWAS Moratorium; Bamako Declaration	No	
Guinea Bissau			ECOWAS Moratorium; Bamako Declaration	No	
Guyana				No	
Haiti				No	
Holy See			OSCE Document.	No	
Honduras			CIFTA (in October 2004); in process of adopting CICAD regulations. Central American Integration System	No	
<i>Hong Kong (Entity)</i>			NA	NA	
Hungary	No		OSCE Document. EU Code of Conduct, Joint Action	Yes	
Iceland			OSCE Document.	Signed	
India			No	Signed	
Indonesia			No	No	
Iran	No		No	No	
Ireland	Yes		OSCE Document. EU Code of Conduct, Joint Action	Not signed. Claim to expect to ratify in 2006	
Israel			No	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
Wassenaar	Germany	Yes E		Yes		EU
Wassenaar	Yes	Yes				OSCE
		Yes B				
		Yes D				
Nordic-Baltic Export Control initiatives	No	Yes		Yes	Yes	
Wassenaar		Yes A				
Wassenaar		No		Yes		Wassenaar OSCE, EU
Wassenaar		Yes C				
		Yes A		Yes		EU, OSCE, Wassenaar
		Yes A			Imports, holdings, ownership	Yes
Wassenaar						
		Yes				
		Yes C				
		Yes D			Ownership	
Wassenaar	No	No				OSCE
	Yes	Yes				
Wassenaar						Yes

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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	Firearms Protocol
Italy			OSCE Document. EU Joint Action, Code of Conduct	Signed. Ratification process ongoing
Jamaica	No		CIFTA, CICAD	Ratified
Japan	Yes	Substantial	No	Signed
Jordan	No		No	Signed
Kazakhstan (Republic of)			OSCE Document	No
Kenya			Nairobi Protocol; Nairobi Declaration Bamako Declaration; Co-ordinated Agenda for Action;	Ratified
Kiribati			Nadi Framework	No
<i>Kosovo (entity)</i>				No
Kyrgyz Republic			OSCE Document	No
Laos			No	Ratified
Latvia			OSCE Document, EU Joint Action and Code of Conduct	Ratified
Lebanon			No	Signed
Lesotho			SADC Protocol, Bamako Declaration	Ratified
Libya				Ratified
Liberia			ECOWAS Moratorium; Bamako Declaration	Ratified
Liechtenstein			OSCE Document.	No
Lithuania	Yes	To Belarus in OSCE framework	OSCE Document, EU Code of Conduct, Joint Action	Ratified
Luxembourg			OSCE Document. EU Code of Conduct, Joint Action	Signed
Macedonia (FYRoM)	No		OSCE Document. Stability Pact RIP	No
Madagascar			Bamako Declaration	Signed
Malawi			SADC Protocol; Bamako Declaration	Ratified
Malaysia	No		No	No
Maldives			No	No
Mali	No		ECOWAS Moratorium; Bamako Declaration	Ratified
Malta	No		OSCE Document, EU Code of Conduct, Joint Action	No
Marshall Islands			Nadi Framework	No
Mauritius			SADC Protocol, Bamako Declaration	Ratified
Mexico			CIFTA, CICAD	Ratified
Micronesia (Federated States of)			Nadi Framework	No
Moldova			OSCE Document, Stability Pact RIP	No
Monaco			OSCE Document.	Signed
Mongolia			No	No
Morocco			No	No
Mozambique			SADC Protocol, Bamako Declaration	No
Myanmar			No	No
Namibia			SADC Protocol, Bamako Declaration	No
Nauru			Nadi Framework	Signed
Nepal			No	No
Netherlands	Yes	Substantial: 3 million euro in 2005 dedicated to SALW programs	OSCE Document. EU Code of Conduct; EU Joint Action	Ratified
New Caledonia			No	No
New Zealand	Yes	Substantial	Nadi Framework	No
Nicaragua	No	No	CIFTA; CICAD model regulations, Central American Integration System	No
Niger			ECOWAS Moratorium; Bamako Declaration	No
Nigeria			ECOWAS Moratorium; Bamako Declaration	Signed
Niue			Nadi Framework	No
Norway	Yes	For surplus destruction US\$2 million per year.	OSCE Document	Ratified

		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
Wassenaar				Yes		OSCE EU, Wassenaar
Wassenaar		Yes C		No		
		Yes D		No		OSCE
		Yes				
		No E		No		OSCE
		No				
		Yes				
Regular Baltic-Nordic meetings on export control		Yes		First in 2005		
Wassenaar						
No	Yes	Yes			Ownership	OSCE
	Thailand in March 2005					
applied for membership of Wassenaar						OSCE
		Yes C				
	South Africa	Yes A				
		Yes A				
Wassenaar		Yes		Yes	Transparency improving	OSCE, Wassenaar, EU.
Wassenaar		Yes				
		Yes B			Stockpiles	
Wassenaar	Yes	Yes C				

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	Firearms Protocol	
Oman			No	No	
Pakistan	Yes	UN DDR in Afghanistan	No	No	
Palau			Nadi Framework	No	
Panama			CIFTA	Ratified	
Papua New Guinea			Nadi Framework	No	
Paraguay			CIFTA; CICAD; MERCOSUR	No	
Peru	No		CIFTA; CICAD, Andean Community Decision 552;	Ratified	
Philippines	No		No	No	
Poland			OSCE Document, EU Code of Conduct and Joint Action	Ratified	
Portugal			OSCE Document. EU Code of Conduct, Joint Action	Signed	
Qatar, State of			No	No	
Republic of Korea			No	Signed	
Romania			OSCE Document. Stability Pact RIP	Ratified	
Russian Federation			OSCE Document	No	
Rwanda			Nairobi Protocol; Nairobi Declaration; Bamako Declaration; Co-ordinated Agenda for Action;	No	
Saint Kitts and Nevis				Ratified	
Samoa			Nadi Framework	No	
San Marino			OSCE Document.	No	
Sao Tome and Principe			Bamako Declaration	No	
Saudi Arabia				No	
Senegal			ECOWAS Moratorium; Bamako Declaration	Signed	
Serbia and Montenegro			OSCE Document. Stability Pact RIP	No	
Seychelles			SADC Protocol; Nairobi Protocol; Bamako Declaration	Signed	
Sierra Leone			ECOWAS Moratorium;	Signed	
Singapore			No	No	
Slovakia			OSCE Document, Aligned with EU Joint Action	Ratified	
Slovenia			OSCE Document. EU Code of Conduct, Joint Action	Ratified	
Solomon Islands	No		Nadi Framework	No	
South Africa	Yes	To neighbouring states	SADC Protocol; Bamako Declaration	Ratified	
Spain			OSCE Document. EU Code of Conduct and Joint Action	No	
Sri Lanka				No	
Sudan			Nairobi Protocol; Bamako Declaration.		
Swaziland			SADC Protocol, Bamako Declaration	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	
Syria				No	
Taiwan (entity)				NA	
Tajikistan			OSCE Document	No	
Tanzania			Nairobi Protocol, Nairobi Declaration, SADC Protocol; Bamako Declaration	No	
Thailand	Yes	Training and operation assistance to neighbours		No	
Togo			ECOWAS Moratorium; Bamako Declaration	No	
Tonga			Nadi Framework	No	
Trinidad and Tobago			CIFTA	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	
	Brazil and USA	Yes C	No	Imports; Ownership	No	
		Yes D		Ownership		
		Yes				
Wassenaar		Yes				
Wassenaar			Yes		EU, Wassenaar	
Wassenaar						
Wassenaar	Yes				Yes	
Wassenaar		Yes C	Yes		OSCE	
		E				
	Yes	Yes			Yes	
Wassenaar		Yes D			OSCE	
Wassenaar		Yes D	First in 2005			
	Mozambique & Lesotho	Yes				
Wassenaar		Yes C	Yes	Ownership	EU, OSCE	
		Yes B				
		Yes			Arab League	
Wassenaar		Yes C	Yes		OSCE and EU	
Wassenaar		Yes	Yes		OSCE and Wassenaar	
		Yes D	No		OSCE	
	Laos, Cambodia, Myanmar, and Malaysia	Yes C	Yes	Import		
		Yes				

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	Firearms Protocol	
Tunisia				Signed	
Turkey			OSCE Document	Ratified	
Turkmenistan			OSCE Document	Ratified	
Tuvalu			Nadi Framework	No	
Uganda			Nairobi Protocol, Nairobi Declaration;	Ratified	
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	
United States of America	Yes		CIFTA, OSCE Document	No	
Uruguay	No		CIFTA; CICAD model regulations, MERCOSUR	No	
Uzbekistan			OSCE Document.		
Vanuatu			Nadi Framework	No	
Venezuela	No		CIFTA, CICAD, Andean Community Decision 552 Bamako Declaration	No	
Vietnam				No	
Wallis and Futuna			No	No	
Yemen				No	
Zambia			SADC Protocol and Bamako Declaration; Bamako Declaration	Ratified	
Zimbabwe			SADC Protocol and Bamako Declaration	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	
Wassenaar		No	No		OSCE	
		Yes A				
Wassenaar		Yes C	Yes			
Wassenaar		Yes C	Yes		OSCE, Wassenaar, OAS	
		Yes D				

Africa
Table

1

Foundationsⁱ

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		
Angola		Yes	Yes	3 NGOs are part of the national commission
Benin	Yes			
Botswana	Yes	Yes A		Regular meetings, well organised, identifies gaps in legislation
Burkina Faso	Yes	Yes	Yes	Civil Society along with relevant technical ministerial departments jointly lead with National Commission on arms control activities.
Burundi	Yes	Yes	Yes	
Cameroon	Yes			
Cape Verde	Yes	Yes		
Central African Republic	No	Yes		Coordination mechanism for national DDR
Chad	Yes	Yes		
Congo (Republic of)	Yes	No		
Côte d'Ivoire	Yes	No		
Democratic Republic of Congo	Yes	Yes	No	
Djibouti	Yes	Yes		
Equatorial Guinea		Yes		
Eritrea	Yes	No		National Coordination Agency due to be launched in 2005
Ethiopia	Yes	No		
Gabon	Yes			
Gambia	Yes			
Ghana	Yes	Yes	Yes	
Guinea	Yes	Yes	Yes	5 of the 27 members of NatCom are from civil society organisations
Guinea Bissau	Yes	Yes		
Kenya	Yes	Yes	Yes	
Lesotho		No		
Liberia	Yes			
Malawi	No	No		Co-ordination mechanism may be established in 2005
Mali	Yes	Yes		
Mauritius	Yes			
Mozambique	Yes	Yes	Yes	
Namibia	Yes	Yes	Yes	NGOs part of the commission
Niger	Yes	Yes	Yes	
Nigeria	Yes	Yes	Yes	
Rwanda	Yes	Yes		
Sao Tomé and Príncipe	Yes			
Senegal	Yes	Yes	Yes	
Seychelles	Yes	No		Co-ordination mechanism not yet launched
Sierra Leone	No	Yes		Interim National Coordination agency only
South Africa	Yes	No D		
Sudan	Yes	Yes	Yes	2 NGOs on commission
Swaziland				
Tanzania	Yes	Yes A	Yes	Significant involvement of Civil Society
Togo	Yes		No	
Uganda	Yes	Yes	Yes	
Zambia	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
0	No
1	
1	Yes A
3	No
3	No
1	
0	No
1	
1	
1	No
1	
1	No
1	No
1	No
0	No
1	Being developed
1	
1	
0	Reportedly being developed
1	Yes
0	No
1	Yes
0	
0	
0	No B
2	Reportedly being developed
0	
0	Being developed
0	Yes
2	
0	No
1	No
1	
1	
0	No
0	No
1	Yes
1	No: Proposed
0	
0	Yes
2	
1	Yes
0	No

¹ These codings are not intended as a grade and are applied only where sufficient information was available.

Africa
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			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		No					Yes		No		No				
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		No								No		No				
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	No	Yes			Yes		Yes		No		No				

COMMENTS	ILLCIT POSSESSION		ILLCIT TRADE		ILLCIT MANUFACTURING		ILLCIT 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	
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							
Production requires a dealers license	Yes		Yes		Yes				
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				
Efforts to review laws underway	Yes	No							
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				

Africa
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	
Angola	Yes					Yes			April 2002 some UNITA weapons caches destroyed on the spot
Botswana	Yes	Yes				Yes	A	A	2002 destruction using British machine.
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 Operations Rachel, and recent British Assistance

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.						
	Yes			VWCP by NGO Mozambique Christian Council.	No				Some	
					No				Some	

Africa
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	
Namibia	Yes								
Niger						Yes			
Nigeria	Yes		No		Yes	Yes	A	A	Several times in different states
Rwanda	Yes	Yes	Yes						
Seychelles	Yes	Yes			Yes	Yes			
Sierra Leone	Yes	No	No						
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	No		Yes	In the process of establishing a national register					
Zambia	Yes					Yes			July 2003
Zimbabwe									

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	No		Yes				Some	
	Yes									
	Yes		Yes	Buyback						B
					No		R			
									Yes	
Yes	Yes			CACD Weapons for development	No				No	No
		Yes		Amnesty in 2005 had collected 12,306 weapons by 3rd March	Yes		I	C D	Yes	A
Yes	Yes	Yes	Yes	Buybacks and Weapons for Development.	Yes		I	M	Yes	B
					No		Some basic		No	
	Yes									
	Yes		Yes	VWCP collected 10,000 in 2001. Forcible disarmament in Karamoja in 2001 collected less than 1000 weapons	No			No	No	No
	Yes	Yes		Done "on an ongoing basis"	No		I 2	D		
					Some	No standardised system	No		Yes	

Africa
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	Firearms Protocol	
Angola			Bamako Declaration	No	
Benin			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	No	
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	Signed	
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	Signed	
Rwanda			Nairobi Protocol; Nairobi Declaration; Bamako Declaration; Co-ordinated Agenda for Action;	No	
Sao Tome and Principe			Bamako Declaration	No	
Senegal			ECOWAS Moratorium; Bamako Declaration	Signed	
Seychelles			SADC Protocol; Nairobi Protocol; Bamako Declaration	Signed	
Sierra Leone			ECOWAS Moratorium;	Signed	
South Africa	Yes	To neighbouring states	SADC Protocol; Bamako Declaration	Ratified	
Sudan			Nairobi Protocol; Bamako Declaration.		
Swaziland			SADC Protocol, Bamako Declaration	No	
Tanzania			Nairobi Protocol, Nairobi Declaration, SADC Protocol; Bamako Declaration	No	
Togo			ECOWAS Moratorium; Bamako Declaration	No	
Uganda			Nairobi Protocol, Nairobi Declaration;	Ratified	
			Bamako Declaration		
Zambia			SADC Protocol and Bamako Declaration;	Ratified	
			Bamako Declaration		
Zimbabwe			SADC Protocol and Bamako Declaration	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	
		Yes D				
		No				
	Mali	Yes B				
		Yes A		Imports, holdings, ownership	Yes	
		Yes C				
		Yes				
		Yes				
	South Africa	Yes A				
		Yes A				
	Yes	Yes				Yes
	Mozambique & Lesotho	Yes				
		Yes				Arab League
		Yes A				

Americas
Table

1

Foundationsⁱ

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		
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				
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			
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	No	No		
Venezuela	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
0	
2	Planned for 2005
1	
1	No, lacks national legislation
1	Yes A
3	No A
0	
1	Being Developed
2	Yes A
1	
0	No
1	Beginning to develop a strategy
2	No
1	
1	Yes A
1	
2	No
0	
3	
1	No
1	
1	A
1	No
0	
2	No
3	No
0	No
1	No

¹ These codings are not intended as a grade and are applied only where sufficient information was available.

Americas
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	Re-transfer 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
Argentina	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes	No	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								
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				

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	
Some changes proposed but no progress yet. Some policies, for example, the register of brokers are called for in MERCOSUR agreements but not implemented	Yes	Yes	Yes	No	Yes	No	Yes	No	Categories of arms in need of modernization.
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 Review currently underway. Ambiguity in definitions.
Several Bills related export and production are before congress. Brokering is considered part of import.	Yes	Yes							2001 improved law on explosives and gun powder.
Export reviewed but not changed. Import regulations reformed in 2002 but are still not in line with CIFTA.	Yes		Yes		Yes	Yes			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 Implementation of National Arms register
Basic legislation requiring authorisation for export, import, and transit.	Yes	No	Yes	No	Yes				Law states that there are prohibited weapons, but does not specify which.
Transit controls appear to relate solely to internal transportation	Yes		Yes	No	Yes	No			Recent revocation of licenses for some military, police and Private Security Companies
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		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			New law in 2002. Prior to new law almost everything was permitted and civilian registration was voluntary.
Import and export controls do not cover government imports or exports. Transit controls require an additional permit.	Yes	No	Yes		Yes				
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

Americas
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	
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		B	
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			1,700 weapons publicly destroyed on 1st December 2004.
Dominican Republic			No		No	No			
Ecuador	Yes	No	No			Yes			September 2004 more than 2,500 weapons confiscated from criminals were 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									
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			
Uruguay			No						
Venezuela			No			Yes			Army destroyed 130,000 weapons in recent years

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)	
					Yes		I	M	Yes	A	
	Yes			Weapons exchanged for foodstuffs and small community development projects			I	N	No	A	
	Yes	Yes		VWCP 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 VWCPs	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. VWCP involves buyback.	No			No	No	A	
		Yes					I	M or D	Yes	A	
					No			No	Yes	No	
								D	Yes	A	
					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	
					No			No	No	No	
	Yes			Several VWCPs	Yes		No	No	No	A	
		Yes		New law in 2004 included temporary decree for amnesty and legalisation		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	

Americas
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	Firearms Protocol
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	Signed
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 to other Central American NGOs	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	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
Venezuela	No		CIFTA, CICAD, Andean Community Decision 552	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
Wassenaar		Yes B	Yes	Imports; ownership	
		Yes D			
Wassenaar		Yes A Yes C Yes D	Yes Yes	Import Ownership Stockpiles	Wassenaar Yes
		Yes D			
		Yes	No	Stockpiles	
		Yes B			
		Yes D			
		Yes			
		Yes D		Ownership	
		Yes C Yes B		Stockpiles	
	Brazil and USA	Yes C Yes D	No	Imports; Ownership	No
Wassenaar		Yes Yes C Yes D	Yes		OSCE, Wassenaar, OAS

Europe
Table

1

Foundationsⁱ

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		
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
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 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	
Kosovo (entity)	No	Yes		
Kyrgyz Republic	No	No	No	
Latvia	Yes	Yes B		Inter-ministerial committee for transfers
Liechtenstein	Yes			
Lithuania	Yes	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	No	Yes	Generally cooperative with NGOs
Norway	Yes	Yes		
Poland	Yes	No D		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		Co-ordination 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

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	
0	
2	
2	No
1	No
4	No C
1	No
1	Expected
2	No
3	Planned
3	No
1	No
1	No
3	No B
1	
0	No
2	No
3	
0	
4	No
0	
2	
2	No
1	C
0	
0	No
2	No
0	
3	No
2	
2	Expected by end of July 2005
1	No
1	No
2	
2	
2	No
2	No
2	
1	
3	No
0	
2	Under construction
2	No
1	No
1	No
2	
2	Under discussion
1	C
3	
2	Yes
2	No A

¹ These codings are not intended as a grade and are applied only where sufficient information was available.

Europe
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		Yes	Yes			
Armenia	Yes		Yes	Yes			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	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	No				
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	No	Yes	Yes		Yes	No	Yes	Yes	Yes	No	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	Yes	Yes	Yes	No				
Kazakhstan (Republic of)	Yes		Yes			Yes		Yes								
Kosovo (entity)	Yes		Yes					Yes		Yes						

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	
2003 Regulation (no. 9603) reportedly covers brokering	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
Law amended in July 2001.	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			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	Yes	Yes	Yes	Yes	Yes			New law in May 2003
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. Production review ongoing	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		

Europe
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	Re-transfer 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
Kyrgyz Republic			Yes	Yes	No	No	No	Yes	Yes			No				
Latvia	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
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	No			No				
Monaco	Yes		Yes					Yes								
Netherlands			Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No		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	No	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

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	
Import control law in November 2001	Yes								
New Law in force since January 2004	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 law in July 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					
	Yes	No	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		Reviews and amendments to law in 2001, 2002 and 2003.
	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
These laws are undergoing revision to be submitted in spring 2005	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			

Europe
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	
Albania	Yes	No		Record books checked regularly. No information on checks on stocks.	Yes	Yes		A	
Armenia	Yes	Yes							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								Weapons deemed unsuitable for further use are 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		
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	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)
	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	C, D	Yes	B
					Yes		I		Yes	
No	No	No	No		Some	Index number of manufacturer and year			Yes	B
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			M	Yes	A
	Yes	Yes		Numerous amnesties and buybacks within "Farewell to Arms"	No	Has accepted the Firearms protocol into law				
No	No	No	No		Some		No	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	

Europe
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	
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						C	C	
Kazakhstan (Republic of)	Yes	Yes	No						Some destruction in 2004
Kosovo (entity)						Yes			
Kyrgyz Republic	Yes	Yes							
Latvia	Yes	Yes	Yes	Merging of armouries and computerisation of accounting system in 2003		Yes		A	Approximately 1000 arms are confiscated and destroyed each year
Lithuania	Yes	Yes	No		Yes				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						Government decided to destroy 1513 damaged and old SALW (including hunting weapons) in 2000
Monaco									
Netherlands	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

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)
	Yes	Yes		May 2004 in Ajara collected 3,000 in ten days. South Ossetia VWCP from 2000 to 2002	Yes			M	No	A
					Yes	Some Secondary marking	I		Yes	
					Some				Yes	A
					Yes	Amended	I2	D	Yes	A
					Yes			M, D	Yes	A
				Some weapons collection	Some				Yes	B
Yes		Yes								
No	No	No	No							
					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		2003 VWCP and amnesty 112 voluntarily given, and 103 "found ownerless"	No				Yes	B
					No	Being drafted				B
	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	

Europe
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	Comments
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				In 2001, 21,000 destroyed. In first half of 2003 35,000 destroyed.
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
Sweden	Yes						B	B	Regular destruction, but not all
Switzerland	Yes	Yes			Yes	Yes		A	
Tajikistan	Yes				No	No	C	C	
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

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)
					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.	Yes			D, C	Yes	
	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
					Yes		I, E	M, D	Yes	A
No	No	No			No		No	No		A
Yes	Yes	Yes	Yes	26,000 weapons since 1994 (10% forcibly collected)					Yes	
					Yes			M, D		
		Yes		31 March to 30 April 2003 amnesty collected 43,908 guns and over 1 million rounds of ammunition	Yes				Yes	

Europe
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	Firearms Protocol	
Albania			OSCE Document. Stability Pact RIP	No	
Andorra			OSCE Document.	No	
Armenia	No		OSCE Document.	No	
Austria	Yes	UNDP project	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	No		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			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	
Lithuania	Yes	To Belarus in OSCE framework	OSCE Document, EU Code of Conduct, Joint Action	Ratified	
Luxembourg			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			OSCE Document, Stability Pact RIP	No	
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			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	

		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
						OSCE and Stability Pact
No Wassenaar		None				OSCE
	Russia	Yes C	Yes C	Yes	Import,	OSCE Ownership
Wassenaar		Yes C		Regional	Import reports	
	Yes	Yes	Yes B	Yes	Ownership ammunition stocks	OSCE, SEESAC
Wassenaar				No	No	OSCE
Wassenaar	Germany	Yes E		Yes		EU
Wassenaar	Yes	Yes				OSCE
Nordic-Baltic Export Control initiatives	No	Yes		Yes	Yes	
Wassenaar		Yes A				
Wassenaar		No		Yes		Wassenaar OSCE, EU
		Yes C	Yes A	Yes		EU, OSCE, Wassenaar
Wassenaar						
Wassenaar	No	No				OSCE
Wassenaar						Yes
Wassenaar				Yes		OSCE EU, Wassenaar,
		Yes D		No		OSCE
		No E		No		OSCE
Regular Baltic-Nordic meetings on export control		Yes		First in 2005		
Wassenaar						
No applied for membership of Wassenaar	Yes	Yes			Ownership	OSCE OSCE
Wassenaar		Yes		Yes	Transparency improving	OSCE, Wassenaar, EU.
Wassenaar	Yes	Yes C				
Wassenaar		Yes				
Wassenaar				Yes		EU, Wassenaar
Wassenaar	Yes					Yes

Europe
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	Firearms Protocol	
Russian Federation			OSCE Document, No	Wassenaar	
San Marino			OSCE Document, No		
Serbia and Montenegro			OSCE Document, Stability Pact RIP	No	
Slovakia			OSCE Document, Aligned with EU Joint Action	Ratified	
Slovenia			OSCE Document, EU Code of Conduct, Joint Action	Ratified	
Spain			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			OSCE Document	Ratified	
Ukraine			OSCE Document,	No	
United Kingdom	Yes	Very substantial programme of support (over £13 million from 2004 to 2007)	OSCE Document, EU Code of Conduct and Joint Action.	Signed	
Uzbekistan			OSCE Document.		

		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	
	Yes C	Yes			OSCE	
		E				
Wassenaar		Yes D			OSCE	
Wassenaar		Yes D	First in 2005			
Wassenaar		Yes C	Yes	Ownership	EU, OSCE	
Wassenaar		Yes C	Yes		OSCE and EU	
Wassenaar		Yes	Yes		OSCE and Wassenaar	
Wassenaar		Yes D	No		OSCE	
Wassenaar		No	No		OSCE	
Wassenaar						
Wassenaar		Yes C	Yes			

Mena
Table

1

Foundationsⁱ

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		
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				

Mena
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
Israel	Yes		Yes					Yes		Yes		Yes				
Jordan	Yes	No	Yes	No				Yes	No	No		No				
Lebanon	No		Yes					Yes		Yes		No				
Syria																
Yemen																

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
1	
1	
1	
2	
2	No
2	No
2	
1	
1	
1	
1	

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	
	Yes		Yes		Yes		Yes		
	Yes	No	Yes						
	Yes	No							Reportedly no controls over gun dealers
	Yes								
	Yes		Yes		Yes		Yes		

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

Mena
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	Comments
Jordan	Yes	No	No						
Kuwait									
Lebanon	Yes	Yes							
Syria	Yes								

Mena
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	Firearms Protocol	
Algeria				Ratified	
Egypt				No	
Iran	No		No	No	
Israel			No	No	
Jordan	No		No	Signed	
Lebanon			No	Signed	
Libya				Ratified	
Morocco			No	No	
Oman			No	No	
Qatar, State of			No	No	
Saudi Arabia				No	
Syria				No	
Tunisia				Signed	
Yemen				No	

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)
		Yes		Amnesty February to May 2005	Yes		I, E			
							I	No	No	No
									Yes	

		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			

Asia
Table

1

Foundationsⁱ

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		
Bangladesh	Yes			
Cambodia	Yes	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	
<i>Taiwan (entity)</i>	NA	NA		
Thailand	Yes	Yes		
Vietnam	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	
1	No
3	
1	No
1	No
2	
0	No
1	
0	
0	
0	No
1	
1	
1	No
1	
0	
1	Proposed
NA	
1	
0	No

¹ These codings are not intended as a grade and are applied only where sufficient information was available.

Asia
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	Re-transfer	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							
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		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		No					
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	Yes
Sri Lanka	Yes	No						Yes		No	Yes	No					
<i>Taiwan (Entity)</i>																	
Thailand	Yes		Yes					Yes		Yes		No					
Vietnam			No					Yes									

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	
	Yes		Yes		Yes		Yes		
	Yes		Yes		Yes		Yes		
	Yes	Yes	Yes	Yes	Yes	Yes			New Law in April 2005
Export laws amended in October and November 2002	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						
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			
	Yes		Yes		Yes				Ministry of Interior suspended granting of licenses for all types of rifles in May 2003.

