

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 (CIHL), 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
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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
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TABLES
1-4:

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