

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.