Asia
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	
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	Yes	Yes	A	A	Over 150,000 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									
Japan	Yes	Yes							
Malaysia	Yes	Yes							Ineffective arms are destroyed
Myanmar									
Pakistan	Yes	Yes				Yes			2001 WWCP/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				
Trinidad and Tobago	Yes	Yes	Yes						Reviewing destruction method

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)
Yes				DDR supported by Japan, Pakistan					Yes but some problems	
Yes	Yes		Yes	Various disarmament projects						
			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	
					Some		I			
					Yes		Yes			
No					Some	Working to harmonise marking system with UN Fire-arms Protocol			Yes	A
				Deweaponisation	Yes			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 until January 2005	Yes					
		Yes		3 month amnesty in 2004						
		Yes		7 amnesties implemented. Latest in 2003						B
							I	No	Yes	A

Asia
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	Firearms Protocol	
Afghanistan				No	
Bangladesh			No	No	
Cambodia			No	No	
China			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	Yes	UN DDR in Afghanistan	No	No	
Philippines	No		No	No	
Republic of Korea			No	Signed	
Singapore			No	No	
Sri Lanka				No	
<i>Taiwan (entity)</i>				NA	
Thailand	Yes	Training and operation assistance to neighbours		No	
Vietnam				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	
		Yes A				
	Yes	Yes				
Wassenaar		Yes C	No			
	Thailand in March 2005					
Wassenaar		Yes		Ownership		
		Yes B				
	Laos, Cambodia, Myanmar, and Malaysia	Yes C	Yes	Import		

Oceania/ Pacific Table

1

Foundationsⁱ

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		
American Samoa	No	No		
Australia	Yes	Yes B		Co-ordination body is Australian Police Ministers Council – partial attention to SALW
Cook Islands	Yes	No		
Fiji	Yes	No		
French Polynesia	No	No		
Kiribati	No	No		
Marshall Islands	Yes	Yes		
Micronesia (Federated States of)	No	No		
Nauru	No	No		
New Caledonia	No	No		
New Zealand	Yes	Yes B		Co-ordination good but reportedly becoming more ad hoc
Niue	No	No		
Palau	No	No		
Papua New Guinea	No	No		
Samoa	No	No		
Solomon Islands	Yes	No		
Tonga	No	No		
Tuvalu	Yes	No		
Vanuatu	No	No		
Wallis and Futuna	No	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
0 3	A
0	
1	
0	
0	
1	
0	
0	
0	
2	A
0	
0	
0	
0	
2	
0	
0	
0	
0	
0	
0	
0	

¹ These codings are not intended as a grade and are applied only where sufficient information was available.

Oceania/
Pacific
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	Re-transfer 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
American Samoa	Yes		No					Yes								
Australia	Yes		Yes			Yes	Yes	Yes		Yes		No				
Cook Islands	No		No					Yes								
Fiji	Yes	Yes	Yes	Yes				Yes	Yes	Yes	Yes					
French Polynesia	Yes							Yes								
Kiribati	Yes		No					Yes								
Marshall Islands (Federated States of)	Yes		Yes	No		No	No	Yes		Yes						
Micronesia	Yes		No					Yes								
Nauru	No		No					No								
New Caledonia	Yes							Yes								
New Zealand	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No				
Niue			No					Yes								
Palau	Yes		No					Yes								
Papua New Guinea	Yes		No					Yes								
Samoa	Yes		No					Yes								
Solomon Islands	Yes		Yes					Yes		Yes		No				
Tonga	Yes		No					Yes								
Tuvalu	Yes		No					Yes								
Vanuatu	No		No					Yes								
Wallis and Futuna	Yes							Yes								

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	
Prohibition on manufacture of certain types of small arms	Yes		Yes		Yes				
	Yes	Yes	Yes		Yes		Yes		Toughened penalties in 2002.
Import prohibited. Law allows for export prohibition	Yes		Yes		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		Yes		Yes				
Production and Import expressly prohibited.	Yes		Yes		Yes				Banned all ownership
	Yes		Yes		Yes				
	Yes		Yes		No				Possession in prohibited
Express prohibition on most production	Yes		Yes		Yes				French/National
2005 amendment act, revised import controls. It did not cover transit.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	New laws in 2002 and 2005
Law allows for export prohibition	Yes		No		No				
Express prohibition on production. Import prohibited. Law merely allows for possibility of export	Yes		No		Yes				Possession is prohibited
Express prohibition on production	Yes		Yes		Yes				
Law allows for prohibition of export	Yes		Yes		No				
	Yes	Yes	Yes		Yes		Yes		2003 Weapons surrender also made possession illegal.
Express prohibition on production	Yes		Yes		Yes				
	Yes		No		Yes				
No production controls except 1979 prohibition on making certain types of arms	Yes		Yes		Yes				
Express prohibition on production	Yes								French law applies

Oceania/
Pacific
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	Comments
American Samoa									
Australia	Yes	Yes			Yes				
Cook Islands			Yes						
Fiji	Yes		Yes	Undergoing modernisation					
French Polynesia									
Marshall Islands	Yes	Yes					B	A	Surplus are reportedly destroyed often
Micronesia (Federated States of)									
New Caledonia									
New Zealand	Yes	Yes			Yes	Yes			
Papua New Guinea	Yes	Yes	Yes			Yes			
Samoa			Yes						
Solomon Islands	Yes		Yes	Armouries being modernised		Yes		A	
Tonga			Yes						
Vanuatu			Yes						
Wallis and Futuna									

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)
		Yes			No		R	C	Some	
					No		I	M, D	Yes	
					No		No			
					No		No		Some	
					Yes				Some	B
								Some	Some	
		Yes		Amnesty prompted by change in legislation	No		No		Some	
Yes	Yes	Yes		DDR in December 2001 in Bougainville	No		No			
Yes		Yes		Compulsory weapons collection in 2003.	No		I, R	M		
							R	M		
					No		No			
					No		No		Some	

Oceania/
Pacific
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	Firearms Protocol	
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	No	
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	

		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	
Wassenaar		Yes C				
Wassenaar		Yes				

3.3 PROGRESS IN KEY THEMATIC AREAS AND INTERNATIONAL CO-OPERATION AND ASSISTANCE

3.3.1 INTRODUCTION

This section outlines progress in implementing the Programme of Action in key thematic areas. These are areas of significant international concern and attention. Full and comprehensive implementation of high standards in all of these thematic areas is essential to tackling the illicit trade and misuse of SALW.

The first part of this section examines implementation of thematic areas in which there are relatively strong commitments and standards within the PoA. These include:

- National Commissions/Focal Points and National Action Plans
- transfer controls, including controls over brokering
- enforcing embargoes
- marking, record keeping and tracing
- stockpile management and security
- disarmament and weapons collection
- weapons destruction and disposal
- transparency and information exchange.

Then the section examines progress in thematic areas in which emerging or established good practice goes beyond the specific commitments made in the Programme of Action. Most of these relate to issues that are given prominence in the preamble to the PoA, but that are not fully developed into specific commitments to action, or issues whose importance is widely recognised but that proved controversial during the UN Conference. There is significant global, regional, and national interest in enhancing commitments in all of these areas. These include:

- gender
- civilian possession
- state misuse of SALW
- demand reduction
- restricting transfers to non-state actors
- MANPADS.

The PoA includes a wide range of commitments related to the provision of assistance to other states in implementing the PoA. This section concludes with an examination of the provision of international assistance and international co-operation.

3.3.2 NATIONAL COMMISSIONS/FOCAL POINTS AND NATIONAL ACTION PLANS

In many countries the lack of effective co-ordination between the many government departments and agencies that have a role to play in small arms control has been a significant barrier to implementing the PoA.

One of the fundamental commitments of states in the PoA is to establish “national co-ordination 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.”¹⁰³

¹⁰³ UN PoA section II, para 4.

states also agreed 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.”¹⁰⁴

143 countries have established a national point of contact and a list of these is available on the UN DDA website.¹⁰⁵ This is the minimal evidence of PoA implementation that at least enables contact between states on small arms control. Unfortunately, even though this list is updated regularly, many of the names listed are out of date.

79 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 15 states with no formal national commission but evidence of significant national coordination). However, the effectiveness, scope and mandate of these bodies vary significantly. In many countries it appears as if the motivation behind establishing a Commission or Focal Point has been to satisfy international requirements rather than to create an effective means of addressing the small arms problem in that country. In other countries it appears as if states have reported that they have established National Focal Points (implying a co-ordination agency) when actually this just consists of an individual who is the national point of contact.

A significant conclusion of the analysis of states’ implementation of the PoA is that progress is most marked in the countries where effective inter-agency National Commissions or National Focal Points (NCs/NFPs) have been established. A body of good practice is emerging that should inform the creation of these bodies in countries where none exists, and the operationalisation of them in countries where little has yet to happen in practice. These lessons include:

The need to include a broad range of agencies. A wide range of government departments and agencies have a key role to play in small arms control. However in a number of countries, NC/NFP membership is limited to security and law enforcement agencies. This significantly limits the scope of co-ordinated government action on small arms control. A comprehensive NC/NFP must include all security and law enforcement agencies as well as other relevant ministries, often for example including ministries of education, finance and planning.

The role of sub-regional co-ordinating agencies. Progress in the establishment of NCs/NFPs has been greatest in regions where there are effective sub-regional small arms agreements and co-ordinating agencies. For example, in the Great Lakes region and the Horn of Africa, all of the 11 signatories to the Nairobi Protocol have either established NFPs or are in the process of doing so (although the effectiveness of these varies dramatically). By contrast in South Asia, where there is no sub-regional agreement in place, only Sri Lanka has established a co-ordinating agency.

The importance of a nation-wide approach. In order to effectively tackle the problem of small arms proliferation in local communities it is important that the NCs/NFPs are able to coordinate practical action across the country. In Tanzania, Provincial Task Forces of law enforcement agencies, government officials and NGOs have been established that have undertaken a wide range of activities including weapons collection and public awareness-raising.

The benefits of including civil society. If they are to be truly national, commissions and focal points need to involve civil society. However, research shows that this is not the case in most countries. Good examples include Uganda, where four NGOs nominated by the Uganda National Action Network on Small Arms sit on the NFP, and Sri Lanka, where civil society organisations from different provinces came together to nominate four members to the National Commission.

¹⁰⁴ Ibid, section II, para 5.

¹⁰⁵ <http://disarmament2.un.org/cab/docs/List%20of%20National%20Points%20of%20Contacts%20March%202005%20rev%202.pdf>

Progress in the establishment of National Action Plans

In order to be effective, research shows that NCs and NFPs need to develop a clear strategy or action plan for their work to address small arms proliferation. In many countries, however, the lack of knowledge about the real nature and extent of the small arms problem has been an obstacle to the development of national strategies.

A number of governments have now begun to address this by undertaking national surveys to assess the small arms and security situation. Often these have been undertaken with local and international NGOs and with UNDP. For example, in South East Europe, surveys have been undertaken in Albania, Bulgaria, Macedonia, Serbia and Montenegro. These surveys are important tools to inform government action and also provide valuable information for civil society organisations and international donors.

The challenge is ensuring that these surveys lead to the development of comprehensive responses to the small arms problem. In Africa, surveys or 'mappings' have been undertaken in Botswana, Kenya, Namibia, Tanzania and Uganda that have led to the development of National Action Plans (NAPs). These NAPs have been signed by Cabinets and include a range of measures such as strengthening legislation, enhancing border controls, police training, public awareness and development programmes to reduce the demand for weapons. In total 18 governments have developed National Action Plans or Strategies. A number of surveys and mappings are currently underway in other regions with recent progress in a number of Latin American countries. In South Asia, the Sri Lankan Government announced at the launch of its NC in April 2005 that it plans to undertake a comprehensive survey leading to the development of a National Action Plan.

It is clear from the analysis that conducting national surveys and developing NAPs is a prerequisite for effective small arms control. It is encouraging that this is developing now as a norm of international best practice. Indeed, it is hoped that the Chairman's conclusions of the Biennial Meeting of States will highlight the importance of NAPs for implementing states' commitments in the PoA. Specific lessons in their development include:

- **The need to address licit and illicit arms.** As the PoA states, it is important to address the problem of the illicit trade in small arms "in all its aspects". This requires surveys not just to cover issues of illicit small arms in the possession of civilians, but also to look at transfer controls, stockpile management and regulation of national defence industries.
- **The importance of comprehensive action to address small arms.** To be effective, national strategies and NAPs should not just address technical issues of small arms control but also make links to wider action to address insecurity, governance and under-development.
- **The valuable role of civil society.** International and national NGOs, survey groups and academics can provide important technical assistance to governments to help undertake national surveys or mappings. All of the recent examples of work in this area have benefited from drawing on this available expertise.

3.3.3 TRANSFER CONTROLS

The issue of principles governing small arms and light weapons (SALW) transfer controls is a pressing one for the international community to address. The unregulated trade in SALW fuels conflict, undermines development, and imperils human security, thereby causing untold misery and suffering to millions of people around the world. The SALW transfer controls issue was a hotly debated topic in the run up to, and during, the UN Small Arms Conference in 2001. It became clear that whilst many governments recognise the need for common standards for the regulation of SALW transfers, the issue remains a sensitive one for some. These states argued that the Conference should focus only on the illicit

trade and thus had no purview with regard to the government-sanctioned trade in SALW. Others argued that the government-authorized trade in arms can and does fuel the illicit trade, thus strong controls on the state-sanctioned trade would prevent arms becoming illicit. This view was backed by previous statements from the United Nations General Assembly and the UN Disarmament Commission that the 'illicit' trade in arms is that which is contrary to not only national law, but also international law. Thus consensus emerged at the Conference that the state-sanctioned trade must be included.

Paragraph 2 of Section II of the PoA commits states:

“To put into place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of SALW within their areas of jurisdiction and over the export, import and transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in SALW or their diversion to unauthorised recipients.”

The substantive reference to the need for principles governing transfers is contained in Section II, para 11 where states undertake:

“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...”

However there is no elaboration on the substance of the “strict national regulations and procedures” nor on what constitutes “the existing responsibilities of States under relevant international law”. This lack of specificity remains a concern because it is evident that many states are unsure what their existing responsibilities under international law are, and continue to justify irresponsible exports by arguing “if we don’t sell, someone else will”. It is therefore vital that the 2006 Review Conference provides the space and opportunity for states to agree on international standards governing arms exports, based on states’ responsibilities under international law.

Progress at the international level since the UN Conference

Whilst the references, in the PoA, to principles relating to transfer controls remain under-developed, a concerted effort has nevertheless been made on the part of both governments and civil society organisations to elaborate them, with particular emphasis on the role of international law in the development of common SALW transfer principles.

There are three major international processes related to transfer controls. These three initiatives are distinct but closely linked, and reinforce the UN small arms process, and PoA commitments on transfer controls.

The UK Government has led the Transfers Control Initiative (TCI). Beginning in January 2003, the TCI seeks to secure international agreement to common standards on SALW transfers at the UN Programme of Action Review Conference next year. In particular it has elaborated criteria to be applied in arms transfer authorisations. The TCI has adopted a bottom-up approach, working through dialogue, meetings and workshops around the world to establish common ground on such standards.

Currently, the TCI's focus is on working at a regional level with governments to gather information on what transfer controls already exist within countries and build consensus on the need to strengthen controls on SALW transfers. Sub-regional workshops have so far been held in Argentina, the Bahamas, Nicaragua and Kenya.

The second of the three parallel global initiatives is the Consultative Group Process convened by the Biting the Bullet Project (which includes International Alert, Saferworld, and the University of Bradford). Also beginning in 2003, the CGP has involved over 30 governments from different regions including Europe, Africa, Asia, and the Americas, as well as international experts from NGOs and UN Agencies.¹⁰⁶ In a series of five meetings the CGP has made significant progress in elaborating and refining guidelines for national controls over all key aspects of SALW transfers (including export, import, and where relevant, transit and transshipment).

In late 2004 the CGP published a Chair's report. This report drew together the progress made by the CGP in building common understandings on transfer control guidelines, and on the second aspect of the CGPs work, restricting transfers to Non-State Actors (See NSA section 3.3.15). This first phase of activity included meetings in London, Prague and Nairobi – and at the first BMS in New York. Since that time the CGP has moved into its second phase of activity aimed at refining proposals on transfer controls. Thus further meetings have been held in Sri Lanka in September 2004 and in Brazil in April 2005. As a result of these meetings a draft proposal of guidelines has been submitted to participants with a view to its presentation at the BMS.

The third of the current initiatives is the effort to establish an international Arms Trade Treaty (ATT). Initially inspired by Nobel Peace Laureates, the ATT is now championed by NGOs and states alike. The initiative centres upon a set of global principles governing arms transfers which were compiled with the help of a team of international lawyers and which codify states' existing responsibilities under international law. These have been put forward by the NGOs for discussion by states as a key contribution in the establishment of an international agreement. Momentum for the idea of an ATT is building and it now has the support of a number of states including Cambodia, Costa Rica, Finland, Germany, Ghana, Iceland, Kenya, Mali, Tanzania, Senegal, Tanzania and the UK. This initiative has the backing of over 600 civil society organisations world-wide and is the main international objective of the Control Arms Campaign. As well as 21 Peace Laureates, the ATT is supported by many key figures, including President Lula of Brazil, Mary Robinson (the former High Commissioner for Human Rights), and former Archbishop Desmond Tutu, plus currently more than 250,000 supporters from 152 countries around the world.

The Finnish, Tanzanian and UK governments have led the process of building governmental support for an international Arms Trade Treaty. Finland hosted a meeting of government experts in Helsinki in June 2004 and a follow up meeting was held with a broader range of 30 governments in Dar es Salaam in February 2005. In a comprehensive concluding statement, participants agreed that:

'the implementation of their obligations presented in Article 11 of the UNPoA section II... would be assisted by a universally recognized benchmark to guide national legislation to that effect. In this regard, the following principles were then presented and considered:

- a. *All international transfers of arms should be carried out in accordance with national laws and procedures, and subject to written state authorisation, on a case-by-case basis.*
- b. *When authorising transfers, the following minimum criteria should be applied:*
 - i. *Express limitations: States shall not authorise international transfers of arms which would violate their obligations under international law. This includes the Charter of the United Nations, the decisions of the Security Council on embargoes; binding treaties and decisions; weapons, the use of which is prohibited under international law, and transfers that are likely to be diverted for use in violation of the above mentioned obligations.*

¹⁰⁶ Governments that have been involved in one or more Biting the Bullet Consultative Group Process meeting include: Russia, the UK, Brazil, Mexico, Canada, the US, Switzerland, Poland, the Czech Republic, Kenya, Ghana, Columbia, Ukraine, Finland, Japan, Mozambique, Romania, Tanzania, Sri Lanka, Norway and Uganda.

- ii. *Limitations based on likely use: States shall not authorize international transfers of arms where they are likely to be used to commit genocide or crimes against humanity; commit serious violations of human rights including arbitrary killings, torture and enforced disappearances; perpetrate war crimes and other serious violations of international humanitarian law; international acts of aggression; support terrorist acts; and support other illegal activities, in particular those of organized crime; and that can be diverted for any of the above.*
- iii. *Factors to be taken into account: When considering authorization, states should also take into account potential adverse effects of the sale on the control and prevention of violent and other serious crime; regional security; sustainable development; internal stability; and the likelihood of diversion.'*

At the time of writing (May 2005) the UK Government was planning a further meeting of government experts in London before the Biennial Meeting of States to build support for the development of a legally-binding Arms Trade Treaty.

In addition to these three global processes, support for strengthened controls over SALW transfers has also come from three recent heavyweight international reports for effective international controls on arms transfers. The UN Secretary-General's High Level Panel on Threats, Challenges and Change called for the development by states of a "legally-binding instrument on arms transfers";¹⁰⁷ the Millennium Project report on progress towards the Millennium Development Goals called for an international code of conduct on arms transfers;¹⁰⁸ whilst the Commission for Africa called for negotiations to establish an international Arms Trade Treaty to begin "no later than 2006".¹⁰⁹

Regional progress

The establishment of multilateral SALW transfer controls has thus far been most successful at regional or sub-regional level. The EU Code of Conduct on arms exports (1998)¹¹⁰ and the OSCE Document on Small Arms (2000)¹¹¹ both contain detailed export criteria. EU member states began a review of the EU Code in 2004. However, this failed systematically to review the language of the export criteria which has been criticised as being vague, subjective and an inadequate reflection of states' international legal obligations. The one positive change that was agreed to, following intense pressure from the NGO community, was a more explicit commitment to refuse arms exports where they could be used to violate international humanitarian law (see EU overview in Section 3.2.3).

Since 2003, the most encouraging regional progress on the issue of transfer principles has been in Africa. The Southern African Development Community (SADC) Firearm Control Protocol came into force in 2004 containing a commitment for governments to harmonise import, export and transit controls. And the 11 signatory states to the Nairobi Protocol in the Great Lakes and Horn of Africa agreed in 2004 "Best Practice Guidelines for the Import, Export and Transit of Small Arms and Light Weapons". These are expected to be signed by ministers at the regional review conference in June 2005 and then incorporated into national legislation. Governments in West Africa have committed themselves to turning the Moratorium on the Importation, Exportation and Manufacture of SALW into a legally-binding Convention; this necessitates agreement on exemption criteria for transfers. At the same time, the countries of the Andean Community in South America have agreed the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects which obliges states to exercise effective control over the production, import, export, transfers, trade, brokering, transport, marking and registration of SALW.

¹⁰⁷ <http://www.un.org/secureworld/>

¹⁰⁸ <http://www.unmillenniumproject.org/reports/index.htm>

¹⁰⁹ page 63, 'Our Common Interest' Commission for Africa, 2005

¹¹⁰ http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf

¹¹¹ http://www.osce.org/documents/fsc/2000/11/1873_en.pdf

National progress

107 states surveyed have some legislation covering SALW exports, 37 of which include an assessment of the risk of diversion, 56 of which require the use of authenticated end-use certificates, and 25 of which notify the original exporting state when retransferring previously imported weapons. In many cases legislation is very old and dates back long before the PoA, indeed only 54 states have conducted a review of their SALW export legislation since 2001. A norm is developing for criteria-based licensing systems although in many countries the actual criteria used are often confidential. A number of countries are beginning the process of updating their legislation and most of this activity has been in regions where regional frameworks have provided impetus. For example, the process of EU enlargement has acted as a spur to many countries in Eastern Europe to review their export control legislation. A number of countries in Eastern Africa are now undertaking legislative reviews following the signing of the Nairobi Protocol. The different standards of criteria in operation in different regions, and the lack of regional agreements in some areas (eg. South Asia) further highlights the need for common international standards governing arms transfers.

Overall progress

This encouraging progress at the international and regional levels means that there are now a series of building blocks that provide a strong basis for developing international consensus on effective transfer controls. These provide a key opportunity for governments to agree a declaration of principles governing international transfers at the Review Conference in 2006. There is now significantly greater openness to the agreement of more elaborated commitments on transfer controls. For instance, building on the progress of the three major international initiatives on SALW transfer controls, the range of principles that could be agreed by states clearly include not transferring SALW if they are likely to be used in serious breaches of human rights or international humanitarian law.

CONTROL ARMS CAMPAIGN

Launched in October 2003, the Control Arms campaign for an Arms Trade Treaty (ATT) and stronger regulation of the arms trade is being led by Oxfam, Amnesty International and the International Action Network on Small Arms (IANSA) with the support of civil society organisations in all parts of the world. During this time a number of important milestones have been reached, including:

- The UK Foreign Secretary gave a speech in which he made a strong commitment to an Arms Trade Treaty on 15 March 2005
- In early 2005, Spanish parliamentary parties urged their government to promote the ATT
- The New Zealand government endorsed the campaign in a statement at the First Committee of the UN General Assembly in October 2004
- Ghana endorsed the principles of the ATT following a meeting in March 2005 between the Ghanaian Foreign Minister and members of the West African Action Network on Small Arms (WAANSA)
- South African former Archbishop Desmond Tutu endorsed the campaign in September 2004, joining a variety of public figures and celebrities from more than 20 countries worldwide
- As of May 2005, over 250,000 people have joined the Million Faces petition on www.controlarms.org
- As of May 2005, 21 Nobel Peace Laureates have endorsed the ATT
- International meetings have taken place in 2004 and 2005 at which states have discussed the agreement of a set of global principles for international arms transfers and the Arms Trade Treaty.

CONTROL ARMS CAMPAIGN, CONTINUED

These have taken place in Helsinki, Dar Es Salaam and London with the leadership of the governments of Finland, Tanzania and UK respectively with the input of a range of international and local NGOs. Chair's reports from the meetings in Tanzania (at which representatives from 31 countries) participated and in London (where 22 states, including the world's major arms producers) discussed the need to develop effective international controls based on states existing responsibilities under international human rights and humanitarian law.

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3.3.4 SALW BROKERING

Arms brokering is another issue that has been on the international agenda for many years after a succession of UN Panel reports on sanctions-busting revealed the role of arms brokers as the major violators of arms embargoes in Angola, DRC, Liberia and Sierra Leone.

Brokering and the PoA

States agreed in the PoA "To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering."

This was a significantly watered-down commitment to that contained in previous drafts of the PoA that contained a commitment to develop an international instrument to control arms brokering.

International progress

International progress on the arms brokering issue since the UN Conference has been frustratingly slow. On 23 December 2003, the United Nations General Assembly adopted resolution 58/241 on the illicit trade in small arms and light weapons in all its aspects that requested the Secretary-General to hold broad-based consultations, within available financial resources, on further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

Consultation meetings were held in New York and Geneva in 2004 and a background paper from UN DDA set out a number of issues to be discussed including definition and scope, licensing systems, registration, sanctions, extra-territorial controls and international co-operation. A number of states urged the development of an international instrument, but a few states were outspoken in their opposition to this. The end result was resolution 59/86 of the General Assembly in December 2004 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". This Group is to start work "after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group [on marking and tracing]".

This resolution was disappointing in a number of ways. Firstly, there has already been a UN Group of Experts on arms brokering in 1999 and so there is a real sense that the issue is not moving forward. Secondly, the insistence of states that the Group can only begin work after the Review Conference and marking and tracing negotiations have been concluded, highlights a new sense that small arms issues can only be addressed one at a time. Given the urgency and scope of the problems to be addressed this

is very concerning. In the meantime, UN DDA has arranged further consultations on the issue in New York and Geneva in June 2005.

Support for more effective international action has come from the UN Secretary-General's High Level Panel that called for the development of a legally-binding agreement on brokering in its report, a call echoed by the UN Secretary General in his response 'In Larger Freedom'.¹¹²

Regional progress

There has been some progress in addressing arms brokering at the regional level. EU Member States agreed a Common Position on arms brokering in 2003 which stipulates that all transactions organised by arms brokers resident in the EU should be subject to licensing against the criteria of the EU Code of Conduct on arms exports. NGOs had been urging the EU to agree binding extra-territorial controls on arms brokers operating overseas, but the Common Position just "encourages" members states to establish these.

In 2003 the OAS agreed draft Model Regulations for the Control of Brokers of Firearms, Their Parts and Components and Ammunition. These included prohibitions relating to: acts of genocide or crimes against humanity, human rights, war crimes, UN embargoes or sanctions, support for terrorists, diversion, or breaches of multilateral arms control agreements.

The SADC and Nairobi Protocols both include legally-binding commitments to regulate arms brokers, although the level of controls required has not been stipulated. This is a key issue to address in the process of regional harmonisation of legislation.

