

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
234-241

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>