National progress

32 governments now have national controls on arms brokering, an increase from the 18 who did at the time of the last report in 2003. 24 governments operate a register of arms brokers and 15 have some form of extra-territorial application of their law. There has been a lot of progress in the EU with a number of countries introducing new legislation following the EU Common Position, including Belgium, Finland, Latvia and the UK. However new legislation often contains loopholes (such as a lack of comprehensive extra-territorial controls) which arms brokers can exploit and it is striking how many governments still have not acted to control arms brokers. The international nature of arms brokering and the absence of controls in so many countries highlights the need for an international legally-binding regulatory instrument.

Overall progress

The issue of arms brokering requires reinvigorating at the international level. It is hoped that the recent support of the UN Secretary General and his High Level Panel for a legally binding international instrument will encourage a clear recommendation in this regard from the UN Group of Experts in 2006. It is important that the Group highlights key issues for an international instrument to address and sets out a timeframe to achieve this.

3.3.5 ENFORCING EMBARGOES¹¹³

Arms embargoes are one of the principal tools of states in 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 or more, as states have sought to respond to crises by limiting

¹¹² <http://www.un.org/largerfreedom/>

¹¹³ See also Biting the Bullet Briefing 17 "Strengthening Embargoes and Enhancing Human Security" (Biting the Bullet, London, 2004)

or halting the flow of arms into particular countries or sub-regions. 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.

The existence or impending threat of violent conflict is the principal rationale for the imposition of UN embargoes, the majority of which have been legally binding on all state parties. The majority of UN arms embargoes form part of a wider regime of sanctions, for example a ban on the trade in specific commodities such as oil, diamonds and timber.

Increasing the effectiveness of arms embargoes is a specific aim of the PoA which calls upon states “To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations” (Section II, Paragraph 15).

Whilst arms embargoes are potentially a very useful tool with which states can put pressure on renegade governments and groups, there are significant problems with their implementation. Pressure is therefore growing for 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 and to achieve enhanced human security on the ground.

Investigating breaches of arms embargoes

The notable failure of UN arms embargoes to prevent flows of arms to protagonists in a number of recent conflicts has prompted the UN Security Council to pass resolutions establishing a series of independent Panels of Experts in order to investigate violations of the sanctions against UNITA (Angola),¹¹⁴ the RUF (Sierra Leone),¹¹⁵ Somalia,¹¹⁶ Liberia,¹¹⁷ and the Democratic Republic of Congo.¹¹⁸ The UN Security Council has also established a Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC which has highlighted the linkages between the illicit trade in natural resources and arms. These Panels of Experts have performed an invaluable role in highlighting the ways in which UN Sanctions are abrogated and in identifying the primary culprits in this so-called “sanctions-busting”.

The experience of the various UN Panels of Experts, amongst others, shows that when arms embargoes are imposed against specific countries, this does not make the supply of arms impossible, only more difficult. Once under embargo, governments or rebel groups that could previously place direct orders for arms and materiel now have to rely on brokers and other indirect channels. Most countries have difficulty in prosecuting arms brokers, due to the fact that brokering is 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. Only a few countries have adequate laws in this respect, as highlighted in the section on arms brokering in this report. In situations where a broker’s activities come under investigation, and particularly if their operations become threatened, they will tend to move their base to another country. This highlights the need for effective international controls.

In addition, the 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

¹¹⁴ UNSCR 1237 (1999)

¹¹⁵ UNSCR 1306 (2000)

¹¹⁶ UNSCR 1425 (2002) and 1474 (2003)

¹¹⁷ UNSCR 1343 (2001), 1395 (2002), 1521 (2003)

¹¹⁸ UNSCR 1533 (2004) and 1552 (2004).

them to provide cover for arms shipments to embargoed recipients. Indeed, the Panel of Experts report investigating the alleged violations of sanctions imposed against UNITA (known as the Fowler Report) published in March 2000, 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. A number of UN Panel reports point to the role of neighbouring countries in violating arms embargoes, for example there have been allegations (denied by the governments concerned) that Rwanda and Uganda have provided military assistance to rebel groups in DRC.

The various UN Panels of Experts have also put forward a series of recommendations for measures to be adopted at national, regional and international level that would enhance implementation of these and future UN sanctions regimes.

Strengthening arms embargoes

The full implementation of the steps called for by the PoA, including the imposition of more effective controls on arms broking activities, the tightening of national legislation on arms transfers, and improving end-use certification provisions, would significantly diminish the scope for breaching UN arms embargoes. Beyond this, priorities for international action to enhance embargo regimes have been identified in the following areas:

Strengthening national implementation of arms embargoes by:

- implementing UN embargoes in national legislation
- tackling corruption and poor enforcement of export controls
- addressing the weakness of current end-user requirements
- enhancing controls on licensed production overseas
- regulating arms brokering and transportation agents
- enhancing capacity and enforcement of air traffic control regulations.

Improving the targeting of arms embargoes by:

- developing a consistent approach to arms embargoes and non-state actors
- intervening to prevent genocide.

Linking arms embargoes and other sanctions by:

- extending sanctions beyond the arms embargo to include the illicit trade in other materials and resource exploitation by corrupt elites
- using secondary sanctions against those complicit in sanctions-busting.

Enhancing enforcement and monitoring of arms embargoes by:

- establishing a common military list for UN embargoes
- employing embargoes as a preventive tool
- establishing a dedicated Sanctions Unit in the UN.

It is to be hoped that the discussions at the 2005 BMS and 2006 Review Conference will take full account of the range of measures required in order to strengthen implementation of UN arms embargoes and that states will make a renewed commitment to taking action in these areas.

3.3.6 MARKING AND TRACING

Many SALW currently entering illicit circulation are untraceable. Marking and tracing is crucial to effectively tackling the illicit trade in SALW. It is one of the limited number of thematic issues to have been pursued in global processes as well as regional agreements and national implementation of the PoA.

The PoA includes some strong commitments related to the marking and tracing of SALW. In particular, states undertook to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW. Thus, the Group of Government Experts on Tracing Illicit Small Arms and Light Weapons (GGE on Tracing) was established. 23 member states were represented on the GGE, which held its first session in July 2002, its second in Geneva in March 2003; and its third in New York from 2 – 6 June 2003.¹¹⁹

The GGE drew upon and discussed a range of existing common standards on marking, record keeping and co-operation in tracing, included in various regional and international agreements (such as the UN Firearms Protocol, SADC Firearms Protocol, and OSCE Document) and built upon the momentum of the French-Swiss initiative. The key decision of GGE on Tracing was that it is feasible and desirable to negotiate an international instrument on tracing, and that this instrument would fill any gaps in existing instruments and strengthen them.¹²⁰

In December 2003 the Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG) was established, on the basis of the GGE report, 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.”¹²¹ Under the chairmanship of Ambassador Anton Thalmann (Switzerland) and 14 co-chairs, 26 states made statements in the first substantial meeting of the OEWG in June 2004.¹²² Within the OEWG common positions are held by African Nations, and by the EU (and its associates), and are reported by a single member from each region. Thus, de-facto membership of the OEWG is large and significant. Furthermore, civil society organisations have participated including IANSA and its members.

Within this broad and significant membership there is considerable agreement on key elements of measures to identify and trace illicit SALW. However, after its second session, in January and February 2005, some significant divisions within the OEWG remain.

The third, and last scheduled, substantive session of the OEWG is due to take place in June 2005. The third draft text of the international instrument takes many positive steps, though there remains significant scope for enhancing minimum standards. These issues include:

- the nature of the instrument (legally or politically binding, though the majority of states appear to support a legally binding measure)
- the nature of information contained in markings
- the inclusion of ammunition in the instrument
- the inclusion of obligatory commitments for marking at import
- the length of time records should be kept, and what types of information should be kept
- whether international peacekeeping forces would have the right to initiate a trace
- the form of international co-operation in tracing, in particular whether this should be done bilaterally or there could be greater international co-ordination.

¹¹⁹ The 23 member states were: Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, Russian Federation, South Africa, Switzerland, United Kingdom, United States and Thailand. The GGE was chaired by Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament.

¹²⁰ Report of the Group of Governmental Experts on Marking and Tracing, A/58/138, p 24.

¹²¹ UN GA Resolution 58/241

¹²² These 26 states were: Argentina; Australia; Bahamas; Belarus; Brazil; Canada; Chile; China; Costa Rica; Cuba; Democratic People's Republic of Korea; Egypt; Guatemala; Ireland (on behalf of the EU); Jamaica; Japan; New Zealand; Nigeria (two statements: one on behalf of the African Group); Philippines; Republic of Korea; Serbia and Montenegro; South Africa; Sri Lanka; Switzerland; Trinidad and Tobago; and the United States of America.

The prospects for the OEWG agreement and key issues are examined and assessed in Section 4.

In addition to the OEWG process, which aims to tackle illicit weapons in both crime and conflict settings, the entry into force of the Firearms Protocol in 2005 will also represent an important step forward in global frameworks for enhancing the traceability of illicit weapons – though only those related to crime. However, many of the commitments it contains are below emerging good practices and minimum standards required to ensure that weapons found in illicit circulation can be traced.

Civil society groups have played a significant role in furthering understandings and agendas in this key area of tackling illicit SALW. Both prior to and since the UN Conference civil society groups and experts have been closely involved in promoting the issues of tracing illicit weapons. This has continued and has included production of a number of studies on the issue provided to the GGE on Tracing.¹²³ Civil society experts have made presentation to both the GGE and the OEWG. In 2004, the Control Arms Campaign also produced a report on Marking and Tracing.¹²⁴

In addition to global level progress towards an international instrument on marking and tracing, progress has been made at both regional and national levels. This occurred to varying degrees for all three core elements required for the tracing of illicit weapons: marking, record-keeping, and international co-operation in tracing.

Marking

In the PoA states undertook to ensure that, from 2001 onwards, weapons are marked as an integral part of their manufacture, and that such markings should be unique to the weapon (including the country of manufacture, the manufacturer and a serial number).¹²⁵

Further, states have undertaken marking commitments in the UN Firearms Protocol, and various regional agreements including the SADC Protocol, the OSCE Document, the OAS convention (CIFTA), the Nadi Framework, and more recently the Nairobi Protocol. In line with these commitments, some regions have been developing standards on marking. The OSCE has produced a Best Practice Guide on all aspects of Marking, Record-keeping and Tracing (drafted by France) and in the Americas, the group of experts convened by CICAD have been working on improving the Model Regulations on a range of issues, including firearms marking.

At the national level, 50 states require that all SALW are marked as an integral part of their manufacture. Some states have reviewed their marking standards, including – to some degree – Benin, Brazil, China, Monaco, Norway, Slovenia, and Sweden.¹²⁶ While many more states may do so after the agreement of the international instrument, it is concerning that – in the light of the wide range of global and regional commitments on SALW – there appear to be few systematic reviews of marking standards. Nevertheless, those few states that have engaged in some review have done so largely to comply with the UN Firearms Protocol or regional agreements. In other 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 headstamp. In many cases, however, states marking standards continue to fall below clear basic minimums required for tracing.

¹²³ These include a UNIDIR/Small Arms Survey study entitled "The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons" and a study on the "Technical and Institutional Aspects of an International SALW Tracing Instrument" produced by GRIP.

¹²⁴ Control Arms, "Tracking Lethal Tools: Marking and Tracing Arms and Ammunition: a central piece of the arms control puzzle", (Control Arms Campaign, London, 2004).

¹²⁵ PoA Section II, paragraph 7.

¹²⁶ Information on Benin, Monaco, and Sweden from Kytomaki, Elli, and Yankey-Wayne, Valerie, op – cit, pp 80 – 81.

Information on forms of secondary marking, such as the point of import, is fragmented. In many cases marking at the point of import only occurs if the arms are not already marked with unique identifying markings. The Nairobi Protocol, however, commits states to import marking.

47 states have measures to tackle unmarked or inadequately marked weapons (Section II Para 8). 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.

Record Keeping

The PoA commits states to keep detailed records on holdings and transfers of SALW. Ideally records should be kept for the life-time of the weapons, including all transfers, up to and including their destruction. Some existing standards fall beneath this. For instance the UN Firearms protocol requires that records are kept for only 10 years. Within the OEWG a longer time frame appears to be envisaged, though consensus upon this is yet to be reached.

Some regional agreements include commitments in relation to record-keeping, and the harmonisation of regional standards, that would contribute to tracing illicit SALW. The SADC Protocol, the OAS Convention, the OSCE Document and Best Practice Guide, the Nairobi Protocol, and the Nadi Framework all contain various commitments on record-keeping.

Changes in record-keeping standards and systems have been a particular focus for national implementation in the area of marking and tracing. At least 79 states keep detailed records on holdings and transfers of SALW (Section II, Para 9).

Many other states have been improving their record-keeping on aspects of SALW that are important to the tracing of illicit arms. Some states have revised their record-keeping standards or have modernised their record-keeping 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, remain highly varied – thereby undermining the traceability of illicit SALW.

Co-operation in Tracing

Co-operation in tracing is, perhaps, the least developed and the most significant aspect of emerging best practices or standards. The nature of co-operation in tracing – in particular whether co-operation should be bilateral or through an established multilateral mechanism – remains an open issue within the OEWG. These key issues, in particular, will shape the nature and effectiveness of the global instrument on identifying and tracing SALW. Information on national practices in co-operation with tracing requests is limited. According to available information at least 42 states actively co-operate with tracing requests.

Largely in relation to tracing crime weapons, the PoA and other instruments supports the role of Interpol in co-operation in tracing and encourages support for Interpol's International Weapons and Explosives 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. The Royal Canadian Mounted Police (RCMP) have reportedly also developed a prototype IWETS system and donated it to Interpol.

A key element of tracing, and a specific commitment in the PoA, relates to the development of relevant information exchange mechanisms among states. It is hoped that this will be tackled within the international instrument negotiated by the OEWG.

Conclusions

Global progress on issues of marking, record keeping and tracing has been significant. The OEWG process presents opportunities for significantly enhancing the ability of states to identify and trace illicit SALW – in both crime and conflict settings. This progress has been reinforced, and in some cases pushed forward, by regional agreements. National implementation has tended to be slow. Thus it is essential that the OEWG agreement is implemented early, contains high standards, and - preferably - be legally binding. Possible scenarios and implications for this are examined in section four.

3.3.7 STOCKPILE MANAGEMENT AND SECURITY

Stockpile management and security

A key strength of the PoA is that it contains significant and detailed commitments in relation to stockpile management and security. Recognising that weak stockpile management and security contributes to the availability of illicit SALW, the PoA outlines a range of standards in this regard. 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.

Thus, the PoA commits states to ensuring that all bodies authorised to hold SALW have adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. Further, the PoA outlines some key basic elements of such standards and procedures including: “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; and procedures and sanctions in the event of theft or loss” (Section II, Para. 17). Within such procedures, the importance of regular reviews of stocks is paramount. Thus, the PoA also commits states to undertake regular reviews and that surplus stocks are identified and disposed of, preferably by destruction (Section II, Para 18).

Since 2001, 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 regional and national levels; though much remains to be done.

Regional Measures

In addition to the national level commitments entered into in the PoA, states are also committed to action at the regional level. In particular, states committed themselves 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).

The primary type of regional implementation of these commitments relate to the development of regional good practices in stockpile management and security; and/or the provision of assistance. For instance, stockpile management and security, and related weapons management issues, have been a major focus for the OSCE. In June 2002 the OSCE included stockpile management and security in its information

exchange. In 2003 the OSCE developed a range of Best Practices, including one on National Procedures for Stockpile Management and Security (drafted by the governments of Spain, Switzerland and the United Kingdom). Further, and while not exclusively related to SALW ammunition, in November 2003 the OSCE agreed a Document on Stockpiles of Conventional Ammunition. This Document adopted general principles and procedures including possible indicators of a surplus, indicators of surpluses at risk, and measures for transparency and assistance in securing or destroying at risk stocks.¹²⁷ A framework has been created whereby a state can request OSCE assistance to address stockpile management and security challenges. Following the first such request, from Belarus in July 2003, the FSC assembled a team of small arms experts from the UK, Spain and Switzerland who, between December 2004 and March 2005, conducted four visits in order to assess national SALW stockpile storage facilities and determine the viability of assistance programmes. Similarly, three assessment visits have been conducted in Tajikistan, while the preparatory work for the Kazakh request is in progress.

The provision of assistance at the regional level has also been a feature of improvements in stockpile management and security. In the Pacific, for instance, stockpile management and security has been a major focus of assistance provided by Australia and New Zealand to Pacific Island Forum states. In Asia, EU ASAC and JSAC have provided assistance that has allowed Cambodia to review its stockpiles, build new warehouses, develop computerised records and receive training in SALW security. In the Americas, the “2006 Lima Challenge” challenges and supports countries in the Latin American and Caribbean region to destroy firearms, ammunition and explosives and to improve stockpile management between the years 2001-2006. For example, within this framework, UN-LiREC has assisted in improving stockpile infrastructure in Mendoza, Argentina. Similarly, the USA and Canada have both provided expert assistance in a wide range of stockpile management issues including the physical security of stocks and record-keeping.

National Implementation

At least 30 states have reviewed their stockpile management and security procedures since 2001. Among the aspects reviewed are:

- physical security measures (including building new more secure stockpiles, e.g. Cambodia, Solomon Islands, Argentina)
- access to stocks (e.g. Slovakia introduced new security clearance procedures in 2002)
- record keeping and Inventory Management (e.g. Cambodia. In particular through centralisation and/or computerisation such as in Brazil, and Benin)
- national harmonisation of levels of security (Slovenia)
- ammunition storage (Bulgaria).

64 states claim to regularly review their stocks. However, the regularity of these reviews ranges from daily to annually – or less frequently. Regular reviews of stocks and of stockpile management and security procedures are important. For instance, in Russia there is theoretically 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 was held by the Control Department of the Presidential Administration. It found significant problems, particularly in relation to large losses through theft (see Russia snapshot).

¹²⁷ OSCE Document on Stockpiles of Conventional Ammunition.

Ammunition issues

The management and security of ammunition stocks presents further challenges. In addition to the need to minimise risks of theft, safety issues are also significant. Explosions at ammunition dumps as a result of poor security, poor procedures, or inadequate storage of unstable and out of date ammunition, cause many deaths every year. Progress in implementing PoA commitments on stockpile management and security have been particularly weak in relation to ammunition. Since 2001, however, concern about ammunition has risen on agendas. In 2005 Biting the Bullet produced a briefing paper on “Ammunition Stocks: Promoting Safe and Secure Storage and Disposal.” This expert analysis of the challenges posed by ammunition stocks identified a range of priorities and recommendations for developing international action¹²⁸ (see Section on Ammunition).

Overall, stockpile management and security is a legitimate and pressing area for international concern. There has been some modest but essential progress in improving stockpile security standards in several regions, and increasing recognition of the importance of these issues. However, international attention and assistance has tended to focus to a greater degree on the related matters of weapons destruction (see below). Thus, there is a significant need for greater and more comprehensive assistance in this area. Further, while the requirements of good stockpile management and security are well established, few states have systematically assessed whether their existing procedures and systems are adequate, or have undertaken programmes to enhance those systems.

3.3.8 DISARMAMENT AND WEAPONS COLLECTION

One of the most successfully implemented aspects of the PoA is the commitment to develop and implement weapons collection and disarmament programmes. Since the PoA was agreed in 2001 and since the last Report in 2003 there have been a wide range of practical programmes on the ground across the globe. In this context there are numerous forms of collection and disarmament activities have been initiated including DDR programmes, voluntary weapons collection programmes and firearms amnesties.

At the regional level discussions continue around the implementation and importance of weapons collection and destruction activities and the UN Regional Centres in Africa (UNREC) and Latin America (UN LiREC) continue to support disarmament initiatives. In July 2003 UNREC facilitated the adoption of a training curriculum for armed and security personnel from the member states of the Economic Community of Central African States (ECCAS) in the control of small arms and light weapons. Of the five modules that were developed two were related to weapons collection and disarmament activities and DDR.

In addition to the ongoing work at the regional level there have been a variety of internationally led initiatives looking at ways to improve the efficiency and effectiveness of related activities. In 2004 the German technical co-operation (GTZ) produced a practical field and classroom guide to DDR which includes issues and problems which may arise in weapons collection projects.

In late 2004 the Swedish government launched the Stockholm Initiative on DDR. The objective of the year long project is to identify loopholes and gaps in DDR processes. The first meeting was attended by participants from 23 countries and 14 national and international organizations, institutes and UN agencies. The Initiative aims to bring together representatives from donors and host nations, international organisations, academic institutions and civilian, military and police experts and the ultimate goal of the project is to propose ways and means that can contribute to the creation of a predictable framework in which DDR processes can be planned and implemented. The findings of the

¹²⁸ Greene, Owen; Holt, Sally; and Wilkinson, Adrian, Biting the Bullet Briefing 18: *Ammunition Stocks: Promoting Safe and Secure Storage and Disposal*, (London, Biting the Bullet, 2005).

project will have significant implications for disarmament and weapons collections processes within DDR programmes and may well be applicable in more broad contexts.

Types of Weapons Collection and Disarmament and National Implementation

In addition to such research projects and regional initiatives which form a vital part of ensuring effective implementation of weapons collection and disarmament projects, there have been a number of practical initiatives implemented at the national level. These have built on the trend in the late 1990's which saw a move away from 'buy-back' schemes such as those in El Salvador in favour of more community focused projects such as 'weapons-for-development' programmes, as initially developed in Albania in 1997 and subsequently refined in Cambodia, Georgia and Mali. The reason for this shift is an increased understanding among both implementation agencies and donor governments that the direct linkage between the surrender of weapons, ammunition, and explosives in return for cash is often not conducive to sustained peace. The PoA recognises such problems and therefore calls on states to increase public awareness and confidence building with regard to illicit SALW including weapons collection and destruction projects. A key approach that has developed in response to this need targets incentives at the wider community rather than individuals through weapons-for-development schemes and has been a successful approach to achieving buy-in from communities. In addition:

- DDR programmes with disarmament components have been carried out in at least 19 states
- Voluntary Weapons Collections of various types have been carried out in 32 states
- 36 states have implemented firearms amnesties. Many of these were amnesty provisions within voluntary weapons collection programmes or preceded forcible or coercive disarmament.
- forcible or coercive disarmament programmes and confiscation efforts have been carried out in 13 states.

In Sierra Leone from November 2002 onwards incentives in the form of US\$20,000 grants were allocated to chiefdoms that participated in the Arms for Development disarmament programme and were certified by UNDP observers to be weapons free. However, the pitfalls of weapons-for-development schemes, namely that they can be used by local authorities and communities to bargain for aid rather than to reduce arms circulation within the community, remains a problem. However, following a collection project the numbers of weapons inside the community have reduced as a result and a key element of the project has been that the communities collectively identify the development needs that they want to be addressed. Further, the UNDP has tried to address some local objections to handing over small arms, for instance by substituting wire traps for firearms to allow local hunters to continue to collect bush meat. Interestingly, in an evaluation conducted by the University of Bradford this aspect of the project was seen not to have happened, possibly due to corruption, and this failure to honour a promise was said to have resulted in increased local dissatisfaction with the project.¹²⁹

In the Former Yugoslav Republic of Macedonia (FYRoM) in December 2003 local media, local government officials and businesses joined together to back a UNDP sponsored raffle for voluntary surrender of SALW where each weapon surrendered gave a citizen a ticket enabling them to win some of the daily prizes, with the grand prize being a car. While this campaign only resulted in the handover of 7,571 weapons, as well as 100,219 pieces of ammunition, in a country where it is estimated that there are around 500,000 illicit weapons in circulation and, compared to other campaigns in the region, this was relatively successful. It was also an innovative initiative to avoid the problem of communities or authorities using these projects to bargain for development aid, through reducing the scope for individual gain at authority level. However, it is probably important to state that the lack of success of weapons

¹²⁹ See Alison Lockhead and Owen Green, 'Assessing and Reviewing the Impact of SALW Projects on Small Arms Availability and Poverty: A Case Study of Sierra Leone UNDP "Arms for development" Project. Bradford: University of Bradford, April 2004, p12.

collection projects in SEE compared to the greater success of these projects elsewhere may indicate the importance of local consultation and perhaps reflects the failure of the international community to take into account local needs for security into full account.

In Brazil, as a requirement of the new National Disarmament Statute, a national voluntary weapons collection was initiated from 15 July 2004 to 31 December 2004. This was then extended to 23 June. The campaign has been co-ordinated by the Ministry of Justice but has been supported by numerous other groups, including three civil society organisations and as of 24 May 2005, 345,203 SALW had been collected.

In Montenegro a 'Farewell to Arms' initiative was launched between 12 March and 12 May 2003, incorporating an illegal weapons amnesty and collection effort which resulted in the collection of 1,770 guns and 3,000 hand grenades, mines and other explosive devices.

Following the "November Revolution" of 2003 in Georgia and the election of the new government, a weapons collection programme was initiated in Ajaria in May 2004. While the programme was not supported by public awareness or education initiatives it still resulted in the seizing or voluntary surrender of 3,000 automatic weapons and up to 150 grenade launchers.

In West Africa, in 2004, DDR programmes were implemented in the neighbouring states of Liberia and Cote d'Ivoire. However different levels of monetary compensation were offered in each for handing-in weapons. This fostered a flurry of black-market dealings where guns were bought in Liberia (where payment for hand-in was US \$300) and smuggled across to Cote d'Ivoire and handed-in for profit where the remuneration rate was US \$200 higher. In numerous cases, gun-holders holding more than one weapon profited from both buy-back schemes. This example offers key learning points for the design of future DDR and weapons collection projects.

Overall Implementation

Experiences of implementation in this area demonstrate that successful and sustained disarmament needs a focus on a holistic approach to SALW control rather than simply looking at arms collection in isolation, addressing *inter alia* law enforcement, police reform and corruption.

There is considerable scope for better planned projects with more regional co-ordination and increased integration into broader SALW programmes as well as increased local and civil society participation. Previous ill-planned initiatives, involving fundamental errors such as the miscalculation of the number of weapons which needed to be collected, highlights the need for an improved assessment mechanism in order to try and get a better picture of the nature of the SALW problem in a country, prior to commencing a weapons collection project. In particular, a co-ordinated strategy of stockpile security and weapons destruction is needed to ensure that weapons that are handed in do not leak back into society. Any weapons collection or disarmament project must be seen to offer real alternatives to the benefits of keeping a gun. These benefits will differ depending on the context of the community being disarmed, and must be reflected by a tailored strategy which addresses the causes of demand for weapons as well as practical disarmament and collection measures. Frequently, donor emphasis on outputs have meant that low turn-in rates in the first arms collection attempt meant that follow-on projects were curtailed. Arms collection should therefore be approached as an ongoing process, accepting that initial progress, whilst trust is being won, will be slow.

3.3.9 WEAPONS DESTRUCTION AND DISPOSAL

The destruction of surplus, collected, seized and confiscated weapons and ammunition is a key means of reducing the stock of weapons available for illicit circulation, reducing the burden placed on overstretched stockpile management and security systems, enhancing public faith in disarmament and weapons collection programmes and, when done in public destruction ceremonies, raising public awareness of SALW issues. Thus, the PoA contains a number of commitments relating to the disposal, and preferably destruction, of these categories of SALW.

There have been no global level processes on the disposal or destruction of SALW and/or ammunition. The desirability of disposing of surplus, collected, confiscated and seized weapons and ammunition by destruction was clear before the UN Conference. Guides to practical destruction methods were also developed prior to the UN Conference. However, there remained scope for progress in the development of best practices in a number of areas. This has been pursued at the regional level. For instance, in 2003 the OSCE developed a range of Best Practices, several of which are relevant to the destruction of SALW. These include a Best Practice Guide on National Procedures for the Destruction of SALW - including reasons for destruction, practical destruction methods, and procedural considerations (developed by the governments of Canada, the Netherlands, and the United States of America); and on the Definition and Indicators of Surplus SALW (developed by Germany). Further, the best practice guides re-emphasise the importance of destruction as an integral part of stockpile management and security and of Disarmament, Demobilisation and Reintegration programmes, and highlight the need to destroy unmarked or inadequately marked weapons, and to keep adequate records of destructions.

International assistance for destruction programmes has been significant. Indeed destruction programmes have been one of the types of activity that have attracted most donor assistance. Some donors have been particularly active in the field of destruction. For instance, the UK's Global Conflict Prevention Fund and the UK Foreign Office Small Arms Destruction Fund has funded weapons destruction in numerous regions.

Regional level

Much donor support for weapons destruction has occurred at the regional level. For instance the OSCE has been particularly active in this area. In OSCE member states over 3 million SALW were destroyed between 2001 and 2003. In 2002 the OSCE adopted a Decision on the Mechanism for Providing Assistance to states in implementing the OSCE Document. Assistance in SALW destruction and stockpile management and security have been major types of requested assistance. As noted previously (see OSCE overview), in mid-2003 Belarus made the first request for assistance within this new mechanism. This request was for assistance to destroy SALW and MANPADs and to improve the security of stockpiles. Following the adoption of the OSCE Document on Stockpiles of Conventional Ammunition, on 19 November 2003, a further request for assistance was made within this new framework. Similarly, Tajikistan requested assistance in these two frameworks in July 2004, leading to several assessment visits. These visits identified serious limitations in the capacity of Tajikistan to manage SALW stocks safely and securely, and thus identified an urgent need for the destruction of approximately 20,000 SALW.

Similarly in the Pacific, Regional Assistance Mission to the Solomon Islands (RAMSI), has destroyed over 3,700 collected weapons. In Asia, Japanese assistance to Cambodia has included considerable weapons destruction. In Latin America, UN-LiREC has supported weapons destruction and/or stockpile management capacity building in Brazil (2002 and 2004), Costa Rica (2004) Argentina (2002 and 2004), Peru (2002) and Paraguay (2003 and 2005). For instance, Paraguay has destroyed significant amounts of arms and ammunition, such as the destruction of 4 tonnes of small calibre ammunition from 5-11 May, 2005, in Piribebuy.

National Implementation

The destruction of surplus, collected, confiscated, and seized SALW and ammunition stocks has occurred in most regions. In terms of national implementation at least 36 states have destroyed some surplus stocks since 2001; at least 48 states have destroyed some confiscated, seized, and/or collected SALW since 2001.

In some cases the destruction of surplus weapons and ammunition represents an urgent safety issue. For instance, Ukraine has large and growing surplus stocks of SALW (1.5 million) and ammunition (1.5 million tonnes). It requires significant assistance in disposing of these surpluses. A NATO PfP project for the safe destruction of 133,000 tonnes of conventional munitions, and 1.5 million SALW is currently under development and will be one of the largest projects of its kind. It is supported by the USA, UK, Germany and Canada and will cost an estimated €8 million.¹³⁰

The destruction of collected weapons is particularly important for public faith in the disarmament process and for logistical reasons (dispersed collection sites are vulnerable to diversion unless weapons are made inoperable immediately and destroyed soon afterwards) as well as other reasons. For instance, in Brazil, weapons collected were first rendered inoperable in front of those handing them in. They were then destroyed no more than 48 hours after being handed in. The rapidity of this destruction appears to have enhanced the credibility of the weapons collection process as well as permanently removing weapons vulnerable to illicit circulation.

In DDR operations, in particular, the disposal of weapons through destruction is essential. Some DDR programmes, such as the recent one in Liberia in 2004, have failed to make appropriate arrangements for the destruction of the weapons that have been collected. This can lead to weapons that have been collected trickling back into circulation, often quite literally through the back door of the building where they have been collected. In such tense situations the immediate destruction of weapons plays a key role in confidence and trust building.

Policies on disposal

While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal. 13 states destroy most or all surplus weapons and ammunition, and at least 12 sometimes destroy surplus arms but often authorise other disposal; 23 states destroy most or all collected and/or confiscated SALW while only 8 sometimes authorise other disposal.

Policies in favour of disposal through destruction for the majority of surplus, collected and confiscated weapons have developed largely through common practice, but in some cases through law (such as in Venezuela's 2002 disarmament law) or declared policies. For instance, Austria introduced such a policy in 2002, while in 2003 New Zealand declared a national policy of destruction for all surplus and collected small arms. While in some cases legal frameworks for weapons disposal through destruction exist, the political will and technical and financial resources required are often lacking. Conversely, in a few cases, such as Senegal,¹³¹ the political will is apparent, but appropriate amendments to the legal framework remain necessary.

Most states have not explicitly adopted the best practice of destroying most surplus and all collected, seized, and confiscated SALW and ammunition. For instance, Bulgaria has large surpluses and has

¹³⁰ NATO PfP Trust Fund Status, at http://www.namsa.nato.int/inits/ammo_trust_e.htm, information accessed 16/05/2005.

¹³¹ In Senegal (see Case Study) the US government supported the destruction of some 8000 army weapons in 2003. A census is currently underway to take account of weapons confiscated by various forces (police, gendarmerie, and customs). The destruction of these weapons will, reportedly, require the introduction of new legal and financial arrangements. .

destroyed significant amounts of SALW with the assistance of the USA and of UNDP and SEESAC. Nevertheless, it does not destroy all surplus weapons, but rather has also actively exported them. Thus, there remains scope for global and regional progress on developing and disseminating best practices, and providing practical support for destruction.

3.3.10 AMMUNITION

According to widely used understandings of what is included in the category of SALW, ammunition is included. This makes sense in many ways: weapons cannot function without ammunition, and thus they are inextricably linked. Measures to control and reduce ammunition stocks are critical elements of wider efforts to prevent, combat and reduce illicit trafficking and proliferation of SALW. During the negotiations for the PoA, many delegations assumed that the commitments applied to ammunition much as they did to the weapons themselves.

Nevertheless, ammunition has its own characteristics, and in practice often requires specific treatment. Moreover, the PoA commitments do not explicitly refer to ammunition, and are not sufficiently elaborated that they explicitly set out the ways in which they should be applied to ammunition. Thus, although there is little dispute that PoA commitments apply in principle to ammunition as well as weapons, in some areas it remains unclear what the actual PoA commitments are in this context. It is for this reason that this brief discussion of ammunition issues is in this part of section 3.3.

The distinctive and urgent challenges relating to ammunition

Improved knowledge and understanding of the SALW issues has been an essential aspect of efforts to prevent, combat and reduce illicit trafficking, proliferation and misuse. However, many of the characteristics, dynamics and challenges of ammunition availability, flow and impacts are rather distinctive, and require specific study.¹³² The same applies to regulations and programmes for reduction and control. These are not yet as well understood as weapons.

Thus, for example, the patterns of ammunition production and trade are rather different to those for weapons such as pistols or rifles. Whereas many types of small arms are relatively durable, ammunition contains explosive materials, and degrade unless properly maintained. In any intense conflict, ammunition is rapidly consumed, providing possible 'choke points' for limiting supply that do not exist in the same way for weapons.

Practices relating to unique marking and record-keeping for ammunition are different, with unique marking being relatively rare for rounds and cartridges, for example. This has implications for the application of obligations relating to ammunition in the proposed international instrument to enable timely and reliable identification and tracing of illicit SALW, which are now a key focus for negotiation.

There are vast stocks of SALW ammunition around the world, much of which pose urgent safety and security problems.¹³³ For example, in the area of the Former Soviet Union, large stocks accumulated during the Cold War have become surplus to requirements. Stocks of hundreds or thousands of tonnes of ammunition that is well beyond its shelf life are not uncommon.

Many ammunition stocks are insecure, posing risks of loss, capture, or corrupt diversion into the illicit trade. Ammunition stores also pose hazards to communities that live or work near to them. Major

¹³² See for example: UN Group of Experts, Report on Ammunition and Explosives in all its aspects, United Nations, New York, June 1999; see also the chapter on Ammunition in the 2005 Small Arms Survey Yearbook, co-ordinated by S. Pezard, Oxford University Press, Oxford, 2005 (forthcoming).

¹³³ See O. Greene, S. Holt and A. Wilkinson, Ammunition Stocks: Promoting Safe and Secure Storage and Disposal, Biting the Bullet Briefing 18, Biting the Bullet Project, London, February 2005.

explosions can and do frequently occur, resulting in dozens of deaths a year. Indeed, recent explosions at munitions stores in Lagos, Nigeria, and Seonggang, North Korea, each resulted in over 1,000 deaths in 2002 and 2004 respectively.

One of the main experiences in practice with weapons collection programmes is that substantial quantities of ammunition are also often handed in: much of it old and possibly unstable. Too often, programme managers have been taken by surprise by this, and are inadequately prepared: safe and secure storage of ammunition in civilian areas poses distinct challenges.

Reduction of surplus stocks of ammunition is at least as important as for weapons. However, destruction of collected, confiscated, or surplus ammunition is a more demanding technical challenge than for small arms and light weapons, since explosive materials are involved. As noted in a previous sub-section, international programmes for destruction of SALW have developed substantially in recent years. This is not yet true for ammunition.

Implementation of the PoA in relation to ammunition

Since ammunition and weapons are intrinsically linked, efforts to implement the PoA so far have in practice included a wide range of actions relating to ammunition. Thus much of the discussion in earlier thematic sub-sections on progress towards implementation implicitly refer to ammunition as well as to weapons.

As noted, ammunition issues have become particularly prominent in relation to implementation in areas including weapons collection and disarmament, stockpile management and security, and destruction, partly because they have been important in practice but often posed problems for programme managers. Moreover, land-mine clearance programmes have in many countries in practice become actively involved with clearance of unexploded munitions.

Some significant implementation programmes have developed in recent years that specifically address ammunition. For example, a number of programmes involving the destruction of ammunition have taken place in South Eastern Europe, sponsored for example, by NATO, UNDP (particularly the UNDP Regional Clearing House SEESAC) and bilateral donors such as the USA and EU. The OSCE has developed programmes on ammunition stockpile management in general, but has in recent years promoted projects relating to SALW ammunition, such as in Tajikistan and Georgia. A range of countries have reportedly recently destroyed substantial ammunition stocks, including Paraguay, Brazil, Argentina, Haiti and Honduras

Just as for arms, ammunition management and destruction is a normal part of military stockpile management in most countries. So it is not necessarily clear that destruction events should be understood as contributing particularly to PoA implementation: overall stocks may not decrease. Overall, the scale of destruction of surplus stock of ammunition is significantly lower than it arguably ought to be, given the enormous quantities of insecure or unsafe stocks.

Overall, it is becoming clear that much greater international attention needs to be given to the development and implementation of measures to control and reduce SALW ammunition availability and flows. This could usefully be a focus of attention at the forthcoming 2006 Review Conference.

3.3.11 TRANSPARENCY AND INFORMATION EXCHANGE

The PoA contains a number of commitments related to transparency and information exchange. However, since 2001, no global transparency and information exchange mechanisms have been

established and progress in developing information exchange and transparency at the regional and national levels has been limited. The level of transparency and information exchange varies between SALW issues.

Foremost among information exchange on all aspects of SALW is the submission of national reports to the UN on implementation of the PoA. To date 120 states have submitted at least one report (67 states have submitted one report; 37 have submitted two; 14 have submitted three; and 2 have submitted four). The greatest number of states submitted reports at the 2003 Biennial Meeting of States. However, 31 have submitted their national reports to UN DDA well in advance of the 2005 BMS.

Many states have used this opportunity to go beyond reporting on the basic requirements of PoA implementation, to sharing – at the global level – other information also shared in regional forums. For instance, Benin has provided information on holdings, Sweden on projects supported, and Hungary (among others) has provided summary data on imports (based on the confidential information produced for information sharing within the OSCE). In contrast, however, some states, such as Lebanon, have submitted ‘nil’ reports, a practice common in other transparency mechanisms, but which contribute little to the UN SALW process.

UN DDA, UNDP and the Small Arms Survey have jointly provided assistance to states in reporting to the UN on their implementation of the PoA. This has proved invaluable for some states. For instance, Tajikistan’s only report, in 2003, was produced with such assistance. The Solomon Islands have used the reporting template and have submitted two detailed reports.

States are also committed, on a voluntary basis, to submitting information on SALW that are confiscated and destroyed, and other relevant information such as illicit trade routes. While no information on illicit trade routes has been made public by governments, it appears that some states exchange this information on a bilateral/regional – and confidential - basis.

Much information exchange is confidential. For instance, under the Firearms Protocol (Article 12) states have agreed to exchange relevant information, on a confidential basis. The tracing mechanism that comes out of the OEWG is likely to include some confidential information exchange. Further one of the most significant improvements has been within the Wassenaar Arrangement. Within this 34 member group transparency on SALW transfers 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.

While in many cases confidentiality enhances the level and types of information provided to other governments, it is also a limitation upon effective global and civil society interaction on key SALW issues. Often some of the information shared could be made public with no impact upon the security concerns of states.

Many regional and other multilateral agreements on SALW also include information exchange mechanisms. 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 on: stockpile management and security; numbers of small arms seized and destroyed; and on small arms imports to and exports from other OSCE participating States.¹³⁴ Similarly, there is significant information sharing within the EU on the EU Joint Action and the Code of Conduct. More

¹³⁴ <http://www.osce.org/fsc/13010.html>

informally, regular Baltic-Nordic meetings on export controls reportedly allow some information sharing and problem solving.

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 a public portal for exchanging information on national legislation and policy actions.¹³⁵ The site also has a private interface where Latin American governments can exchange confidential information related to imports, exports, transit and confiscated SALW though this is not yet in use.

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, to 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.”¹³⁶

Much transparency relates to the production of reports on arms exports. At least 22 states publish annual reports on their arms exports, including at least some information on SALW. While the numbers of states producing such reports appears to be increasing, particularly as a result of EU expansion, such progress is modest and fragmented. Since 2003 Bosnia and Herzegovina’s Ministry for Foreign Trade and Economic Relations has compiled an Annual Report detailing the import and export of SALW and military equipment. In contrast in Belgium there is no national report since the transfer of competencies in arms export decision making to the regional level. Regions produce reports, but they differ considerably. Overall, national practices are varied in the nature and level of detail of information provided and the regularity of reporting. There are often limitations in the comparability and reliability of information provided.

Overall, at the national and regional level, an increasing number of states make publicly available information on a wide range of SALW issues including exports, imports, holdings, firearms licenses issued and denied; and also share information confidentially on a broader and more detailed basis. This is enhanced by information made available through NGO research. However, overall such transparency remains largely ad hoc.

There is a clear need for the development of stronger international mechanisms for information exchange (both public and confidential). There is a need for broadening the range of information being shared. In some cases this may require significant assistance to be provided to states in the production of national reports.

3.3.12 GENDER¹³⁷

Gender is not an issue that is directly considered in the PoA. The only mention of gender is in the Preamble which states that the UN member states are : “*Gravely concerned about.....the devastating consequences on children...as well as the negative impact on women and the elderly.*” (PoA Preamble Para 6). This statement not only treats gender and age as one category of concern but also fails to take into account the nuanced issues relating to gender and SALW.

¹³⁵ <http://www.salsa-system.org>

¹³⁶ Nairobi Protocol, Article 16, b.

¹³⁷ See also Johnston, Nicola and Godnick, William with Watson, Charlotte and von Tangen Page, Michael “*Putting a Human Face to the Problem of Small Arms Proliferation: Gender Implications for the Effective Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*” (London, International Alert, February 2005)

Gender is an issue which concerns men and boys as well as women and girls and, in this context, is about the social and cultural differences that gender can have on attitudes to SALW. By focusing on women as victims the current PoA does not take into account important gender considerations, the most serious of which is that the majority of perpetrators of gun violence are male, as are an estimated 90% of victims.¹³⁸ Moreover, supply and demand for SALW remain a primarily male-driven domain. In many societies, gun possession is part of male identity and masculinity. The PoA makes no mention of these gender dynamics nor does it take into account the increasingly diverse and multiple roles that women and girls can play in relation to SALW - as combatants, weapons carriers for traffickers, informants with knowledge of SALW whereabouts, as well as active agents for social change in initiatives such as community disarmament. Where women are framed as victims, it tends to be in a simplistic way, which does not take into account the varied nature of victimisation. Women are the principal victims of domestic firearms abuse and are known to be involved in weapons trafficking. There has also been evidence in numerous conflict and post-conflict situations, for example in the Democratic Republic of Congo and Burundi, that women have been raped at gunpoint indicating that women may also be direct victims of gun violence, albeit in a manner that would be very difficult to quantify. In addition to being victims, women are often also the section of the community that have to step in and act as carers or become the economic providers of a household following the death or injury of a male.

Examples such as these indicate that there is a significant gender implication in understanding small arms problems. If the differing impacts and effects of SALW on men, women, boys and girls are not taken into account, it is highly likely that any initiatives to tackle SALW proliferation, including the PoA, will be undermined as they are not based on a full understanding of the context they are being implemented in.

Despite the absence of any substantive gender consideration within the PoA there has been increasing international interest in the issue and the international community has begun to give more consideration to gender related issues outside of the context of the PoA. There is a growing realisation that without taking in to account the relevance of gender in relation to SALW, implementation of the PoA will be less effective. In light of this interest an increasing number of SALW programmes, especially those that concentrate on DDR or community disarmament initiatives, are including a gender component, recognising the differing roles of men, women, boys and girls in relation to the illicit trade and possession of weapons, as well as the impact these weapons have on their lives.

One of the key developments in relation to gender was UN Security Council Resolution 1325 On Women, Peace and Security, unanimously adopted on 31 October 2000, which gave recognition at the UN level to the important but often marginalised roles women are playing in building peace, as well as recognising the need to include them in peace negotiations and decision-making structures relating to peace and security. In addition, it calls on the need to mainstream gender into the planning and implementation of peacekeeping and post-conflict reconstruction operations and initiatives. It is somewhat surprising that Resolution 1325 was not referenced in the text of the PoA when it first appeared, as its principle of recognising the need to mainstream gender across the UN system is highly relevant to the implementation of the PoA. This is especially so, considering that Article 13 specifically encourages those involved in planning for DDR 'to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants'.

The UN has also launched other initiatives in relation to gender and security more broadly, although the success of these has been limited. In 2002 the UN DDA developed a Gender Action Plan addressing the importance and commitment given to gender in disarmament related work. The Plan was based on the idea that an understanding of how gender effects perceptions of security and weapons can help highlight

¹³⁸ According to World Health Organization figures about 90 percent of SALW homicide victims are men

the challenges and opportunities for disarmament. As part of this work a Gender Mainstreaming Plan was launched in April 2003 to take forward Resolution 1325 in Afghanistan. It was to take place after the DDR project ended, however, so this was never implemented.

In 2003, the EU implemented a “Weapons for Development” programme in Cambodia as part of their Assistance on curbing Small Arms and light weapons in Cambodia (ASAC). As part of the programme substantial training, education and awareness campaigns were carried out in a number of villages. A major part of the project was to ensure that it received support from all groups in the communities, taking into account individuals’ different roles and needs. This kind of approach strives to get support from the target group it is aimed at, and is what is missing if gender considerations (i.e that different people are affected in different ways and have different needs) are not taken into account. The activities not only focused on increasing people’s trust in the police and the governing authorities, but also worked to include all relevant groups in the community. Policemen’s wives were offered training and education to enable them to acquire their own independent means of income and women, both as ex-combatants and as members of society who suffered extensively during the conflict, were included in almost all parts of the programme.

In 2004 the UK Home Office organised a conference on gun crime and culture as part of their initiative to tackle the problem at a community level. Discussions at the meeting confirmed that firearms possession is linked to gang activity and issues of self-protection and is predominantly a problem amongst young men. In response to this gender specific problem a poster campaign was launched aiming to target the stereotype among young men and their peer groups that gun ownership is ‘cool’.

In 2004 in Guatemala a national SALW commission was formed by the president in order to modernise the government’s ability to combat the illicit trade, possession and the use of SALW at the national, regional and international levels. In addition to the Ministries of Defence, Interior and the National Police Force, the Commission includes the Human Rights Ombudsman, Judiciary, relevant parliamentary committees and an International Action on Small Arms (IANSA) member NGO constituted primarily of women. This broad participation has enabled the government to go beyond traditional arms control work to include public awareness-raising activities which also facilitates the involvement of different sectors of society.

Gender is also highly relevant to civil society involvement in the implementation of the PoA. In Brazil a very active disarmament organisation, Viva Rio, has run several successful women-oriented disarmament campaigns, essentially working through women, to target the widespread SALW ownership by men under the slogan “Choose Gun-Free! It’s Your Gun or Me!” This campaign played on gender stereotyping in order to confront the strong gun culture inside the favelas of Rio. It specifically targeted the idea that in order to be a strong man one needs a gun, by getting women to specifically reject any such ‘protection’. Prominent Brazilian models and soap actresses backed the campaign that was designed to encourage women to persuade their husbands, boyfriends and male relatives to give up their weapons. By dissociating gun possession from masculinity, this private effort achieved substantial results in Rio, and in February 2004 the buy-back programme under the same slogan began in Sao Paulo. At the international level the human rights organisation Amnesty International has launched a ‘Stop Violence Against Women Campaign’. This campaign mobilises both women and men to try and counter violence. A key part of this campaign has been to mobilise entire communities and get people to take responsibility for violence against women.

Given the increasing realisation that gender considerations play a key role in the effective implementation of SALW initiatives and control measures and that other UN bodies and Resolutions have already recognised this, it would seem that the PoA is currently lagging behind. In doing so it is, in many ways,

undermining its effectiveness, especially at the implementation level. Gender issues such as masculinity directly feed into the illicit trade of SALW in all its aspects. Not only is gender important in addressing a considerable number of demand issues; it is also important in terms of the effective implementation of weapons collection and destruction projects, amongst other things

3.3.13 CIVILIAN POSSESSION¹³⁹

During the 2001 conference, the issue of controls over civilian possession of SALW, and related domestic trading and manufacture, proved highly contentious. Many states argued in favour of the inclusion of relatively detailed commitments on these areas. However, these elements proved controversial and as a result the final commitment in this area was fairly weak, referring explicitly only to the criminalisation of illegal manufacture, possession, stockpiling, and trade of small arms and light weapons (PoA Section II, Paragraph 3). However, this requirement, in combination with others, implies a commitment to controls on civilian possession including strong standards and procedures to be implemented at a national level. This is recognised by many states, as demonstrated by the fact that in the 2003 BMS the majority of states (69 of 103) reported on their controls over civilian use and trade in SALW.¹⁴⁰

In spite of limited explicit measures within the PoA itself, international attention and progress on this issue has continued in parallel with and in support of the UN Small Arms process. This has occurred through implementation of standards in the UN Firearms Protocol, through regional and sub-regional agreements and through informal initiatives.

The first International Meeting on the Regulation of Civilian Ownership and Use of Small Arms was held in Rio de Janeiro in March 2005. Organised by the Centre for Humanitarian Dialogue with the Government of Brazil and the NGOs Sou da Paz and Viva Rio, the meeting considered the issues of civilian possession and use of small arms in depth. Wide participation (including 17 governments, 21 NGOs, as well as representative from the World Health Organisation, UNDP, World Bank, Nairobi Secretariat, and others) demonstrated continued and strong interest in progressive action on the issues. The meeting sought to highlight the progress made on regulating civilian possession within the context of the global process embodied in the PoA.

Drawing upon the experiences of the numerous states to have reviewed and revised their controls over civilian possession of SALW, and the progress in regional commitments in this area, the experts present at this meeting developed some principles that could form the basis of minimum standards to guide national controls.¹⁴¹ These suggestions were related to:

- restricting civilians from acquiring or possessing small arms designed for military use (though definitions of such weapons remain contentious)
- ownership of small arms should be contingent on obtaining a firearms licence, and licences should be contingent on minimum criteria including: a minimum age; a lack of relevant criminal history; the existence of a legitimate reason to acquire weapons; observance of relevant gun laws; as well as the safe and efficient handling of small arms
- small arms licenses should be time-limited and subject to periodic renewal
- measures allowing removal of small arms from those whose licenses have been revoked or persons unfit to possess firearms

¹³⁹ See also Miller, Derek, and Cukier, Wendy, et-al, *Biting the Bullet Briefing 16: Regulation of Civilian Possession of Small Arms and Light Weapons*, (London, Biting the Bullet, 2003).

¹⁴⁰ 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, 2004), p 40.

¹⁴¹ Chair's Summary of the 'International Meeting on the Regulation of Civilian Ownership and Use of Small Arms' – Rio de Janeiro, March 16-18 2005.

- controls on ammunition sales¹⁴²
- keeping adequate records of civilian-held small arms
- encouraging greater co-ordination of laws and enforcement practices within regions as well as national uniformity
- providing assistance and collaborating for effective implementation of such standards.

Many of these were discussed at the 2001 Conference, but eventually excluded from the PoA. While global level progress has been limited, meetings such as this one show both considerable interest and substantial and robust common ground on many areas of policy. This is further reinforced by the development and implementation of strengthened and harmonised standards at the regional level, and enhanced controls and enforcement at the national level.

Regional Level Progress

Experience indicates that within regions, significant disparities in the nature of domestic firearms regulations of neighbours can significantly contribute to illicit trafficking in SALW. Thus many regional agreements contain commitments to harmonise these regulations and to do so at a relatively strong level. Several regional agreements contain significantly specific commitments on regulation of civilian possession, trade, and manufacturing.

In the Americas, the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, agreed in June 2003, highlighted the importance of controls over civilian possession, recommending that countries “Prepare and implement, as appropriate, domestic programmes for...the adoption of appropriate national rules or regulations for improving and reinforcing laws that regulate the legal possession by civilians of firearms, ammunition, explosives and other related materials”.¹⁴³

In the Pacific, the Model Weapons Control Bill, developed within the Nadi Framework, was endorsed at the Pacific Islands Forum (PIF) meeting in August 2003. States have begun implementing its provisions, but much progress is still required. The Nadi Framework process emphasises harmonisation of regulations and good basic standards therein.

In Africa, the Nairobi Protocol, agreed in April 2004, broke new ground on the issue. The 11 Nairobi Protocol States have undertaken a range of commitments in relation to their laws and procedures on civilian possession that combine to form a high common standard. Provisions related to civilian possession include:

- 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
- 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.

¹⁴² “Small arms ammunition sales should be restricted to those with a valid firearms license, and only for ammunition suitable for the type of gun specified on the license as well as limitation on the number of rounds of ammunition allowed.”

¹⁴³ <http://www.comunidadandina.org/ingles/treaties/dec/D552e.htm>

The SADC Protocol, one of the first sub-regional agreements to contain commitments to harmonise domestic regulations on SALW, entered into force in November 2004. The protocol seeks to standardise legislation on the private ownership of guns in the region.

National implementation and improvement

The regulation of civilian possession of SALW, and of the associated trade, manufacturing and stockpiling of SALW and ammunition, will remain an issue for national control and implementation. In line with rudimentary commitments in the PoA to criminalise illegal possession, manufacturing, trade and stockpiling of SALW (Section II, Para 3):

- 133 states have laws and procedures criminalising the illicit possession of SALW
- 117 states have laws and procedures criminalising the illicit trade in SALW
- 110 states have laws and procedures criminalising the illicit manufacturing of SALW
- 34 states have laws and procedures criminalising the illicit stockpiling of SALW.¹⁴⁴

Reflecting the importance attached to these issues by many states, at least 47 states have reviewed their laws and procedures on civilian possession since 2001.

Many of these changes have increased the stringency of their laws:

- **Some states have attempted to go 'gun free'.** Brazil's 2003 Disarmament Statute calls for a national referendum in October 2005 to test the question of whether or not to ban all civilian gun sales. In May 2005, Cambodia passed the Arms Law, which is expected to introduce very tough licensing procedures for private gun ownership within which self-defence and many sporting activities will not be considered legitimate reasons for gun ownership. Jordan has also banned firearm possession in certain regions of the country.
- **Some states have restricted civilian ownership of certain weapons.** Germany banned pump action weapons in 2002, the UK banned certain non-powder weapons in 2003.
- **Some states have limited the number of guns that can be purchased or possessed.** Since July 2004, South Africa has limited the number of firearms that can be possessed. In 2005, El Salvador limited the number of firearm purchases possible each year.
- **Some states have developed more robust requirements and systems for registration and record-keeping,** such as Brazil in 2003, Honduras, Uganda, Hungary, and Nicaragua.
- **Some states have tightened the conditions for obtaining a firearms license.** For instance, since 2002 Germany has required a medical and a psychological exam before a licence is granted. South Africa's Firearms Control Act, which came into effect in July 2004 strengthened the criteria for obtaining a license and added a regular renewal requirement.
- **Some states have increased the minimum age for obtaining a firearm license.** In Germany since 2002 the minimum age has been 21, whilst in Brazil since 2003 the minimum age has been 25.
- **Many states have prohibited the carrying of firearms in certain areas.** In 2003, the Philippines banned carrying guns in public, as did Montenegro in 2004. In 2003, Brazil prohibited carrying firearms in public except in certain limited cases. In 2002, Yemen banned the carrying of guns in all city streets. South Africa declared certain public areas (such as schools, places of worship, bars, etc) as Firearm Free Zones. In 2005, El Salvador banned the carrying of guns on public transport and in certain bars. Bulgaria amended its firearm carrying laws in 2002, Nicaragua in 2004.
- **Some states have increased penalties for violations of firearms laws.** These include Australia in 2002, Brazil and the UK in 2003, South Africa in 2004.

¹⁴⁴ Illicit stockpiling does not appear to be well understood or taken to be a priority by states. While many laws on civilian possession include limits on the number and type of arms that may be possessed, and some domestic regulations include storage requirements (particularly for manufacturers and dealers), there are no common understandings of what illicit stockpiling relates to. In many cases states and civil society report that illicit stockpiling is criminalised, in line with the PoA, because the law contains provisions on possession.

While in a few states the laws have become weaker:

- **Uruguay** reduced age limits from 21 to 18,
- In the **USA**, the Violent Crime Control and Law Enforcement Act of 1994 was allowed to lapse and was not renewed in 2004. The Act had imposed a 10 year ban on the “manufacture, transfer, and possession” of certain semi-automatic firearms which had features that appear useful in military and criminal activities but are unnecessary in shooting sports or self-defence. Since 2001, a number of states have introduced laws which make it easier to acquire handguns for self protection. The Federal Government has also passed legislation preventing firearm manufacturers from being sued.
- **Canada** revised its legislation in 2004 to relax the standards for renewing firearms licenses in order to reduce costs. The period for renewal was extended from 5 years to up to 9 years and the requirement of two references and a photo guarantor for the renewal of licenses was eliminated.

Overall, the continued and growing vibrancy of global interest in standards for the regulation of civilian possession is reflected in regional agreements and national legislation changes. Thus there is considerable scope, and sufficient foundation and interest, at the global level, for the development and promotion of good practice and standards on national controls of the civilian possession, manufacturing, and trade in SALW.

3.3.14 STATE MISUSE OF SALW

Although state misuse of SALW was not addressed by the PoA, it is nevertheless an important and extremely relevant issue for states to consider within the context of the UN small arms process. The misuse of small arms by government security forces is a major source of human rights violations and an important factor in driving the demand for SALW on the part of civilians and other non-state actors, and consequently in fuelling the illicit trade. Moreover, if a state transfers arms knowing that there is a risk that they will be used to commit breaches of international human rights standards and international humanitarian law, according to articles of international law the transferring state is considered complicit in these acts.¹⁴⁵ At the same time, the global proliferation of SALW means that police and other law enforcement agencies are under ever-increasing pressure to deal with rising levels of gun-related violence. There is little doubt that law enforcement officials around the world do a difficult and dangerous job, many putting their lives at risk on a daily basis. However, in some countries law enforcement agencies lack the requisite training and skills to enable them to deal with threatening situations in a proportionate, yet effective, manner.¹⁴⁶

Internationally agreed standards

Nonetheless, states have a responsibility to use SALW in accordance with internationally agreed standards. These include the UN Code of Conduct for Law Enforcement Officials (1979), the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989). These agreements variously require law enforcement officials to “use force only when strictly necessary and to the extent required for the performance of their duty”;¹⁴⁷ require that “intentional

¹⁴⁵ The principle is stated in Article 16 of the UN International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, adopted in 2001 (General Assembly Resolution A/RES/56/83 of 12 December 2001) in terms which reflect customary international law binding on all states as follows: “A state which aids or assists another state in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: a) that state does so with knowledge of the circumstances of the internationally wrongful act; and b) the act would be internationally wrongful if committed by that state”.

¹⁴⁶ Guns and Policing: standards to prevent misuse, Control Arms, February 2004, p2.

¹⁴⁷ Code of Conduct for Law Enforcement Officials, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), Article 3.

lethal use of firearms may only be made when strictly unavoidable in order to protect life¹⁴⁸; and state that “exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of [extra-legal, arbitrary and summary executions] such acts”¹⁴⁹. Although not legally binding, these agreements are applicable to all states and represent global agreement by states on the application of international human rights principles in law enforcement operations.¹⁵⁰

However, states do not always adhere strictly to their responsibilities in this respect. For example, according to Amnesty International, media reports of police killings in Jamaica in 2001 and 2002 indicated that 68 people were killed in 47 incidents. Whilst the police reported that they were fired upon first in 44 of the cases, only in six of these were officers hit by gunfire, and none were killed.¹⁵¹ In Nepal, where the conflict between Maoist insurgents and the Nepalese government has resulted in more than 11,000 deaths over the past decade a senior superintendent of police admitted to Amnesty International in 2002 that Nepalese security forces deliberately kill those they describe as Maoists since the terrain and lack of detention facilities make it difficult to take those wounded or captured to hospital or prison.¹⁵² Most recently the problem of SALW misuse by government forces has been highlighted in the context of the worsening situation in Uzbekistan. Media reports have alleged that Uzbek government forces shot dead hundreds of men, women and children when they opened fire at unarmed demonstrators in the eastern town of Andijan on 13 May 2005.¹⁵³

Despite such cases, progress is being made in a number of countries on implementing international standards on human rights in the context of law enforcement. In countries such as Kenya and Malawi, where police forces have in the past been criticised for not respecting human rights, programmes are underway which combine community-based policing with efficient systems for intelligence gathering, crime prevention and supervision and these have had a positive impact on the relationship between the police and local communities and on levels of gun-related crimes.

Conclusion

The relationship between state misuse of SALW and the illicit trade in SALW warrants an in-depth discussion of the issue within the UN SALW Conference process. Continuing reports of state misuse of SALW mean that states should take the opportunity of the 2005 BMS and 2006 Review Conference to reaffirm their commitment to agreed international standards with regard to the use of SALW in law enforcement operations. Security sector reform programmes are often key to ensuring that state forces uphold international standards and these should be embedded, where appropriate, in international SALW assistance programmes. Further, there is considerable international consensus that, when making decisions on licensing transfers of SALW, states take full account of a recipient’s record in upholding international standards for the use of SALW in law enforcement. In this regard states should refuse SALW transfers if the weapons are likely to be used to violate international human rights standards.

¹⁴⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Point 9, Special Provisions.

¹⁴⁹ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, Point 1.

¹⁵⁰ Control Arms, *Ibid*, p 7.

¹⁵¹ Control Arms *Ibid*, p14.

¹⁵² Control Arms, *Ibid*, p20.

¹⁵³ See for example “Uzbek activists held in new sweep” BBC news, 30 May 2005, <http://news.bbc.co.uk/1/hi/world/asia-pacific/4593239.stm>

3.3.15 RESTRICTING TRANSFERS TO NON-STATE ACTORS

Background

In recent years, the issue of SALW transfers to non-state actors (NSA) has been one of the most controversial and hotly debated subjects in the international arms control arena. Much of the debate has centred upon the issues and implications arising from the possible transfer of small arms to rebel groups and terrorist organisations, however defined. In 2001 discussions of controlling transfers to NSA proved highly emotive. A small number of states, led by the US, refused to accept the inclusion in the PoA of a ban on such transfers, despite strenuous counter-arguments, particularly on the part of members of the Africa Group. The issue proved so intractable that it threatened, at the eleventh hour, to derail the entire Conference process and outcomes; however those favouring a ban relented so as to avoid the Conference ending in failure. Unfortunately the absence of a consensus on the issue, has created one of the major gaps within the PoA.

It is important to note that a wide-range of non-state actors may seek to acquire and use SALW. The fact that many of these actors may acquire SALW legitimately was an important aspect of opposition to commitments on NSA in the PoA. However, the flow of SALW to rebel groups, terrorist organisations, and similar NSA remains an urgent concern for the international community.

Strictly speaking any transfers of arms to any non-state actor should be authorised by the exporting government and the government of the territory where that non-state actor is based. Failure to secure such authorisation could mean that the supplier government is guilty of interfering in the internal affairs of another state. The focus of the international debate has thus primarily centred upon the possible supply of arms to entities that are not authorised by their national government as legitimate recipients of SALW. Such non-state actors continue to be involved in a range of undesirable activities from organised criminal activity, terrorist activity, the destabilisation of a country or region and the prolonging of armed conflict in different parts of the world. The threat to human security posed by such NSA has long been a major source of concern for the international community. How to control and halt flows of arms to those actors remains a serious issue for the international community.

Recent international debates

Since the UN Conference there has been only limited international progress on the NSA issue. The area where most progress has been cemented relates to preventing the transfer of SALW to one particular category of NSA – terrorist groups.

Following the terrorist attacks against the United States on the 11 September 2001, the UN Security Council passed Resolution 1373 which poses uniform and mandatory counter-terrorism obligations on states, necessitating that they take all possible measures to prevent the functioning of, or provision of support for, terrorist groups, including eliminating the supply of weapons to them. In order to implement Resolution 1373 the Security Council established the Counter-Terrorism Committee (CTC) which monitors and supports member states' implementation of the Resolution. The specific prohibition on providing weapons to terrorists is an important development that will become especially significant if the UN adopts a definition of terrorism as has been proposed.¹⁵⁴

Beyond this, the UN Secretary General's High Level Panel Report – A More Secure World: Our Shared Responsibility¹⁵⁵ – whilst not referring in explicit terms to the need to control unauthorised transfers of

¹⁵⁴ <http://www.un.org/Docs/sc/committees/1373/priorities.html>

¹⁵⁵ <http://www.un.org/secureworld/>

SALW to NSA nevertheless addresses a series of related issues and makes a number of recommendations which could have an impact on the NSA issue.

These recent UN initiatives propose measures which, if sufficient resources and political will can be mustered, could have a material impact on the unauthorised provision of SALW to NSA. However they do not address the lack of a coherent international approach to the issue of unauthorised transfers of SALW to all types of NSA. A number of recent UN arms embargoes have specifically targeted NSA – including the Revolutionary United Front in Sierra Leone¹⁵⁶, UNITA in Angola¹⁵⁷ and all non-government groups in the DRC¹⁵⁸. However this represents a piecemeal approach by the international community and the lack of international norms and standards continues to create a permissive environment for SALW transfers to a variety of non-state groups.

The Consultative Group Process

The only international process which fully addresses all aspects of the issue of SALW transfers to NSA is the Consultative Group Process led by the Biting the Bullet Project. A series of international meetings have been held in various regions of the world in order to explore fully all aspects of regulating transfers of SALW to NSA. Although an informal NGO-led international process, the Consultative Group has had the support and involvement of several dozen governments from around the world. At the most recent meeting in Rio de Janeiro, Brazil participants from Latin America and elsewhere debated the subject at length and concluded that whilst a ban on unauthorised transfers of SALW to NSA would represent by far and away the best form of agreement, some way should be found of bringing states that do not support a ban into an international control regime. Such a regime could include any state wishing to conduct an unauthorised transfer announcing their intention to the UN Security Council and allowing full debate of the merits and demerits of such a course of action. In addition, it was also suggested that an extremely strict set of criteria – based in international law – should govern such transfers and that any state wishing to take such a course of action should commit to collecting any SALW transferred post-conflict. Consultative Group Process participants felt that by establishing these very high standards of transparency and control states would be persuaded against carrying out such unauthorised transfers.

3.3.16 MANPADS

The proliferation of Man-Portable Air Defence Systems (MANPADS)¹⁵⁹ has been of increasing concern to the international community, especially since the failed attack on an Israeli passenger aircraft flying out of Mombasa in November 2002 highlighted the threat posed to civilian aviation. Although MANPADS are a specific sub-category of light weapons, in a number of international forums they are being dealt with separately from broader SALW issues. This reflects the particular concerns that are being attached to the proliferation of MANPADS, particularly in relation to their possible acquisition by non-state and terrorist groups. This level of political attention brings opportunities and challenges for action on wider SALW issues.

The production of MANPADS is currently limited to a small number of manufacturers but the number of companies and countries manufacturing them has increased since the 1980s. At present, at least 15 companies and consortia produce MANPADS in more than 15 countries. It is estimated that the number of complete systems in existence is in the region of 100,000.¹⁶⁰ Many of the approximately 105 states

¹⁵⁶ UNSCR 1171, 5 June 1998

¹⁵⁷ UNSCR 864, 15 September 1993

¹⁵⁸ UNSCR 1596, 18 April 2005

¹⁵⁹ The 2003 Wassenaar Document defines MANPADS as:

a) surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
b) other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals (Wassenaar, 2003, §1.1).

¹⁶⁰ The higher estimates of 500,000 suggested by some studies refer to the number of missiles only. For further information on the statistics in this paragraph see Small Arms Survey (SAS) Yearbook 2004, Chapter 3

that stockpile MANPADS, experience problems with stockpile security as is evidenced by recent high-profile cases in Russia. At least 13 non-state groups possess MANPADS, some of which are considered to be terrorist organisations, although their ability to use them effectively remains in question. It is estimated that of the approximately 1,000 Stinger missiles transferred to the Afghan mujahedin by the US Central Intelligence Agency in the mid-1980s, between 200 and 600 were never returned to the United States. Between 16 and 30 were illicitly transferred to Iran, and the rest appear to be still at large, though they may have become unserviceable. In November 2004, US Intelligence Agencies increased their official estimate of MANPADS believed to be at large worldwide, from 2,000 to 6,000, after determining that at least 4,000 of the weapons from Iraq's pre-war arsenals cannot be accounted for.¹⁶¹

Multilateral initiatives for the control of MANPADS

To date, most efforts to control MANPADS have focused on preventing their spread by tightening export controls and disposing of surplus stocks, and on retrieving systems outside of government control. International efforts to address either of these two issues prior to mid-2003 were sparse; the most notable being the US government initiative that established bilateral regulations attaching rigorous controls over any MANPADS purchased from the US.

Since then though, MANPADS have become the most urgent political priority in SALW control for the international community. At the 2003 Plenary of the Wassenaar Arrangement (WA), the member states recognised “the threats posed by unauthorised proliferation and use of MANPADS, especially to civil aviation, peace-keeping, crisis management and anti-terrorist operations”, and committed to apply strict national controls on the export of MANPADS.¹⁶² The agreed ‘Elements for Export Controls of MANPADS’ set out the principles to guide decisions on MANPADS exports. These state that only exports to governments are to be permitted, that each transfer should be subject to an individual licensing decision, and that non-governmental brokers should not be used. Exporting governments are to report transfers as part of WA’s Information Exchange reporting requirements and share information regarding non-state actors that are or may be attempting to acquire MANPADS. State parties will also share information regarding governments that are proven to fail to meet the export control guarantees specified in the document. These include the potential for diversion or misuse in the recipient country, the recipient government’s ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion, as well as the adequacy and effectiveness of the physical security arrangements. The document specifies criteria the recipient government’s national procedures should satisfy before exports can be permitted, such as prudent stockpile management practices that include secure disposal or destruction of surplus stocks. Participating States are also to assist recipient governments not capable of executing prudent control over MANPADS in the disposal of excess stockpiles, including buying back previously exported weapons. Recipient governments are to guarantee not to re-export MANPADS without prior consent of the exporting government. Participating states also commit to ensure that infringement of MANPADS export control legislation is subject to adequate criminal sanctions.

At the Evian Summit in June 2003, the G8 countries also expressed concern about the increasing number of MANPADS in world-wide circulation. The G8 committed to reduce their proliferation and called on all countries to strengthen control of their MANPADS stockpiles. The Group undertook to promote the application of the principles defined in the Wassenaar Arrangement’s “Elements for Export Controls of MANPADS” by a larger number of states. Within the framework of the G8 Action Plan to Enhance Transport Security and Control of MANPADS, the Group agreed to implement steps:

¹⁶¹ ‘US triples its estimate of missing missiles’, By Douglas Jehl and David E. Sanger, The New York Times, Monday, November 8, 2004

¹⁶² www.wassenaar.org/2003Plenary/MANPADS_2003.htm

- to provide assistance and technical expertise for the collection, secure stockpile management, and destruction of MANPADS surplus to national security requirements
- to adopt strict national export controls on MANPADS and their essential components
- to ensure strong national regulation of production, transfer, and brokering
- to ban transfers of MANPADS to non-state end-users: MANPADS should only be exported to foreign governments or to agents authorized by a government
- to exchange information on un-cooperative countries and entities
- to examine the feasibility of development for new MANPADS of specific technical performance or launch control features that preclude their unauthorised use
- to encourage action in the International Civil Aviation Organization (ICAO) Aviation Security (AVSEC) Working Group on MANPADS.¹⁶³

The G8 states have also agreed to exchange information on national measures related to the implementation of these steps.

Throughout 2003, Russia took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) (all members with the exception of Turkmenistan) to provide notification amongst the group of states on MANPADS transfers. In October 2003, an initiative at an Asia-Pacific Economic Co-operation meeting in Bangkok resulted in a non-binding pledge to strengthen national control on the production, export and stockpiling of MANPADS. This involved China, who is an important MANPADS producer, for the first time in an international process to control MANPADS. On 8 December 2003, the UN General Assembly approved a resolution expanding the Register of Conventional Arms, adding MANPADS to Category VII ('Missiles and Missile Launchers') of the Register. This should enhance transparency in future MANPADS transfers, though it does not apply to stockpiled MANPADS.¹⁶⁴

The need to address the proliferation of MANPADS was also addressed by the OSCE. In May 2004, the OSCE Forum for Security Co-operation (FSC) incorporated principles developed under the Wassenaar Arrangement in the 'OSCE Principles for Export Control of MANPADS'. The member states will report transfers of MANPADS according to OSCE's SALW Information Exchange requirements.¹⁶⁵

Bilateral and national initiatives for the control of MANPADS

There have also been a number of bilateral and national initiatives to control MANPADS, such as the following:

- In February 2005, the Russian Defence Minister Sergey Ivanov and the US Secretary of State Condoleezza Rice signed the United States-Russia Arrangement on Co-operation in Enhancing Control of Man-Portable Air Defence Systems. The Arrangement provides a bilateral framework for co-operation on the destruction of surplus or obsolete MANPADS as well as for information sharing about MANPADS transfers to third countries.
- On 31 March 2004, the Cambodian army destroyed its entire stock of 233 MANPADS with the assistance of the US Government.
- In May 2004, Nicaragua announced it destroyed a portion of its MANPADS stocks (333 missiles). Nicaragua reportedly has some 2,000 surface-to-air weapons which were obtained from the Soviet Union in the 1980s during the Cold War.

¹⁶³ Evian Summit: A G8 Action Plan - MANPADS

¹⁶⁴ c.f. SAS Yearbook 2004, Chapter 3

¹⁶⁵ OSCE Press release, 26 May 2004 – OSCE States agree to tighten controls over export of shoulder-fired missiles; www.osce.org/item/8314.html

- In February 2005, a NATO Partnership for Peace Trust Fund project was established to help Ukraine destroy stockpiles of surplus ammunition and SALW, including MANPADS.¹⁶⁶
- Though most of the international efforts to date have not dealt with MANPADS that are already beyond state control, an example of an initiative to retrieve illicit MANPADS is the training provided by the Bangkok police in October 2003 to around 5,000 taxi drivers who were shown a missile system and what it looked like when stored in a golf bag. The move followed reports that the Thai police were looking for six contraband MANPADS smuggled into Thailand from Cambodia.¹⁶⁷

Conclusion

The progress made in tackling the spread of MANPADS is encouraging because it highlights what is possible when there is significant political will to address a problem. There is a concern though that this focus on a comparatively small part of the SALW issue may draw political attention and resources away from other equally important parts of the problem. It is clear in many countries in Eastern Europe for example that the destruction of MANPADS is prioritised by many donors above other kinds of weaponry. However, the availability of other types of SALW kills many more people than MANPADS do each year.

One of the opportunities now for the international community is to extend the tighter new controls and increased resources focused on MANPADS to cover all types of SALW. For example, one of the principal areas of agreement amongst states regarding the issue of MANPADS is that these systems should not be transferred to Non-State Actors (NSA). The emerging consensus on MANPADS could open the door for such an agreement at the 2006 Review Conference.

3.3.17 INTERNATIONAL CO-OPERATION AND ASSISTANCE

International assistance is an essential element of efforts to implement the PoA, and commitments to provide such assistance form a key part of Section III of the PoA. Even before July 2001, a number of donors were providing important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. The key challenge for the PoA is to enhance the scale and effectiveness of such international assistance.

This section briefly reviews and illustrates the range and scale of international co-operation and assistance programmes and projects that have been developed and implemented in recent years, including the policies and programmes of significant donors. It then examines some trends and emerging issues/conclusions.

DONORS AND ASSISTANCE PROGRAMMES

Bilateral Assistance

As noted in section 3.1, at least 22 states have provided some form of bilateral assistance to SALW-related projects since 2001. These include: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Ireland, Japan, Lithuania, Netherlands, New Zealand, Norway, Pakistan, South Africa, Sweden, Switzerland, Thailand, UK, and USA. Most of these have provided only quite modest aid, in resource terms, and in a limited number of areas. However, there are some with relatively substantial SALW programmes, adding up to the equivalent of millions of US dollars per year. These include: Australia, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, the UK and USA.

¹⁶⁶ The project, which responds to Ukraine's request for assistance in eliminating 133,000 tonnes of munitions and 1.5 million small arms and light weapons, is the largest single demilitarisation effort in the world. 'NATO/PfP Trust Fund project to destroy surplus weapons and ammunition in Ukraine', 21 February 2005 <http://www.asd-network.com/NewsPress.asp?ID=2989>

¹⁶⁷ Small Arms Survey Yearbook 2004, Chapter 3

As will be noted, most of these are OECD countries and long-established members of the so-called 'donor' community. However, some are not. For example, Pakistan provided specific assistance to Afghanistan, relating to disarmament of ex-combatants. Countries like South Africa and Thailand are emerging as significant contributors to their neighbours. In fact, the number of developing and transitional states that are assisting neighbours in some way is probably greater than indicated by our tables: they simply do not yet report it as bilateral aid. In practice, there is great scope for developing, or severely affected, countries to provide assistance to others in a similar situation, not least because they have intimate knowledge of many of the challenges.

For the purposes of illustration, the following paragraphs briefly outline elements of three bilateral SALW aid programmes. Fuller details of bilateral aid in this area are available, for example, in the National Reports of PoA implementation.

Australia is a substantial donor of assistance relating to SALW. However, due to its focus, closely coordinated with New Zealand, on aid to the Pacific region and South East Asia, it has contributed substantially to efforts to implement the PoA in those regions (see section 3.2.6 of this Report). In recent years, it has provided aid 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. Thus, promoting SALW stockpile management and security has been a priority. Australia provided seven new armouries in Papua New Guinea, costing US\$ 2.3 million, and has provided similar support in Vanuatu, Samoa, and Fiji. The Australian Defence Force supported destruction of surplus SALW and crime guns in Papua New Guinea and Samoa. Australia and New Zealand have worked closely together to support the development and implementation of the Nadi Framework in the region.

The Netherlands established a special fund of some 2.27 million EURO annually for SALW-projects. For example, in 2003 it supported: UNDP SEESAC Clearing House; UNLiRec programme on Firearms Ammunition and Explosives in Latin America and the Caribbean; SALW destruction in Serbia and Montenegro and Albania (through NATO's NAMSA programme) and in Afghanistan; SaferAfrica's work to support regional co-operation on SALW issues in Africa; and Viva Rio's small arms projects in Rio de Janeiro. In addition, it has also funded additional SALW programmes through its Peace Fund, its Programme for the Support of Foreign Policy and other budget lines, including programmes in many countries, including the Great Lakes Region, and also the Small Arms Survey and the Biting the Bullet Project. The Netherlands also funds SALW-projects indirectly through the EU and NATO/EAPC, and supports measures to strengthen export controls through other programmes.

The U.S.A. provides technical assistance and funds relating to most of the PoA commitments. These are generally distributed across a large number of separate and specific budget lines and programmes, each relatively substantial but also quite highly targeted and constrained. For example, recently the USA has provided a wide range of export control assistance to over 30 countries, mostly in Central/Eastern Europe, Eurasia, and Asia. This ranges from development of licensing systems, transfer control and brokering laws, border control measures to provision of enforcement equipments such as x-ray machines and inspection tools. Through its Alcohol, Tobacco and Firearms (ATF) agency, it supports firearms marking, record-keeping and tracing co-operation. From 2001 – 2004, the USA provided a total of US\$9.25 to support destruction of surplus and illicit stocks of SALW in more than 13 countries. Through the Department of Defence, a substantial programme of support through technical briefings and assessment teams has been made available internationally on stockpile management and security issues.

The United Kingdom pledged £19.5 million from 2001 – 2004 for UN agencies, regional organisations, governments and NGOs to implement the PoA. This has been managed through the Global Conflict Prevention Pool mechanism of the UK Foreign and Commonwealth Office, the Department of International

Development (DFID) and the Ministry of Defence. This has facilitated a relatively co-ordinated and integrated approach to aid in this area. Assistance has been provided across most of the thematic issues covered by the PoA. It has been provided, for example, to: UNDP, UNLiRec, SEESAC, the Nairobi Secretariat, ECOWAS, OSCE, SADC, numerous countries in central and eastern Europe, national action plans and SALW commissions in Tanzania, Uganda and Kenya, and to numerous civil society groups, including IANSA, Small Arms Survey, Geneva Forum, SaferAfrica, and also Biting the Bullet, International Alert, Saferworld and the University of Bradford. Separately, the UK has a substantial Export Control Outreach Programme, which has held recently has held detailed bilateral discussions with developing or transitional SALW exporting states. The UK has further, for example, supported the Transfer Control Initiative (see Section 3.3.3).

Multilateral or regional organisation aid

A number of countries also provide resources to enable multilateral or regional organisations to develop substantial international assistance programmes in this area. Amongst the most significant examples are: UNDP, UN DDA and UN Regional Centres, OSCE, NATO, and the Stability Pact. The EU/EC is another important example, but in some ways it is unique, for example because EU structures involve the regular and reliable resourcing of EC budgets for this purpose, rather than the ad hoc support on which most other regional and international bodies depend in this context.

Some examples of substantial international assistance programmes on SALW issues by regional and international organisations are given below.

UNDP: The UNDP became involved in SALW issues before the PoA was agreed. It has now developed a wide range of assistance programmes on a variety of aspects of implementation of the PoA. Through its Small Arms Trust Fund it has conducted country projects in, for example: Albania, El Salvador, Haiti, Honduras, Kenya, Kosovo, Macedonia, Niger, Papua New Guinea, republic of Congo, Republic of Somalia, Sierra Leone, and the Solomon Islands. It also supports regional projects in Central America, the Great Lakes Region of Africa, and South East Europe (SEESAC). The UNDP has provided some support to a wider group of countries, for example by contributing assistance to countries in preparing their national Reports on PoA implementation. These are supported by the Small Arms and Demobilisation Unit based in Geneva.

These UNDP programmes have been reviewed periodically, and have accumulated a depth and spread of expertise and activity that clearly establishes the UNDP has one of the leading international assistance agencies in this issue area. 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.

UNDP-Stability Pact: The UNDP and Stability Pact established SEESAC 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.¹⁶⁸ 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 DDA: Since 2001 the UN Department for Disarmament Affairs has periodically responded to requests from governments to provide technical or substantive support in the implementation of the PoA. It is not

¹⁶⁸ SEESAC, Bi-Annual Progress Report: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons: 8th May to 31st December 2002.

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: Papua New Guinea, Kenya, Argentina, Cambodia 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.¹⁶⁹ Such reports are submitted to the UN DDA and are available on their website.

UN Regional Centres: Each of the UN Regional Centres for Peace and Disarmament have undertaken at least some projects related to SALW and implementation of the PoA. Of these, 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 perhaps been most active. Broadly the areas of implementation assisted by the Regional Centres have included: the creation of Clearing House programmes; supporting conferences and workshops; assistance for weapons destruction; capacity building and training of officials; and assistance to NGOs. For example, UNLiRec has been active in assisting states to review their stockpiles, to destroy surplus weapons and upgrade stockpile facilities, to co-operate in preventing and combating illicit arms trafficking, and to 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.

The European Union: Through the EU Joint Action on small arms, funded under the CFSP budget, the European Commission has provided assistance to: Cambodia (EU-ASAC); UNLiREC; UNDP-SEESAC; UNDP Projects in Albania; and four projects for weapons collection and DDR in Tanzania, Ivory Coast, Liberia and Sierra Leone.¹⁷⁰ Assistance is provided within this framework totalling US\$ 3 – 4 million per year.

Much of the aid provided through the EU Joint Action has thus been for joint projects, channelled for example through UNDP/SEESAC or UNLiRec. However, it also has important aid 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 above all 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 EU-ASAC programme has encompassed a range of activities including assistance with: 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.

OSCE: The OSCE has conducted a number of training workshops in Central Asia, and has also conducted 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 in Georgia, and to support destruction of surplus weapons and ammunition in Georgia. It has also conducted 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 Eastern Europe, the Balkans, Caucasus, and Central Asia.

¹⁶⁹ <http://www.undp.org/erd/smallarms/PoA.htm>

¹⁷⁰ For details see Fourth Annual Report on the implementation of the EU Joint Action, (2004/14073/04).

NATO: Through the 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 specific Trust Funds. Thus NATO has provided assistance for the destruction of weapons in Albania, Moldova and Georgia. It has also assisted in defence reform projects in Ukraine and, with the Stability Pact, in South Eastern Europe. Operations by NATO forces in Macedonia included support for weapons hand-in and destruction; and in, Kosovo, Bosnia and Herzegovina, and Afghanistan for weapons searches and DDR.

Emerging issues and themes

This review and examination of the development and implementation of international assistance programmes relating to SALW since 2001 has identified a number of emerging issues and themes, which are briefly outlined in the following paragraphs.

The scope and foci of SALW aid 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. These were perceived to have posed relatively low political risks for the donors. Support, for example, for arms stockpile management was relatively neglected, and there was reluctance to engage directly with armed forces or other government security forces, which were seen to be the sphere for defence co-operation programmes. Moreover, donors tended to herd around a few high profile countries and support relatively short-term single-issue projects.

During the four years since 2001, the situation has significantly improved in these respects. Overall, donors are supporting a much wider range of types of programmes, and engagement with key areas such as stockpile management and security or border controls has increased, as has engagement with the militaries and other security sector agencies that are generally key actors in severely affected countries. Assistance has been made available for a much wider range of countries, and for more long-lasting and comprehensive programmes (such as the EU-ASAC Programme in Cambodia, outlined above).

Nevertheless, the earlier problems still exist. Donors still tend to cluster around quite narrowly conceived projects in a few 'politically safe' issue areas and countries. Although several de-facto multi-dimensional programmes have now in practice been running for several years (such as in Albania, Cambodia, El Salvador, and Sierra Leone), programme managers have often had to triumph over stop-start short-term funding from multiple donors, each with their own complex disbursement and reporting requirements, and who are able or willing to allow their resources to be used in only one or two aspects of the programme.

In recent years, increased international support has been made available to countries to systematically develop their own comprehensive national SALW strategies and action programmes, and the associated national institutions and partnerships that are required. SALW assistance programmes for Uganda, Kenya and Tanzania, are good examples of these. In these, a combination of donors have joined to help the recipient governments to establish national action plans and National SALW Commissions with appropriate membership, and to conduct detailed 'mapping studies' and public consultations to build wide awareness and support and to ensure the strategy properly addresses the real problems and priorities of the countries concerned (see Section 3.2.1 of this report, particularly the Kenya case study and Uganda snapshot).

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, it has become increasingly apparent how important are mapping studies, extensive consultation processes, and surveys.

Very recent detailed surveys of public perceptions of SALW issues and priorities in Serbia and Bulgaria are examples of a recent development of this process.¹⁷¹ These are to some extent preparatory activities. But logic and experience both indicate that they need to be regarded as on-going, and to be conducted in parallel with practical implementation programmes in order to achieve momentum and avoid impressions that measures to tackle the problems are being unduly delayed by studies and workshops.

Support for regional co-operation. International assistance programmes generally tend to be bilateral with a particular country, and lack an appropriately strong regional dimension. It is noteworthy that assistance relating to SALW has consistently, since the 1990s, retained a strong focus on supporting regional and sub-regional co-operation. In part, this is probably because much SALW aid has been provided through foreign ministries of donor countries through UN bodies, in the context of efforts to build wide support for the PoA and other international or regional agreements relating to SALW. Thus, in the years before 2001 substantial donor support was been 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, South Pacific, and elsewhere.

Since 2001, such international support for regional co-operation has continued. However, perhaps naturally, it has increasingly focused on those sub-regions that have demonstrated positive interest and commitment to regional co-operation and have established substantial agreements and programmes. Thus there is substantial on-going support for regional co-operation in East, West and Southern Africa, the Americas, and the Caribbean. In the South Pacific and South Eastern Europe, regional co-operation aid programmes have also continued to develop because of the combination of high interest by at least some major donors and the political leverage they are able to exert to encourage substantial regional co-operation. Regional co-operation in other geographical regions now attracts relatively little donor resources each year, in large measure because there is no substantial regional activity to support.

Challenges of lesson learning. 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 or evaluation and review. Lessons tended to be generated mainly through anecdote, or a few influential studies. This lack of review may in part have been due to the fact that many of them were supported through foreign ministries rather than development agencies: the latter are more institutionally focussed on programme management and evaluation.

In the last two years, there has been a burst of activity amongst donors in this area. Only during 2005 will a critical mass of detailed evaluative information become available about the relevance, effectiveness, efficiency or impact of the wide range of SALW programmes that have taken place in recent years. Unfortunately, many of these evaluations and reports are likely to remain confidential or circulated only amongst a narrow group. There is a need to ensure wide sharing of such studies, and to resource systematic examination of the full range of programmes to draw reliable lessons.

Nevertheless, as outlined in other thematic issue sub-sections of this chapter, a number of reasonably reliable lessons from experience have already been identified about how to design and implement different types of SALW programme. These include the importance of: sustainability; full engagement with relevant local communities and stakeholder interests; appropriate comprehensiveness and flexibility; linkage with security sector reform and related issue areas; and so on. These lessons have

¹⁷¹ UNDP/SEESAC and Saferworld, *Living with the Legacy: SALW Survey Republic of Serbia*, UNDP, 2005; and SEESAC/UNDP, Saferworld, Centre for the Study of Democracy, and Vitosha Research, *Taming the Arsenal: Small Arms and Light Weapons in Bulgaria*, UNDP, 2005.

been widely disseminated. But many donors have in practice been very slow to actually learn and apply these lessons: similar mistakes are repeatedly made. There appears to be a need for more systematic development of networks of experts for particular types of SALW programme.

Donor Co-ordination Issues. There are now numerous donor agencies able and willing to support SALW programmes. Each of these has its own policies, priorities, and institutional procedures and constraints. Co-ordination is inevitably a continuing priority and challenge. In principle it is best for the recipient government or regional organisation to co-ordinate the donor assistance they receive. In practice, this still rarely appears to take place. Many recipient countries have not developed sufficiently strong interest or capability in such co-ordination. Moreover, donors 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, 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.

As noted, an important development since 2001 has been increasing donor support for national SALW commissions and strategies, which have the effect of empowering recipient state co-ordination. Nevertheless, donors themselves still have major responsibilities to ensure appropriate co-ordination. In practice, this is increasingly being achieved in those countries and regions where at least some donors have provided support for several years.

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 aid through SEESAC, and it would increasingly be recognised to be bad practice to launch a bilateral aid programme in this area without at least consulting with SEESAC. Similarly, numerous donors use UNLiRec as a regional clearing house in Latin America, and OSCE for programming (such as it is) in Central Asia. Otherwise, this regional Clearing House model has not yet really been applied in other regions. In Sub-Saharan Africa, much donor attention has been devoted to how to build sub-regional capacity to co-ordinate assistance, in association with ECOWAS, SADC, IGAD and the Nairobi Initiative. After several false starts, some progress has recently been made. At a country level, donor co-ordination is often poor until a 'friends of the country' mechanism emerges, where a lead country or agency takes responsibility for convening regular donor meetings and exchanges.

Donor Capabilities. Donors have a responsibility to ensure that they themselves have the capability to provide appropriate and effective support for implementation. This includes capability to provide flexible and timely support for implementation of the full range of areas in which there are PoA commitments. Significant progress has been made in this area by some donors. For example, the UK has developed assistance policies and a 'Global Conflict Prevention Pool' mechanism for supporting SALW programmes that involves structured partnerships between its foreign, development and defence ministries. This has enabled the UK to provide support for a wide range of different types of SALW programmes through a single programme management team able to draw on the expertise from all of the ministries.

However, this is still not the case for many donors, who too often still have only one or two narrow and constrained budget lines available for supporting SALW programmes in specific areas. This has either led them to prefer single-issue or short-term projects or to aim to contribute elements to multi-donor supported programmes. This latter approach is logical and normally preferable, but it imposes substantial transaction costs on recipients or programme managers, or relies on good donor co-ordination that has been seldom achieved in recent years.

Most donors also do not yet have substantial institutional expertise on SALW programming issues. Often it is the responsibility of only one or two officials, subject to regular turnover, resulting in undeveloped technical capacity or institutional memory.

Integrating SALW programme aid with other assistance programmes. In 2001, the SALW issue was widely regarded in most aid agencies as just one of many single issues. Although the linkages between SALW issues and wider challenges of development, governance, post-conflict reconstruction, humanitarian aid, and security sector reform were recognised in principle, in practice most support for SALW programmes was relatively isolated from assistance programming in these other areas.

By 2005, little progress had been made in this respect. 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 peace-building programmes. For example, an international conference was convened at Wilton Park in 2003 by UK DFID, with University of Bradford and Saferworld, to discuss the links between poverty and SALW problems and the challenges and opportunities for integrating SALW into development programmes.¹⁷² This has been followed up with a potentially important series of studies into this issue,¹⁷³ and an informal series of workshops involving groups of major donors seeking to develop OECD DAC guidance on this issue. Moreover, in practice, programme managers implementing SALW programmes have developed many useful linkages with other relevant aid programmes in the countries concerned, with important mutual benefits.

Nevertheless, little progress has been made towards actually developing or implementing integrated programming that explicitly links SALW with poverty alleviation, governance, or post-conflict peace building. Indeed this is the case even in relation to security sector reform, despite the close links between them and the obvious opportunities for integration. There are a few instructive cases. The EU-ASAC programme, for example, in selected districts of Cambodia developed an innovative set of linked programmes for: public awareness; weapons for development programmes; police capacity building; police weapons security; police training and community relations; and police family support. This has been successful in its own right. But despite efforts, the integration with security sector reform remained contained within the EU-ASAC programme itself: other security sector reform programmes in the country were unable or unwilling to become directly linked with an SALW programme.

Many of the obstacles to the integration of SALW with mainstream aid programmes appear to stem from: lack of familiarity with SALW issues amongst the wider community of aid professionals; institutional inertia; bureaucratic incentives; and inflexible policies and mandates. A key issue is the extent to which recipient governments themselves identify SALW issues as a priority for integration into wider assistance programmes, and include them for example in their Poverty Reduction Strategy Papers (PRSPs). Until recently this virtually never happened. Now this is beginning to take place, for example in Southern and East Africa. Once SALW issues are highlighted in PRSPs, international aid agencies have greater scope and obligation to take them seriously.

Overall scale of SALW assistance. As noted, there are increasing funds and technical resources available internationally to assist implementation of the PoA. But a donor country budget of US\$ 5 million per year, for example, is still regarded as relatively large. These funds should be compared with the billions of dollars spent on post-conflict reconstruction in a single country, or hundreds of millions for an infrastructure development project. They are tiny in comparison. Although expansion of SALW aid funding to the levels of large infrastructure programmes would be very hard to justify, it seems clear that substantially more funding is required on SALW related issues if key PoA commitments are to be achieved.

¹⁷² DFID, Tackling Poverty by Reducing Armed Violence: recommendations from a Wilton Park workshop 14 – 16 April 2003, DFID, London, 2003.

¹⁷³ See Armed Violence and Poverty Project (AVPP) studies, www.brad.ac.uk/acad/cics.

4: ANALYSIS AND ASSESSMENT

4.1 INTRODUCTION

This section assesses progress towards implementing the PoA up to May 2005. Whereas Section 3 of this report reviews and examines activities contributing to the implementation of the PoA, Section 4 aims to analyse and assess what has been achieved since the PoA was established in 2001. Further, it discusses the implications of the analysis, not least for the Review Conference on the PoA due to take place in 2006.

The information examined in this Report demonstrates that there have been substantial implementation efforts in some countries over the last four years, building on the progress achieved in some regions prior to the UN Conference in July 2001. Moreover, since the previous BtB Report was published in June 2003, substantial implementation activities have continued and developed in several respects and in some regions. The PoA clearly remains an important framework for promoting co-operation to prevent and combat illicit trafficking and uncontrolled proliferation of SALW at all levels – local, national, regional and international.

However, it is similarly clear that the international community is still far from having prevented or eradicated the illicit trade in SALW in all its aspects. Indeed, overall it seems that the problem remains as serious and damaging as it was four years ago. Although there has been progress in efforts to control the availability and flows of SALW especially at the regional level, and in reducing their damaging impacts, in some countries and sub-regions, there is little evidence to suggest any overall success so far. The problems remain intense in many parts of the world, contributing to great suffering and insecurity.

In the 2003 BtB Report it was emphasised that it was unrealistic to expect substantial progress in actually reducing the scale of the problems of illicit trafficking and proliferation of SALW within two years of the PoA being agreed. It was always recognised that this is a medium and long-term problem. Determined and comprehensive international efforts are required over a number of years before we can realistically expect this complex problem to be substantially reduced.

Up to a point, this remains true in 2005. An additional two years is not, after all, a long time. It is unrealistic to expect to see measurable overall impacts on the scale of the problem, though we should be able to begin to see impact on the ground in some countries. Thus the criteria in this 2005 Report for assessing progress towards implementing the PoA remain much the same as we used in 2003. They focus on the extent to which governments, together with relevant international and regional organisations and civil society groups, have:

- taken steps to implement their PoA commitments
- improved their understandings of the problems, issues and dynamics
- learned lessons from experience about how best to implement PoA commitments and measures
- developed the necessary partnerships for effective action
- taken initiatives to further develop shared international understandings and co-operation on important issues relating to the trafficking, proliferation and misuse of SALW.

However, it is certainly reasonable to expect, after four years, that governments and other key actors have made substantial progress according to the above criteria. In 2003 the Report looked positively at any evidence that governments and others had taken at least some steps to begin to implement the PoA. In 2005, it is reasonable to expect much more. States and others have now had time to put in place all of the key legal, procedural and programmatic commitments contained in the PoA, and to begin to see

results, learn-lessons and plan next steps. Similarly, there has now been time to assess the extent to which initiatives to develop international co-operation on key issues (such as SALW transfer controls or tracing lines of supply of illicit arms) are proving successful.

Most of this section thus aims systematically to analyse and assess progress toward implementing the PoA according to the above criteria. Section 4.2 focuses on states' progress in establishing the basic policy and procedural frameworks, partnerships and programmes required to implement the PoA. Section 4.3 examines progress in the main thematic areas covered by the PoA. Section 4.4 discusses progress towards developing the partnerships required for effective actions to prevent, combat and reduce trafficking and proliferation of SALW, specifically: partnerships between governments, international and regional organisations and civil society groups; regional co-operation; and international assistance. Section 4.5 discusses the development of actions or shared understandings on some issues on which there are no specific commitments in the PoA but which are widely recognised to be important.

The final Section (4.6) discusses the implications of the findings for the 2006 Review Conference. What are the factors contributing to inadequate or patchy implementation? To what extent do the emerging problems and challenges with implementing the PoA stem from inadequacies in the PoA itself? It is important that such issues begin to be discussed at the 2005 BMS, in order to prepare to take the opportunities in 2006 to strengthen or enhance the PoA.

4.2 STARTING POINTS FOR IMPLEMENTING THE POA

There are a number of basic but important measures that states can take relatively quickly to start implementing the PoA. These include:

- establishing national SALW contact points and national co-ordination agencies or mechanisms
- establishing appropriate partnerships, including with civil society
- developing National Action Plans for implementing the PoA
- preparing and submitting national reports on implementation
- reviewing the adequacy of existing laws, regulations, procedures and institutions in the light of PoA commitments.

Progress in these areas provides a minimum indication of governments' commitment to the implementation process.

As discussed in the first part of Section 3.3.1 (see also Baseline Data Table I), by May 2005 143 states had established a national contact point, the great majority of which had been notified to the UN. At least 79 states had designated or established national co-ordination bodies or agencies of some sort or had other national co-ordination mechanisms. Moreover, some 120 governments from across the world have submitted at least one national report to the UN DDA. At least 54 states have implemented reviews or changes to legislation relating to SALW transfers and other relevant areas since 2001.

However, this summary also implies that large numbers of states have apparently not yet even implemented all of these modest steps towards active implementation of the PoA. In 2003, numerous states were prompted into remedial action, particularly the production of a national report, by the prospects of embarrassment at the July 2003 BMS. Hopefully, a similar process will take place in the lead-up to the second BMS in July 2005.

Despite this, unfortunately, the picture is not as positive as the above summary might imply. Questions can especially be raised about the quality of these initial steps in many countries.

At present, the majority of states report only irregularly, and some national reports contain only modest or old information on implementation activities. Moreover, some of the national contact points on the UN lists are out of date. Since the UN regularly up-dates these lists, this is mainly due to lack of up-to-date information being supplied by governments.

National Focal Points and national co-ordination bodies

Importantly, many so-called National Focal Points (NFP) do not, and sometimes apparently cannot, really function as national focal points. It appears that many such focal points are not able to respond to the full range of issues covered by the PoA, and are really simply official contact points for international bodies. The key issue is not whether such national SALW focal points or commissions are formally established, but how well they function. In order to function effectively, experience shows that a national contact point and focal point need to be embedded within a functioning national SALW commission or co-ordination agency, and this practice is still the exception rather than the rule.

There is also an issue regarding the terminology used in different regions which can cause confusion. An example of this is that in East Africa inter-ministerial committees are typically termed National Focal Points, when in most countries this applies to a responsible person/department within a relevant ministry. The seniority of the NFPs can also be an issue. Often the official is relatively junior, and lacks the authority to stimulate timely decisions or to ensure co-ordination. Further, in some countries there are several contact points especially in regions where there are multiple SALW agreements which have reporting requirements such as in Europe where the EU Code of Conduct and the OSCE SALW Document as well as the PoA have a reporting requirement. This can make co-ordination very difficult and may also imply unnecessary duplication.

On national SALW co-ordination bodies, experience over the last two years has reinforced our conclusions in our 2003 Report: the effective operation of national commissions or similar national co-ordination agencies is very important for the prospects for implementation of the PoA and of associated similar regional agreements. SALW-related issues are cross-cutting and a range of national ministries and agencies need to co-operate in addressing them, with appropriate involvement of professional bodies and civil society groups. This is the case in some states that already have many SALW controls in place. It is even more true in severely affected countries with relatively weak existing controls.

This is not to suggest a formulaic approach. Countries with relatively well-developed systems for controlling SALW may prefer to use more than one mechanism for co-ordinating their actions relating to the PoA, according to different spheres of policy. For example, a number of governments that are relatively active in preventing and controlling SALW proliferation and misuse have separate co-ordination mechanisms or agencies for: controlling SALW within their own territory; ensuring effective SALW transfer controls; and for co-ordinating provision of international co-operation and assistance relating to the PoA. This is fine, so long as there are also systems for overall co-ordination and information-exchange within the country.

However, countries that presently lack such relatively well-developed systems and co-ordination mechanisms, or which perceive serious weaknesses in their present arrangements, appear well-advised to focus on establishing a specific inter-agency national commission on SALW and related matters.

An important conclusion of the analysis of states' implementation of the PoA in Section 3 is that progress is most marked in the countries where effective inter-agency National Commissions or National Focal Points have been established. An effective national commission is a focal point for national efforts to tackle the complex challenges posed by SALW trafficking, availability and misuse. It needs to be a combination of custodian, developer and implementer of a National Action Plan to tackle these challenges. It should facilitate appropriate local initiatives and regional co-operation, while acting to ensure the integrity and effectiveness of the national plan.

A body of good practice is emerging that should inform the creation of these bodies in countries where none exists and the operationalisation of them in countries where little has yet happened in practice. These lessons include:

- **The need to include a broad range of agencies.** A wide range of government departments and agencies have a key role to play in small arms control. However in a number of countries, NC/NFP membership is limited to security and law enforcement agencies. This significantly limits the scope of co-ordinated government action on small arms control. A comprehensive NC/NFP should include all security and law enforcement agencies as well as other relevant ministries, often for example including ministries of health, education, finance and planning.
- **The importance of a nation-wide approach.** In order to effectively tackle the problem of small arms proliferation in local communities it is important that the NCs/NFPs are able to coordinate practical action across the country. In Kenya, Tanzania and Uganda, for example, Provincial Task Forces of law enforcement agencies, government officials and NGOs have been established that have undertaken a wide range of activities including weapons collection and public awareness-raising.
- **The benefits of including civil society.** If they are to be successful, national commissions and focal points need to involve civil society in a substantial way, to represent gun-affected communities and provide ambitious goals. However, research shows that this is not the case in most countries. Positive examples include Uganda, where four NGOs nominated by the Uganda National Action Network on Small Arms sit on the NFP, and Sri Lanka, where civil society organisations from different provinces came together to nominate four members to the National Commission. Some governments may prefer to avoid including civil society representatives as official members of a national co-ordination body which has the authority and capacity to take decisions on behalf of the government. In such cases, emerging good practice indicates that there should at least be specific mechanisms for ensuring that this body has regular and systematic engagement with interested groups and citizens outside government. Further, in some cases where there have been well functioning NFPs and National Commissions there has been the formal inclusion of civil society groups.
- **Importance of regional co-ordination.** Progress in the establishment of National Commissions or effective National Focal Points has been greatest in regions where there are effective sub-regional small arms agreements and co-ordinating agencies. For example, in the Great Lakes region and the Horn of Africa, all of the 11 signatories to the Nairobi Protocol have either established national focal points or are in the process of doing so (although the effectiveness of these varies dramatically). By contrast in South Asia, for example, where there is no sub-regional agreement in place, only Sri Lanka has established a co-ordinating agency.

Overall, the key factor is government commitment to a co-ordinated and inclusive process which can mobilise political authority, resources and enthusiasm.

Importance of Reviewing Laws and Procedures

Some countries have conducted a thorough review of the adequacy of their existing SALW legislation, controls and programmes in the light of the PoA or associated regional agreements, and developed a

National SALW Action Plan to address weaknesses or opportunities. However, this is still far from the norm. On the contrary, the implementation of the PoA in many countries still appears to be incremental and ad hoc and, in some cases, non-existent. Further, many governments seem to be under the impression that they have met their commitments to control simply because they have laws, regulations and administrative procedures relating to SALW control that, regardless of their adequacy, cover these issues. This is far from being true.

This highlights the importance of carrying out systematic reviews of the adequacy of existing laws, regulations, procedures and institutions in the light of national, regional and PoA commitments. Where they have been conducted, such systematic reviews have highlighted surprising as well as predictable weaknesses, and changed understandings of priorities. Many laws, regulations and procedures are out-of-date, incomplete in their coverage, hard to enforce, or have become otherwise inadequate. It is disappointing that, four years after the PoA, only a minority of states appear to have seriously conducted such a review.

In view of the relatively comprehensive scope of PoA commitments, all countries with a functioning government are likely to have taken a number of relevant measures in response to specific issues during the four years since 2001, and thus have something to report. At a minimum, the PoA provides a framework of minimum standards and good practices for such measures. But the scale of the challenges of SALW trafficking and proliferation is such that virtually all countries need to take proactive measures across a range of PoA issue areas, according to an up-to-date National Action Plan.

Not surprisingly, there appears to be a strong correlation between substantial implementation of the PoA and the existence of explicit national programmes of action on SALW. Similarly, countries with active and appropriately designed national SALW co-ordination bodies appear to be relatively likely to develop a comprehensive SALW strategy or National Action Plan.

As in our 2003 Report, the evidence from around the world makes it clear that the process by which a National Action Plan for SALW is developed can have a major impact on its contents and success in implementation. Governments that have so far developed a national plan have differed in the ways in which they have developed their plan. Some appear to have focused on consultations within government on the basis of existing knowledge and policy. However, information and understanding of SALW issues is poor in most countries, and responsible officials and 'experts' will tend to have partial or distorted understandings. Research and wide consultation across society therefore has an important role to play.

Drawing on the experiences of several countries in Sub-Saharan Africa and South Eastern Europe (see Section 3), a systematic 'mapping' or surveying of the issues and problems relating to SALW for the country concerned appears to be particularly useful as a basis for developing an appropriate National Action Plan. Similarly, much may be learned from the recent use of national surveys in countries of South East Europe since it is important to know about the perceptions and attitudes relating to SALW of different sectors of the public before framing national regulations and programmes. Understandings of priorities amongst policy-making elites may differ substantially from what is actually happening or from perceptions of other sections of society.

4.3 PROGRESS IN THEMATIC AREAS OF THE POA

Section 3.3.1 reviewed progress in implementation the PoA in key thematic areas. This Section analyses and assesses such progress.

4.3.1 ENSURING ADEQUATE CONTROLS ON MANUFACTURING AND TRANSFERS OF SALW

In contrast to the situation with major conventional weapons systems, virtually all states in the world are potential exporters of SALW – not least of surplus SALW stocks from existing stockpiles. Moreover, the capacity to manufacture SALW and/or associated ammunition is relatively widespread, existing in about 100 countries. The PoA commitments in this area are directly relevant for all states.

Nearly all states have at least some laws and regulations to control the manufacture, export, import or transit of SALW (see Baseline Data Table 2). In nearly all such countries, these laws and regulations are part of a wider system for controlling manufacture and transfer of all categories of military goods and sensitive technologies.

However, on the basis of available evidence available, it appears that many (approximately half) of the member states of the UN still do not have regulations and systems enabling them effectively and comprehensively to control manufacture and transfer of SALW. In this respect, there has only been modest progress since 2003. This should be a source of major concern.

4.3.2 MANUFACTURING AND PRODUCTION

In practice, governments generally have laws mechanisms and procedures enabling them to exert control when they choose over facilities that produce SALW, parts and components, or ammunition, on an industrial scale. However, the government regulations and systems required to ensure regular and comprehensive reporting, monitoring and oversight over such facilities and the goods that they produce, often have gaps and weaknesses, or rely excessively on voluntary codes of conduct.

Equally problematic in many countries are controls on small-scale ‘craft’ production of firearms or ammunition. Laws, regulations and oversight procedures over such small scale production are often subject to out-of date regulations, developed in relation only to ‘traditional’ production of ceremonial, hunting or collector’s firearms with little capability. However, in many countries now, there is a substantial and growing problem of small-scale arms production for illicit trafficking and use. As access to modern machine technology becomes widespread, small-scale producers are becoming increasingly capable of producing significant quantities of highly capable and sensitive firearms, including semi- and fully-automatic weapons. The issue of ‘craft’ production also cannot be dismissed as a small or peripheral issue: in Ghana for instance it was recently estimated by the Interior Minister that approximately 100,000 small arms are produced annually by local gunsmiths. Therefore it is important that practical alternatives are supported such as alternative livelihood projects or alternatively the industry is regulated and controlled.

There is a depth of experience and widely-acknowledged good practice relating to national systems to controls SALW production. The OSCE, for example, established useful ‘Best Practice Guidelines’ in this and other issue areas in 2003-4 (see Section 3). But, since the PoA was agreed, little consistent attention appears to have been focused in most regions on strengthening legal and administrative controls on SALW manufacturing. It is true that inadequate controls on production are not generally a primary source of SALW problems, except with regard to licensed production which is an emerging issue of concern, in view of the existence of large stocks of SALW, and the continuing large scale of authorised, licensed, SALW production. However, it is worthy of attention, in the context of associated measures (discussed below) to ensure effective stockpile security, transfer controls, controls on civilian possession, and marking and record-keeping requirements. Experience shows that the significance of local production as a source of illicit SALW increases as transfer controls and restrictions on civilian possession become more stringent.

It is important therefore that the control of manufacturing and production of SALW be regularly reviewed and, where necessary, strengthened in all countries. This is important, as increasing controls in traditional arms producing countries have stimulated the growth of production capacity outside of the traditional arms producing states. Craft production capacities are also spreading. Therefore even countries that have not traditionally seen themselves as manufacturing states may find that they have become one.

4.3.3 CONTROLS ON SALW TRANSFERS

Substantial national, regional and international attention has continued to be devoted to issues relating to controls on SALW transfers, as reviewed in the relevant parts of Section 3.3.1. Numerous countries and regions, particularly in Europe, the Americas and Sub-Saharan Africa, have embarked on programmes to strengthen their national laws, regulations and systems to control SALW transfers, generally in the context of regional SALW agreements.

In this respect, the situation has improved since 2003. Many countries can legitimately report that they have recently engaged in a systematic review and strengthening of their laws and systems for controlling SALW transfers.

However, progress in this area remains patchy. There remain many countries with inadequate capability to implement effective and consistent controls on SALW, and dozens of countries have not reviewed or strengthened such controls since the PoA was agreed. Progress appears to be particularly poor in areas where there is no substantial regional agreement or programme on SALW, such as in the Middle East and North Africa or much of Asia, or (for more obvious reasons) in regions of conflict (such as the DRC).

In general, in most regions SALW export control systems appear to be receiving more attention than import or transit controls. This appears to be due to a combination of reasons. For example, as the members of the EU, OSCE and Wassenaar Arrangement have progressively developed their guidelines and programmes on controls on SALW exports from their members, they have similarly enhanced their 'outreach' programmes to promote similar controls amongst other SALW manufacturing states. By contrast, relatively few states, including members of the EU and OSCE, have well-developed and coherent transit controls that are in line with effective and responsible export controls.

Nevertheless, there remain a large number of developing and transitional countries which, lacking substantial production capacity, do not perceive themselves to be potential arms exporters, and thus do not appear to regard national SALW transfer controls to be a priority.

This misperception needs to be addressed, since virtually all states are potential and actual exporters of surplus or second-hand weapons. Regional and sub-regional programmes associated for example, with the EU Code of Conduct and EU Joint Action, OSCE Best Practice Guidelines, and the Nairobi Protocol, have contributed to such awareness raising in the last 2- 3 years. So have the regional workshops associated with a range of initiatives supported by governments (for example, the Transfers Control Initiative (TCI) sponsored by the UK and other governments, UN agencies and NGOs). However, these lack global reach, and this further efforts in area of activity remain a priority.

Most of the discussion above relates to implementation of states' commitments under Paragraph 2 of section II of the PoA, on ensuring that adequate laws, regulations and administrative procedures to exercise effective control of SALW production and transfers. However, as noted in Section 3.3.1, the PoA commitments in Paragraph 11, Section II, of the PoA also require systematic attention. These relate to the guidelines applied by national authorities in deciding whether to authorise SALW exports.

At least some governments are apparently still authorising transfers which are not 'consistent with their existing responsibilities under relevant international law', and are not 'taking into account in particular the risks of diversion of these weapons into the illegal trade'. This much is clear, since there are continuing supplies of SALW to states and regions where there are: high risks of gross violations of human right or humanitarian law; persistent efforts to circumvent UN and other arms embargoes and; continued large scale diversion of SALW from legal to illicit lines of supply.

A few governments are probably deliberately engaged in activities contrary to their commitments under Paragraph 11, Section II of the PoA. However, a much larger number may be failing to implement this commitment properly due to lack of clarity about the implications of the commitments, or due to lack of systematic national principles or guidelines to enable relevant national licensing authorities to systematically and consistently apply SALW transfer controls.

In this respect, the PoA is not helpful: there is no elaboration of the specific meaning or implications of what constitutes states existing responsibilities under international law. Indeed, it is likely that different countries have different understandings of the status and implications of existing relevant international law. Similarly, different countries probably have widely varying approaches to determining whether there are substantial risks of diversion. This situation leads to inadequate or inconsistent national standards, suspicions of bad faith, and obstacles to international co-operation and co-ordination of transfer controls.

In this context, the significance becomes clear of the three main international initiatives to develop shared understandings of the principles or guidelines to be applied by national authorities when deciding whether to authorise an SALW transfer. These are: the Transfers Control Initiative sponsored by the UK and other governments; the informal Small Arms Consultative Group Process supported by the Biting the Bullet Project partners; and the Arms Trade Treaty supported by a wide range of governments and NGOs. Each, in their different ways, focus on developing shared understandings of how to elaborate or strengthen these PoA commitments. All involve a range of governments from all parts of the world, together with experts from regional and international organisations and independent institutes and NGOs.

Recent attention and growing international support for the development of an International Arms Trade Treaty is noteworthy and welcome. Initiated by a group of Nobel Peace Laureates and concerned NGOs, it has now attracted support in principle from a number of states, as described in Section 3.3.1. This initiative is still at the early stages of its development, however, it seems set increasingly to be an important reference point and complementary initiative in discussions about how to promote implementation and development of a number of crucial aspects of the PoA

International meetings have taken place in 2004 and 2005 at which states have discussed the agreement of a set of global principles for international arms transfers and the Arms Trade Treaty. These have taken place in Helsinki, Dar es Salaam and London with the leadership of the governments of Finland, Tanzania and UK respectively with the input of a range of international and local NGOs. Chair's reports from the meetings in Tanzania (at which representatives from 31 countries participated) and in London (where 22 states, including the world's major arms producers) discussed the need to develop effective international controls based on states existing responsibilities under international human rights and humanitarian law.

Some of the emerging results of the TCI and Small Arms Consultative Group Processes are particularly noteworthy.¹⁷⁴ Above all, both emphasise the importance of focusing on all aspects of SALW transfers – exports, imports or transit – rather than simply on export controls. This serves to emphasise the shared

¹⁷⁴ See, for example, Chair's Interim Report, Small Arms Consultative Process, Biting the Bullet Project, 2004.

responsibilities of exporting, importing and transit states in determining whether to authorise a transfer, and also the importance of developing co-operation between all states directly involved in the authorisation process. Similarly, both processes indicate that most governments are broadly in agreement about the types of factors that should be taken into account.

The challenge remains to develop and articulate specific international understandings on the criteria or factors to be taken into account, and on the consultation processes that should be involved. At its last meeting, in Rio de Janeiro in April 2005, the government representatives and other members of the Small Arms Consultative Group Process reached provisional consensus on the contents of a 'food for thought' paper on these issues which will be published in 2005. Hopefully, this indicates that progress may be possible in relation to this issue area at the 2006 Review Conference.

If this process moves forward, it is important that states agree to a set of principles consistent with existing state responsibilities under international law at the Conference. Further, states should consider launching an international initiative to establish a legal instrument, or forming a group of sympathetic states to take such an initiative forward.

4.3.4. CONTROLS ON ARMS BROKERS

Since 2003 there has been significant progress on developing common understandings of the basic issues and problems associated with illicit brokering of SALW, and of ways to control SALW brokering activities, as outlined in Section 3. At an international level, the Netherlands-Norway initiative to develop common approaches and agreed elements of a model regulation on SALW brokering was launched in April 2003 (complete with proposals for such elements of model regulations) and followed up with a series of international and regional consultation meetings. The OSCE and other regional organisations have made progress in elaborating Best Practice Guidelines, and the EU has arrived at a Common Position. The UN Secretary-General's High Level Panel called for the development of a legally-binding agreement on brokering in its report, supported by the UN Secretary General in his response 'In Larger Freedom'.¹⁷⁵

However, only about 32 states have actually put in place laws, regulations or administrative procedures to actually regulate and control arms brokering activities. Without a legal framework for controls, the distinction between 'licit' and 'illicit' SALW brokering is unclear. As understanding of the issue and regulatory approaches increases, it can be expected that more countries will establish controls on arms brokers soon. However, since dubious arms brokers take full advantage of gaps or inconsistencies in different states' national controls, international co-ordination and harmonisation of approaches towards controlling arms brokering activities is a priority.

In this context, it is important to assess the best way to progress towards an international agreement in this area. UN General Assembly Resolution 59/86, December 2004, requests the establishment, after 2006, of a second UN Group of Experts to consider 'further steps towards international co-operation' on this issue. In many ways, this planned exercise appears to be redundant. There has already been a UN Group of Experts on arms brokering, which reported in 2001. It is not clear how a follow-up UN Group of Experts will add value.

In practice, it is widely known that efforts to establish a commitment in the UN General Assembly resolution to launch negotiations for an international instrument on controlling arms brokers were frustrated by the objections of a few states. The undesirable compromise to establish a second UN

Group of Experts was agreed in order to 'keep the issue alive' at the UN. As such it may be best regarded as a stop-gap proposal, hopefully to be revised and strengthened before 2006.

The core of any international agreement on arms brokering would probably include provisions whereby States' Parties to agree to:

- establish national controls on arms brokering activities
- goods to be covered – including prohibited transfers
- model regulations and definitions ensuring a reasonably consistent approach to the design and terms of national controls on brokering activities (including for example commitments to licence each transaction and for brokers to register), with options on relatively controversial issues such as degrees of extra-territorial controls
- establish information exchange and consultation arrangements
- minimum penalties and/or other sanctions
- establish mechanisms for co-operation in enforcement.

4.3.5 MARKING, RECORD-KEEPING AND TRACING

The PoA contains relatively strong sets of commitments relating to marking, record-keeping and tracing of SALW. As discussed in the relevant part of Section 3.1.1, it is also an area where substantial progress has been made toward establishing an international instrument. The UN Firearms Protocol, which contains substantial obligations relating to marking, record-keeping and tracing of firearms associated with transnational crime, had received sufficient ratifications by May 2005 to enter into force at the end of July 2005. On SALW more generally, on the basis of the PoA commitments and the momentum generated by the French-Swiss initiative between 1999 and 2001, a UN Group of Governmental Experts worked from 2002 – 2003, followed by the establishment of the Open Ended Working Group on Tracing Illicit SALW in December 2003. At the third meeting of the OEWG, due to take place in June 2005, it is hoped that agreement will be achieved on the text of an effective international instrument, in time for consideration and endorsement by the UN General Assembly in autumn of 2005 and for adoption at or around the 2006 UN Review Conference.

At the time of writing, the outcome of the third session of the OEWG remains unclear. The OEWG Chair's third draft text (dated 20 March, 2005) was widely welcomed as a basis for final negotiations. Although it had a number of weaknesses, overall this text provided the basis for a relatively strong and useful international agreement to enable the timely and reliable identification and tracing of illicit SALW. However, it was not clear at the time of writing (May 2005) that the weaknesses in the draft text would be effectively addressed in the negotiations in June 2005. Moreover, efforts by some states to further weaken or narrow the agreement were anticipated. The following paragraphs briefly examine some of the outstanding issues in the final phase of negotiations and assess possible scenarios for the future establishment of international standards in this issue area.

The importance of this new proposed instrument is that it aims to enable states to identify and trace, in a timely and reliable manner, illicit SALW in both conflict and crime situations. The fact that it explicitly covers illicit SALW in conflict as well as crime situations is important, since it expands and complements the focus of the UN Firearms Protocol, which is on firearms implicated in crimes or transnational criminal networks. The scope of the Chair's draft text explicitly includes SALW ammunition, as well as the weapons themselves, which is another important strength.

International standards for SALW marking and record-keeping in this instrument appear unlikely to move much beyond those established for firearms in the UN Firearms Protocol, though there may be some

significant improvements (such as extending the minimum period for which records must be kept, probably to 30 years). It is the mechanisms for co-operation in timely and reliable tracing of illicit SALW that are of greatest importance. The Chair's draft text sets out the necessary rights, obligations and procedures for states, initiating and responding to tracing requests. It also establishes provisions relating to implementation, international co-operation and assistance, and follow-on measures.

As noted, negotiations continue. Key factors to take into account when assessing the result of these negotiations include:

- the quality of the obligations relating to marking and record-keeping
- the scope of the agreement – does it cover all SALW (military and civilian)? is SALW ammunition explicitly included?
- the specificity of the rights and obligations relating to tracing co-operation: for example, are there annexes specifying the form and content of requests and responses? Are there major loopholes (such as an unqualified right to withhold information on grounds of national security)? Are there problem-solving follow-up procedures if problems in co-operation are experienced?
- the existence of provisions for early implementation of the agreement – for example parties agreeing as far as possible to start to co-operate in tracing immediately after signing
- does the agreement provide scope for international information exchange about diversion points identified as a result of tracing investigations, to ensure that they are addressed?
- does the instrument provide effective follow-on mechanisms, enabling Meetings of the Parties to be sovereign and flexibly to establish problem-solving mechanisms as required and to develop, elaborate or strengthen the provisions of the agreement over time? Will it require the establishment of national tracing infrastructure?
- is the agreement legally or politically-binding?

The establishment of follow-on mechanisms and scope for flexible further development of the instrument are particularly important. International understandings and technical possibilities for marking, record-keeping and tracing SALW are bound to develop rapidly over time. It is important that Meetings of the Parties have clear authority and scope to decide to revise or develop international standards (for example, by amending annexes), and also to establish working committees as they see fit, for example to review and advise on developments, address emerging implementation problems, or promote co-operation and implementation. If such follow-on mechanisms exist, there is scope for addressing weaknesses in the initial agreement.

The issue of whether the agreement is legally or politically-binding has been a key focus for negotiation. In our view, a legally-binding agreement is most desirable, provided that achieving this does not imply substantial weakening of the content of the agreement and that there are provisions encouraging early implementation (even before the agreement comes into force).

4.3.6 STOCKPILE MANAGEMENT AND SECURITY

Commitments to ensure effective and secure management of SALW in official and authorised stocks are amongst the most important in the PoA. The great majority of SALW in the illicit trade or associated with destabilising flows and holdings are sourced from legal stocks.

As discussed in Section 3.3.1, there have been significant and welcome national, regional and international measures in recent years to elaborate and promote effective norms and programmes for SALW stockpile management and security. Several states have taken explicit steps to improve the security of the SALW held by their armed forces, police and other agencies of the State, often benefiting

from international assistance programmes. Similarly, some states have taken welcome steps to reduce the risks of loss of SALW from authorised stocks held by civilians, through strengthening required storage standards and improved monitoring and enforcement.

Overall, however, the measures taken so far since 2001 are tiny compared with the scale of the problems of insecure or inadequately managed SALW stocks in most regions of the world. They remain focused primarily on a few relatively small countries, often ones that have transparently appalling problems with maintaining secure storage of SALW. Tens, perhaps hundreds, of millions of SALW are still kept in insecure or inadequately managed circumstances. Military or police authorities within many states still generally regard such issues to be within their professional domain, and are resistant to suggestions from elsewhere in government or internationally that they need thoroughly to review and tighten their stockpile management and security procedures. In practice, large quantities of surplus arms are kept in reserve rather than destroyed, without adequate resources to maintain and secure them. In many countries, stockpile management issues remain politically sensitive and relevant information is hard to obtain. Assistance programmes for stockpile management improvements are lacking in many but the most afflicted countries.

A partial exception to this tendency can be found in Europe, where NATO standards in stockpile management and security appear to have been an important influence amongst countries that have been working to achieve NATO membership. Similarly, the OSCE best practice guide on the issue, established in 2003-4, provides an important reference point for improving standards, and in South East Europe the UNDP SEESAC Programme has actively promoted adoption on useful international standards. Best practice guidelines are also currently being developed by signatories to the Nairobi Protocol and will be considered by Ministers from Horn and Great Lakes in latter part of June 2005. In other regions, only Latin America and to a lesser extent Southern Africa have made progress towards establishing regional programmes.

Global stocks of SALW ammunition are several orders of magnitude more numerous 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 not uncommon.

Stocks of ammunition pose a number of distinctive challenges.¹⁷⁶ Ammunition contains explosive materials, and thus stocks pose safety as well as security problems. Around the world, accidental explosions at ammunition and munitions stores occur frequently, often with substantial loss of life. Technical requirements for safe and secure storage for ammunition can be more demanding than for weapons. Destruction or other responsible disposal of surplus ammunition is similarly more technically challenging. Yet it is equally if not more urgent than small arms and light weapons systems, on the grounds of both security and safety.

Overall, one way of assessing activities in this issue area since 2001 is to look upon this as a preparatory phase before serious efforts start to address the overall problem of securing and managing SALW and associated ammunition. There has been significant progress in 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. What is urgently needed now is a dramatic scaling-up of efforts at all levels to ensure adequate security and responsible management of SALW, held by state agencies and authorised civilians alike.

¹⁷⁶ See, For example, O. Greene, S. Holt and A. Wilkinson, Biting the Bullet Briefing No 18, 'Ammunition Stocks: Promoting Safe and Secure Storage and Disposal', London: February 2005.

Only in that way are there any realistic prospects of substantially reducing the problems of inadequate SALW stockpile security in the foreseeable future.

How could such a substantial increase in action of SALW management and security be achieved? On the basis of evidence so far, it certainly will not be achieved on the basis of existing PoA commitments and measures. More concerted international programmes need to be launched, to disseminate, promote and implement effective standards and mobilise the resources required. In practice, this must be associated with major increases in the rate of destruction of surplus SALW and associated ammunition, since security management requires substantial resources and also because large amounts of international aid are unlikely to be mobilised to safeguard surplus stocks for more than a short time, pending disposal. The design and priorities for such international programmes are important foci for debate in the lead-up to the 2006 Review Conference.

4.3.7 DISARMAMENT AND WEAPONS COLLECTION

Programmes to collect SALW from civilians and to promote disarmament of ex-combatants as conflicts come to an end have been prominent since 2001, as discussed in the relevant part of Section 3.3.1. Disarmament, Demobilisation and Reintegration (DDR) has become an integral element of all UN or other multilateral post-conflict stabilisation and reconstruction programmes. Similarly, the number of internationally-supported programmes to promote SALW weapons hand-in by civilians in conflict-prone developing countries has continued to increase.

Thus, experience with SALW collection and disarmament programmes is now quite extensive. Lessons have been identified from completed programmes (such as those noted in Section 3.3.1 above), and are becoming relatively widely disseminated. In these respects, our assessments of implementation of the PoA commitments in this area are quite positive.

However, there are substantial weaknesses. Although lessons are being regularly identified, they are not rapidly being learned and the same mistakes are being repeated over and over again. There is an unfortunate tendency for governments and donors to design and implement weapon collection programmes on the basis of partial or distorted understandings of a few past experiences, rather than on the basis of accumulated experience from a relatively wide range of programmes around the world. This is partly because inadequate resources are still being devoted systematically to analysing, identifying and disseminating lessons from SALW related programmes in this and other areas. There is also a failure to properly investigate some of the underlying motivations for SALW ownership or what might motivate different segments of the population to give up weapons. This underlines need for comprehensive survey of attitudes, perceptions and motivations of safety and security.

It also seems to be due to structural or institutional weaknesses. Thus, for example, it continues to be rare that DDR and SALW collection programmes from civilians are appropriately co-ordinated in countries emerging from conflict. Similarly, disarmament or weapons collection programmes in neighbouring countries are still generally unco-ordinated, in spite of the transnational flows of arms and movement of armed groups that are characteristic of conflict-prone regions. Too often, SALW collection programmes are still not appropriately embedded in more comprehensive programmes to engage communities, police, governments and other key stakeholders in efforts to control arms, enhance security and build mutual confidence.

Further, weapons collection programmes are too often conceived as short-term programmes. In fact, experience shows how important it is to approach weapons collection as an on-going process. The first phase may only collect 'spare' weapons, while people retain others for their security. As the process

develops, confidence and partnerships develop that enable more arms to be collected from the same community and this means that disarmament needs to be factored in to DDR strategies and continue through the post conflict reconstruction phase of any peace process. These weaknesses are now well-known, but it is proving hard to identify or implement the institutional changes required to address them.

Overall, disarmament programmes are closely associated with post-conflict stabilisation and implementation of a peace agreement. There is much to be done to address the weaknesses of such programmes, but by their nature they are bound to be relatively short-term and confined to a limited number of countries emerging from conflict. However, it is important that donors and implementing agencies recognise the need to follow up these short term projects with longer term community disarmament processes.

In contrast, weapons collection programmes from civilians have much wider geographical relevance and scope. They are particularly important in conflict-prone or war-torn societies, or in stable countries or localities suffering from high levels of violence and insecurity from gun crime but are also relevant throughout the world. In this context, the number and range of weapons collection and reduction programmes remains very limited in relation to potential need. Moreover, the similarities and distinctions between effective SALW collection programmes in different contexts have yet to be systematically examined. Evidence appears to indicate that their success or failure depends sensitively on the local conditions and needs, and on the target groups for the programme. There are certainly no reliable standard formulae. However, more systematic international information exchange, research and co-operation across the range of different weapons collection programmes appear to be a priority. In order to be sustainable, weapons collection initiatives also need to be embedded in other supporting programmes e.g. relating to establishment of stringent laws governing civilian possession of SALW, and DDR and SSR programmes as well as being tailored to local needs and approaches.

This implies the establishment or further development of international programmatic activities in this area. The 2006 Review Conference provides an important opportunity for launching such initiatives, and the character and design of useful initiatives in this area is a priority for debate in the lead-up to this conference.

4.3.8 DESTRUCTION OF SALW, INCLUDING AMMUNITION

The PoA encourages destruction of confiscated, collected and surplus SALW, as do most relevant regional agreements. On the basis of the evidence discussed in Section 3.3.1, it seems reasonable to conclude that destruction is increasingly accepted to be the appropriate norm for all or most collected SALW. Moreover, a significant and increasing number of governments have established policies, procedures and programmes to destroy surplus SALW in official stockpiles and also arms confiscated during criminal investigations (subject to evidential requirements of courts).

This is a substantial advance over the situation in the 1990s. Moreover, techniques for safe ensured destruction of SALW are now widely recognised and disseminated. There are a range of well-proven destruction techniques, of which several are cheap and involve low-technology. Where commercial smelters exist, for example, they can readily be used for SALW destruction. Where they do not, arms can be destroyed through a variety of methods, including cutting, crushing, burning, and explosive destruction. Technical and financial assistance for developing and transitional states for SALW destruction programmes is relatively widely available, particularly in the context of voluntary weapons collection or disarmament programmes.

The technical challenges associated with destruction of ammunition and munitions are significantly greater, and require involvement of specialists. Nevertheless, there are established regional or

international standards and procedures for safe, secure and reliable destruction on ammunition, as expressed for example in NATO, OSCE, SEESAC and SADC guidelines. Moreover, the experience and expertise for destroying SALW ammunition is available in many states around the world.

However, there is a continuing problem that ammunition issues are not adequately taken into account when designing or implementing SALW weapons collection programmes. Often large quantities of ammunition, some of it potentially unstable, are handed in, yet inadequate preparations have been made to safely receive and dispose of this. The overall scale of destruction of collected, confiscated or surplus SALW and associated ammunition is much lower than it needs to be to substantially reduce the risks of loss, misuse or accidents.

As noted in the previous sub-section, there are immense stocks of surplus or inadequately secure SALW and ammunition around the world. At the current rate of progress, arms and ammunition destruction programmes will scarcely impact on the problem. They need substantially to be scaled-up, through greatly strengthened national, regional and international destruction programmes. They also need to be more consistently prioritised, so that the greatest risks can be addressed at an earlier stage. Ways and means of mobilising and co-ordinating enhanced rates of safe destruction of SALW should be a focus for international debate in the lead-up to the 2006 Review Conference.

4.3.9 TRANSPARENCY AND INFORMATION EXCHANGE

The PoA encourages voluntary regional and international information exchange on SALW relevant to facilitating co-operation and promoting implementation of the PoA. As noted in section 3.3.1, there has been at best modest progress in this respect since 2001. As discussed in the 2003 Report, there has been progress in implementing the OSCE and OAS information exchange mechanisms relating to SALW transfers that were established prior to the 2001 Conference. More recently, the SADC and Nairobi Protocols have provisions for information exchange between parties; and the members of the Wassenaar Arrangement have established detailed information-exchange arrangement between themselves relating to their SALW transfers.

These developments are welcome, but most of these exchanges are confidential to the states parties concerned, and are generally quite modest. They are also confined to a few regions or sub-regions with relatively developed regional agreements.

Otherwise, increasing amounts of information relating to SALW are becoming available from independent institutes or experts, and from various governments on a largely ad hoc basis as co-operation on SALW issues gradually intensifies.

This lack of real progress towards transparency and information exchange is probably resulting in many missed opportunities, for co-operation, lesson-learning, and implementation in general. For example, better and more systematic exchange of relevant information would contribute significantly to implementation of the PoA in all of the issue areas discussed so far.

Experience shows that regional and international information exchange does not systematically take place without specific arrangements being put into place. At the 2005 BMS, participants could usefully consider possible voluntary formats for national reports to the UN on PoA implementation, to elicit and facilitate more comprehensive information. Similarly, the design and development of information exchange and consultation mechanisms, for example relating to enhanced international programmes relating to stockpile security, weapons collection, or destruction.

Governments in some regions appear to appreciate the value of transparency less than in others. But it is clear that progress on substantive implementation of the PoA can best take place in an environment of openness and accountability. Those regions that have made most progress in tackling SALW have typically been those with greatest transparency – this two way process is one which needs to be more explicitly recognised by states.

4.4 DEVELOPING PARTNERSHIPS

The primary responsibility for preventing and reducing illicit trafficking and proliferation of SALW, and for implementing the PoA, continues to lie with states. Nevertheless, the problems of SALW trafficking and proliferation are complex, cross-cutting and difficult. They cannot effectively be tackled without developing partnerships not only within government but also between governments, international and regional organisations, and civil society groups.

4.4.1 REGIONAL CO-OPERATION

The PoA encourages regional and sub-regional initiatives and agreements to complement and reinforce global efforts to prevent, combat and reduce SALW trafficking, proliferation and misuse. As discussed in Section 3, there are a number of important regional initiatives and agreements relating to SALW. Most of these were already established prior to July 2001, though they have been subsequently strengthened. The most significant events at the regional level have been the entry into force of the SADC Protocol and the creation of the Nairobi Protocol, both in 2004.

The 2003 Report on PoA implementation, emphasised that regional co-operation on SALW was very patchy. It was substantially developed in some areas, but scarcely existed in practice in several geographical regions. This overall assessment remains valid in 2005, and if anything the contrast has become even more sharp. In much of Europe/OSCE, the Americas, South Pacific, and Sub-Saharan Africa, regional and sub-regional co-operation relevant to the PoA has continued to develop, and is linked with effective national progress in PoA implementation. In contrast, there is little substantial co-operation or consultation on these issues amongst the countries of North Africa, Middle East/Persian Gulf, or in South or East Asia, with the consequence that implementation of the PoA at the national level is less evident.

The evidence now clearly indicates that there is a correlation between state's progress in implementing the PoA and participation in substantial regional agreements relating to SALW. On average, there is more evidence of serious and sustained measures to implement PoA commitments amongst states that participate in the EU, OSCE, OAS, SADC and Nairobi Protocols, ECOWAS Moratorium, and the Nadi Framework (Pacific), than there is amongst states in other regions.

Obviously, this is a tendency rather than an absolute phenomenon. There are states within the above regions or sub-regions where there is little evidence of serious efforts to implement the PoA. Similarly there are several states in regions lacking substantial regional SALW mechanisms which have nevertheless demonstrated commitment to implementing the PoA, such as Japan. The categorisation of ASEAN, and ASEAN Regional Forum, is ambiguous in this context. Whilst there is evidence of strengthening regional co-operation on issues such as illicit arms trafficking, it remains modest and only a few member states have recently taken substantial or comprehensive measures to implement the PoA.

The reasons for this correlation appear complex. However, the existence of functioning and substantial regional agreements and initiatives to address SALW problems appears usefully to stimulate and

reinforce national efforts to develop and implement National Action Plans on SALW. For example, a substantial regional agreement provides a political framework within which government ministries and agencies can legitimately take initiatives and develop programmes without continual reference to high-level political authorities. It also enables existing regional organisations to use their convening power or capacity to develop active programmes on SALW. Further, regional agreements and mechanisms provide a framework for mobilising international support for regional and national programmes, and for exerting pressures on governments to implement their regional commitments. Moreover, the existence of a substantial agreement probably reflects high political interest in action amongst one or more leading states in the sub-region, or amongst the international community including donors, which in turn generates incentives for neighbouring states to join in.

UN agencies and other international and regional organisations find it relatively efficient and easy to develop co-operation with regional organisations, and the advantages of such co-operation has been demonstrated in many ways over the last 2-4 years. The same applies to the major bilateral donors in this issue area. For example, the UNDP and other multilateral and bilateral donor agencies have usefully supported regional efforts in the Stability Pact countries of South Eastern Europe (particularly through support for the SEESAC regional 'Clearing House' for SALW programmes). Similarly, EU, UN and bilateral donors have been attracted to opportunities to establish co-operation with SADC, ECOWAS, IGAD, Nairobi Protocol states, and OAS, on SALW issues.

In contrast, lack of functioning regional co-operation on small arms generally not only reflects broader obstacles to regional co-operation on a range of security and other matters, but also lack of trust, political will or interest in the PoA amongst leading states in the region. Even if there is a willingness in principle to co-operate, in the absence of specific regional programmes, agreements, and institutions concerned with SALW, regional co-operation remains limited and ad hoc.

Experience so far with regional co-operation on tackling SALW trafficking and proliferation indicates the importance of good partnerships between governments, regional secretariats, civil society organisations and international organisations. The direct relationships between NGOs and regional initiatives continues to be strikingly close in several regions, particularly in South Eastern Europe and Sub-Saharan Africa, and they have brought real benefits. A number of international NGOs have played important supporting roles in the development and implementation of regional agreements and action programmes on SALW, including the wider facilitation of engagement with relevant regional and national civil society groups. They have also helped to facilitate inter-regional co-operation on SALW problems, such as the co-operation between EU and SADC.

4.4.2 PARTNERSHIPS BETWEEN GOVERNMENTS AND CIVIL SOCIETY

The PoA encourages partnerships, as appropriate, between governments and civil society. The evidence presented in Section 3 demonstrates that there are many good examples across the world of fruitful co-operation between governments and civil society groups on SALW issues. Moreover, it confirms the civil society groups can contribute across the whole range of measures envisaged in the PoA, not just through public awareness campaigns.

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. Members of IANSA have actively sought such co-operation.

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 arms 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 is evidence that these barriers to government-civil society co-operation are gradually being overcome (see Section 3).

Overall, it is possible broadly to categorise the status of government-civil society co-operation into four types. These are countries with:

- a) virtually no substantial engagement between government and independent civil society organisations
- b) modest, ad hoc, engagement and co-operation of government with a limited number of relatively trusted independent civil society organisations
- c) extensive and active, but nevertheless unstructured and ad hoc, co-operation of government with a relatively wide range of independent civil society organisations
- d) extensive, active and systematic government-civil society engagement and co-operation across a range of issue areas.

The great majority of countries fit into categories b) and c) and these would achieve real benefits by moving to establish specific structures to ensure systematic information exchange and engagement across the full range of issue areas. As noted in sub-section 4.2, a well-functioning national commission or national co-ordinating 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, even in countries with wide civil society engagement with government, there are important gaps or distortions in the patterns of engagement. For example, 'grass-roots' 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 taking in successful examples of engagement with community groups such as in Sri Lanka.

There are inevitable tensions between government and independent civil society groups, but if these are recognised and responsibly managed they are quite consistent with developing useful co-operation and mutual benefit. For example, civil society campaigns can draw attention to problems with government policies and programmes. Although the criticism is sometimes uncomfortable, the overall impact is generally to help to mobilise political will and help to overcome bureaucratic obstacles and develop more sustainable initiatives. Similarly, some NGOs have the 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. Their international networks and experience have contributed to lessons-learned processes

Obviously, substantial NGO co-operation and engagement with government is generally limited 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, to facilitate 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.

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 2006 Review Conference.

4.5 INTERNATIONAL CO-OPERATION AND ASSISTANCE

International assistance is an essential aspect of progress towards implementing the PoA. Section III of the PoA includes important commitments to provide such assistance. A number of donors have now contributed to efforts to prevent and reduce SALW trafficking, proliferation and misuse for a decade or more. The key issue is the extent to which the scale and effectiveness of such international assistance is improving.

International assistance is no panacea. It is generally ineffective unless there is not only strong local commitment to the programme goals but also effective mobilisation of the substantial human and social resources that exist in even poor and conflict prone countries. However, where these are in place, international assistance has a key role to play in helping to stimulate, facilitate and support effective use of these national (and regional) resources. Financial and technical assistance is needed to build capacity and to directly support implementation programmes.

As discussed in Section 3, the availability of international assistance to support PoA implementation has continued to grow over the last two years, and is now substantial although now is possibly beginning to decline. However, the issues and problems identified in our 2003 Report for the BMS continue to be important.

First, issues of local ownership and determination of priorities for support continue to be prominent. In principle, each country and region should develop its own programmes of work to implement the PoA, and then identify those areas where it needs assistance and establish priorities. In practice however, recipient countries often continue to lack the capacity to develop their own programmes and priorities, and often feel vulnerable to donor pressure on priorities and policy approaches. In this context, the continued development of donor programmes to assist countries with the process of developing their national plans and programmes of work for implementing the PoA is very important and welcome. Provided that these national programmes are well-developed and have involved wide consultation and support from relevant stakeholders, including civil society groups, donors should be willing to follow-up with assistance according to the priorities and programmes set in the national or regional programme.

Second, bilateral donor agencies, and relevant international and regional donor organisations, need to address problems with their own capacity to provide appropriate assistance for all key aspects of the PoA. This is partly a matter of establishing cadres of staff with appropriate expertise and experience with SALW related programming. It is also a matter of enabling aid budgets to be allocated according to priority needs, not according to donor institution traditions. Although it is inevitable that specific budget lines and aid programmes have restricted scope, many donor countries and agencies are remarkably constrained and inflexible about the types of programme that they are able or willing to assist. This leads to frustration, less effective programmes, and major transaction costs as programme leaders struggle to piece together the resources they require from different sources. Some donors, such as the UNDP and the UK, are relatively well-advanced in this respect, and have established appropriately flexible or complementary sets of mechanisms for providing assistance. Many others still have a long way to go.

Third, and related, the 'donor community' needs to take measures to 'mainstream' SALW dimensions into more established (and well-funded) dimensions of international assistance, concerned for example with governance, security sector reform or poverty alleviation. There is mounting evidence that measures to address armed violence and associated insecurity can contribute substantially to development and the achievement of Millennium Development Goal targets, and that projects to tackle SALW problems can provide useful entry points for wider efforts to contribute to community development, peace-building, police reform or good governance. However, SALW assistance programmes continue to be relatively compartmentalised and vulnerable.

Addressing this is a challenging task for donor development agencies. However, it also implies responsibilities for recipient countries. Unless countries affected by SALW problems actually make it clear that they regard tackling such problems to be an integral part of their development needs, development agencies cannot effectively respond. Yet SALW and related conflict and security issues are rarely prominent, or even mentioned, in key documents such as Poverty Reduction Strategy Papers produced by severely affected states. Although there has been some recent progress in this respect, much more needs to be done. It is also important to ensure that the need to control SALW and to support national and regional efforts is incorporated into significant international development initiatives, such as the Millennium + 5 Summit in September.

Fourth, there is a continuing problem with matching needs with available assistance and with donor co-ordination. The immediate priority continues to be at least to ensure effective information exchange and consultation amongst donors and their partners. Recent experience shows that donors continue to find even this to be a very challenging task. Although there are a number of examples of good practice, no single co-ordination mechanism or system can achieve this reliably. The main principle should therefore be to ensure multiple channels for information exchange and consultation to facilitate co-ordination of assistance, including: transparency by all donors; international and regional information exchange mechanisms, including regular co-ordination meetings; co-ordination mechanism at country level; and co-ordinated international programmes.

4.6. IMPLICATIONS OF ASSESSMENT OF PROGRESS TOWARDS IMPLEMENTING THE POA

The preceding analysis indicates that, although there is substantial progress towards implementing the PoA in a number of countries and regions, and in relation to certain issue areas, this progress remains inconsistent and uneven. Moreover, the experience of the last four years indicates that although there is significant political momentum towards implementation, this momentum does not appear to be increasing at the required pace in more than a few geographical areas and issue areas.

States' quality of performance in implementing the PoA, as for any international agreement, depends on a combination of many factors. These relate for example to: perceived national interests; levels of awareness and concern about the issues amongst relevant government officials, political leaders, and the public; capacity to develop and implement policy; availability of relevant expertise and resources; general commitment in principle to implement international agreements; external political or financial pressures and incentives; and so on.

In practice, states seem to divide into a number of categories in this context.

- 1) relatively stable and capable states with substantial concern and commitment to implement the PoA
- 2) relatively stable and capable states that are broadly sympathetic to the goals and commitments of the PoA that have taken some relatively ad hoc measures in line with the PoA, but which have yet to establish, resource and implement appropriate national SALW strategies
- 3) relatively stable and capable states with little interest in addressing SALW issues (except in the context of domestic law and order), and which remain reluctant to do more than the diplomatic minimum in relation to the PoA
- 4) developing or severely affected states that are relatively committed to implementing key aspects of the PoA, but which require assistance in order to carry this out
- 5) weak or fragile states that lack the governance capacity or systems to develop and implement coherent national measures to implement the PoA

- 6) countries emerging from conflict with a strong UN or other multilateral presence
- 7) countries in conflict.

Within each of these groups, states that are located within a geographical region with substantial regional SALW agreements tend to have more interest and capacity to implement relevant aspects of the PoA than those that are not.

The priorities for enhancing progress of states towards implementation of the PoA will vary according to which of the above categories they fall within. Between them, states in groups 1, 4 and 6 have by now established significant programmes and measures to implement the PoA, and are probably ready to further strengthen it at the 2006 Review Conference.

The large numbers of states in group 2 will probably not greatly improve their progress towards implementation unless PoA commitments are and least clarified or elaborated at the 2006 Review conference, in order to specify their implications and facilitate implementation through middle-level official action. They are similarly likely to be particularly influenced by the establishment of more fully developed international or regional programmes of action in key PoA issue areas (including, for example, the elaboration of guidelines relating to the thematic discussions). Weak or fragile states (group 5) cannot realistically be expected to implement the PoA without international assistance and well-developed international norms and programmes.

Performance by sceptical (group 3) countries can either be enhanced through the strengthening of minimum international standards, with which they may feel obliged to comply, or through persuasion through enhanced engagement. Countries in conflict cannot be expected to implement the PoA in more than a rudimentary way.

The implication is that it is not sufficient at the 2006 Review Conference to leave the PoA unchanged until implementation is further advanced at a future stage. This would be a lost opportunity to enhance performance by states in most categories, and might even hold back enhanced co-operation and performance amongst states in groups 1, 4 and 6. It is also an important priority to look at how best to encourage those states that have been reluctant to take action in groups 3 and 5.

It is clear that it will not be easy to achieve agreement to significantly develop the PoA at the 2006 Review Conference. However, there are a range of relatively flexible ways of doing so. These include:

- establish or reinforce international mechanisms or programmes to promote and support more effective implementation of existing commitments
- establish or launch negotiations for new international agreements or instruments
- develop annexes or other such documents associated with to the existing PoA
- revise and elaborate on existing commitments in the main body of the text.

Recommendations on how to approach these options are developed in Section 5 below.

5: CONCLUSIONS AND RECOMMENDATIONS

This Report has examined in some detail progress around the world towards implementing the UN Programme of Action on Small Arms since it was established in 2001. It has focused particularly on the last two years of activities, since the last Report on this topic was produced by *Biting the Bullet*/IANSA in 2003. As will be clear, there have been substantial implementation activities across much of the world. The PoA, and associated regional and international agreements, continue to be an important focus for international attention and programmes. But, having reviewed and analysed this wide range of implementation activities, what are the overall conclusions and implied recommendations?

5.1 CONCLUSIONS

The 2003 Report, emphasised the fact that only two years had passed since the PoA was established. It therefore focused on analysing the extent to which significant implementation activities had at least begun, and on identifying examples of good practices and lessons learned.

Although the overall conclusions were that little progress had been made in actually tackling the problems, the tone was up-beat. The 'glass was 5% full, rather than 95% empty'. In other words, there was encouraging evidence that many countries were at least on track towards implementing programmes and measures that could make a serious difference in the near future.

Now, in 2005, there is an obligation to emphasise how little has so far actually been achieved in many respects. In much of the world, the glass is still 95% empty, and two more years have passed by. There are many useful ongoing activities, and significant progress in some issue areas and regions. But meanwhile, hundreds of thousands more people have died from gunshot wounds. The scale of the interventions is generally not sufficient to have more than a local or marginal impact on the problems of SALW trafficking, proliferation and misuse. In many other countries and regions, promising early indicators of imminent action have proved misleading: they have not been properly followed up.

These conclusions do not flow from naive frustration that the complex challenges of preventing, combating and reducing SALW trafficking and proliferation have not yet been substantially solved. The problem is urgent: every week thousands of people are killed through gun violence, many more are injured, and many times more people's life opportunities are reduced through associated fear and insecurity. However it is recognised that it will take at least several years to sufficiently reduce availability and flows of SALW to make a major difference to these impacts.

Rather the conclusions are based on more realistic criteria. As discussed in Section 4.1, they focus on the extent to which governments, together with relevant international and regional organisations and civil society groups, have substantially progressed in relation to:

- steps to implement their PoA commitments
- their understandings of the problems, issues and dynamics
- learning lessons about effective PoA implementation from experience
- developing the necessary partnerships for effective action
- making progress towards further develop shared international understandings, co-operation and agreements on important outstanding SALW issues.

Examination shows that there are indeed some countries and sub-regions that have achieved substantial progress in more than one of these areas. These were already emerging by 2003, and have in several cases maintained their momentum. They include for example a number of Western and Central European Countries that have taken steps to identify weaknesses and strengthen their controls, while at the same time developing significant programmes to aid developing or transitional countries. They also include a number of relatively severely affected countries, which have used a combination of internal resources and external assistance to establish and start implementing substantial national SALW plans of action, reinforced through the development of regional agreements. These include countries such as Kenya, Tanzania and Uganda in East 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, in which the local and international authorities have invested substantially in post-conflict disarmament and weapons control programmes, which appear to have made a difference, such as in Sierra Leone or belatedly in Cambodia.

However, most countries do not fall into these relatively positive categories. By far the majority of countries remain in the categories of countries 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. Even where there is heavy UN or other multilateral engagement, major and sustained efforts to collect, destroy and control SALW are still not the norm in post-conflict contexts.

Something needs to be done to promote more effective commitment and action amongst such countries. The recommendations in the second part of this section aim to suggest ways forward in this respect.

Before proceeding to recommendations, however, it is worth briefly reviewing overall progress in relation to the key issue areas for the PoA, drawing particularly on sections 3.3.1, 4.2 and 4.3 of this Report.

- A large number of states have still not really put the basic elements in place associated with PoA implementation. Many identified national focal points are really simply contact points and lack the capacity to monitor, review and co-ordinate across the range of key sectors of government that need to be involved. Moreover, official lists of national contact points are often out of date. Most countries have not properly reviewed the status and effectiveness of their existing laws, regulations, procedures, policies or programmes to enable systematic identification of weaknesses and priorities for action.
- Nevertheless, a number of states have demonstrated the value of developing national SALW strategies and action plans, and of national co-ordinating bodies with close engagement with civil society groups. Most states have begun to develop useful partnerships with at least some civil society groups on issues relating to the PoA, though the great majority are missing opportunities because they have not taken measures to make these broad-based and relatively systematic.
- Most states maintain controls on SALW manufacture and transfers, though in most cases these are not comprehensive nor are they yet in line with widely accepted good practices. Dozens of countries have recently taken at least some steps to improve this situation, but many more have not. This is very important, since virtually all states engage in all aspects of the legal international trade in SALW – exports, imports and transit.

- It seems likely that a few highly irresponsible states account disproportionately for the transfers of SALW that are diverted or misused. But it also seems clear that a large number of states are contributing to such problems by deciding to authorise SALW transfers according to guidelines that do not give sufficient weight to risks of diversion or which are inconsistent with existing responsibilities under relevant international law.
- A number of significant international initiatives have been taken to promote shared international understandings of how these commitments should be interpreted, implemented or strengthened, including the Transfer Control Initiative, the informal Small Arms Consultative Group Process (co-ordinated by the Biting the Bullet Project team), and the initiatives to establish an international Arms Trade Treaty.
- The enforcement of UN arms embargoes has received greater attention in recent years than it did before, and precedents for investigation and reporting have been usefully established. But the overall results of these discussions and investigations has been modest.
- In relation to controls on SALW brokering, the modest PoA recommendation (to enhance understanding) has been substantially implemented; setting the scene for establishing international commitments to ensure appropriate legal controls. Similarly, negotiations are far advanced on a useful international instrument to enable timely and reliable identification and tracing of illicit SALW, for key issues remain to be resolved in negotiations in June 2005. In contrast, with a few limited exceptions, transparency and information exchange processes on SALW have developed only very modestly and inadequately since 2001.
- Implementation of commitments relating to stockpile management and security, disarmament and weapons collection, and destruction of SALW and associated ammunition, have in some ways been relative success stories for PoA implementation. Many significant programmes have been implemented, and experience and lessons-learned are developing. Nevertheless there remain important challenges and problems. Above all, existing programmes are generally too patchy, ad hoc and small scale to have more than a local impact. They need urgently to be scaled up and made more systematic.
- Progress has been made in establishing important partnerships between governments and civil society groups, and between those in a position to provide international aid and assistance and those who need it. On the basis of the useful experience over the last four years and more, there is great potential for substantially expanding and enhancing such partnerships, while addressing the significant existing weaknesses and challenges (see Section 4.4).
- The importance of promoting and using substantial regional and sub-regional agreements relating to SALW controls was already clear to many in the 1990s. Several of the regional organisations which had substantial SALW agreements and programmes by 2001 have continued to develop, and now appear to be making a real difference to the performance of their participating countries. However, most of the states in the world are not members of such substantial regional arrangements. Moreover, no sub-regions have developed new arrangements in the last few years. Although efforts should continue to promote such regional developments in geographical areas where they are presently absent (such as in the Middle East, North Africa, and much of Asia), it seems clear that ways of strengthening international mechanisms and programmes to partially substitute for their absence should also be considered.

5.2 RECOMMENDATIONS

Many detailed recommendations for action flow directly from the above conclusions, and from the analyses contained in Sections 3.3 and 4. Measures need systematically to be taken to address the challenges and weaknesses and take the opportunities identified in those foregoing sections.

This section focuses on the implications of the main conclusion of this Report - That additional international measures are urgently required to promote effective action to address the problems of illicit trafficking in SALW in all of its aspects.

Unless performance in implementation improves dramatically in the next year, which seems unlikely, the 2006 Review Conference has substantial work to do. It is not going to be adequate simply for the Review Conference to remind and encourage states and other relevant stakeholders to implement the existing commitments under the PoA. If progress has been seriously inadequate, Review Conference participants have a responsibility to consider adopting additional international measures and agreements within the PoA framework that could help to improve performance.

This inevitably implies the need for a review of the adequacy of existing PoA commitments. With the benefit of hindsight or experience, it may become clear that some PoA commitments could usefully be revised or strengthened. New commitments addressing issue areas that are not specifically addressed in the existing PoA might also be considered.

Diplomats and UN officials will inevitably become anxious about such agendas. Experience shows that it can be difficult to re-open international agreements, and even potentially hazardous since past negotiating achievements may be put at risk.

Thus the possibilities should be carefully explored in preparatory meetings before the 2006 Review Conference. Unfortunately, only one preparatory conference is currently planned, and in such circumstances it is likely to be dominated by procedural issues. For this reason, informal discussions on such matters at the 2005 BMS become particularly important, with follow-up workshops and meetings. States should also consider a second preparatory conference prior to the Review Conference.

However, there are also other options besides trying to revise the existing PoA text, as discussed in Section 4.6. These include:

- establishing or reinforcing international mechanisms or programmes to promote and support more effective implementation of existing commitments
- establishing or launching negotiations for new international agreements or instruments
- developing annexes or other such documents associated with to the existing PoA, to elaborate or clarify existing PoA commitments and their implications, or to provide guidelines on good practices and lessons-learned.

On the basis of the findings of this Report, we believe that these options need to be actively explored.

Enhancing international co-operation

There are several areas where implementation of PoA commitments might usefully be greatly enhanced through the establishment of specific international co-operation programmes and mechanisms. On the basis of the analysis in this report, we particularly recommend that specific international programmes are launched to promote, support and co-ordinate measures relating to:

- stockpile management and security
- weapons collection
- weapons destruction
- safe and secure destruction of ammunition and munitions.

New international agreements on SALW

At present, there is only one new international instrument that looks likely to be agreed around the 2006 Review Conference: the international agreement to enable timely and reliable identification and tracing of illicit SALW.

However, actions could also be taken to accelerate progress towards establishing an international agreement to establish controls on SALW brokering activities. As discussed in this report, the proposed UN Group of Experts to be established on this issue from 2006 is unnecessary. It would be better to establish an Open Ended Working Group to prepare the text of such an agreement. Hopefully, this recommendation will be incorporated and approved in a resolution by UN General Assembly in autumn 2005. If not, the 2006 Review Conference could usefully establish international support for such a development, for follow-up at the next Session of the UN General Assembly.

Annexes to the PoA

The option of developing annexes or associated guidance documents to the PoA is a particularly flexible one. The existing PoA does not make formal provision for these, but even so there are plenty of precedents for agreeing supplementary clarification and guidance documents at UN Review Conferences. They need not imply the same degree of political commitment as for obligations contained in the PoA itself. Although undesirable, it may be useful to agree an annex or guidance note without full support of all states that endorse the PoA itself.

There are several possible examples of issue areas or problematic commitments that could usefully be addressed through such supplementary annexes or guidance notes. These include:

- principles or guidelines relating to key issues that are not specifically addressed in the PoA, such as restrictions on transfers of MANPADS, transfers to Non-State Actors; links between security sector reform and SALW controls; addressing gender, ethnicity or age issues; and regulation of civilian possession of small arms
- elaboration or clarification of the PoA commitment (Para 11, Section II) on guidelines for national decisions on whether to authorise SALW transfers
- specification of any voluntary transparency or information-exchange arrangements that secure wide support
- clarification of shared international understandings of the implementation of PoA commitments as they relate to SALW ammunition
- recommended model regulations or procedures to promote consistent and effective national implementation of relevant PoA commitments, for example those relating to ensuring controls on production of SALW
- best practice guidelines relating to implementation of selected PoA commitments, such as controls on manufacturing, weapons collection, destruction, or stock-pile management and security
- suggestions on useful ways to encourage and effectively use partnerships between national governments and civil society.

If it is not possible to agree on the details of such supplementary documents during the 2006 Review Conference itself, as seems likely in most cases, it would be useful to aim to secure support for the development of specific annexes by 'lead-nations' or informal open-ended working groups, for consideration at the next BMS or Review Conference. In that way, a rolling programme of elaboration and supplementing the PoA would be established.

Overall, it appears that most key issues for the 2006 Review Conference might usefully be addressed through one or more of the procedural options outlined above, without trying to attempt to re-negotiate the text of the PoA itself.

Concluding remarks

In conclusion, the UN Programme of Action on Small Arms remains the framework for comprehensive international efforts to co-operate to prevent, combat and eradicate illicit trafficking, proliferation and misuse of SALW. Unfortunately only a limited number of countries and regions have so far demonstrated a sufficiently serious commitment to implementing the PoA commitments they entered into in 2001.

To help to address this sad situation, the 2006 Review Conference needs to be used to: reinforce, clarify and strengthen the PoA commitments; launch the specific international agreements on tracing illicit SALW and controlling arms brokers; and establish the specific international programmes required to scale-up efforts to ensure, for example, security of arms stocks, weapons collection and destruction of collected or surplus arms and ammunition. Preparations to achieve this should start immediately. Delay costs lives.

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.

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