

3: PROGRESS TOWARDS IMPLEMENTATION

3.1 OVERALL PROGRESS IN NATIONAL IMPLEMENTATION

3.1.1 GLOBAL OVERVIEW OF THE FOUNDATIONS OF IMPLEMENTATION

In order to adequately implement the PoA states should put into place the necessary foundations for co-operation, information exchange, and national co-ordination. Thus 143 states have established an official point of contact (Section II, Para 5) to act as liaison between states. Many of these points of contact, however, are yet to be fully functioning, and some are not represented on the list of national points of contact made available by the UN DDA.

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

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

3.1.2. GLOBAL OVERVIEW OF LAWS AND PROCEDURES ON SALW

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

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

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

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

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TABLE 1:
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- 133 states have laws and procedures criminalising the illicit possession of SALW
- 117 states have laws and procedures criminalising the illicit trade in SALW
- 110 states have laws and procedures criminalising the illicit manufacturing of SALW
- 34 states have laws and procedures criminalising the illicit stockpiling of SALW.

Reflecting the considerable importance attached to such national controls, 47 states have reviewed at least some of their laws and/or procedures over civilian possession of SALW, the domestic SALW trade, and SALW manufacturing since 2001. As with controls over international transfers of SALW, the scope and stringency of these laws and procedures, and their enforcement, varies considerably.

3.1.3 GLOBAL OVERVIEW OF WEAPONS MANAGEMENT

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

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

Further reduction of the stocks potentially available for illicit trafficking is achieved through the disposal of surplus, collected, and confiscated weapons and ammunition. Thus, over 60 states appear to have destroyed some SALW since 2001:

- at least 36 states have destroyed some surplus stocks since 2001; (Section II, Paras 18 and 19).
- at least 48 states have destroyed some confiscated, seized, and/or collected SALW since 2001. (Section II, Paras 16, 21).

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

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

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

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

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

- 50 require that all SALW are marked as an integral part of their manufacture, though for many this only relates to some of the emerging international standards on marking SALW. (Section II, Para 7)
- 47 have measures to tackle unmarked or inadequately marked weapons; particularly by marking or destroying them (Section II Para 8)
- at least 79 keep detailed records on holdings and transfers of SALW, though many of these are not maintained in line with emerging international standards (Section II, Para 9)
- 42 actively co-operate in tracing (Section III, Para 11).

3.1.4. GLOBAL OVERVIEW OF INTERNATIONAL CO-OPERATION AND ASSISTANCE

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

- at least 22 states have provided some form of donor assistance to SALW-related projects.
- approximately 63 have engaged in some form of co-operation with civil society. However the degree to which this reflects openness and capacity to engage with SALW issues varies considerably.
- over 22 publish reports on their arms exports, though considerably more exchange information on SALW transfers in confidential reporting and information exchange mechanisms within regional and multilateral agreements.

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

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3.2 REGIONAL IMPLEMENTATION

3.2.1 AFRICA

OVERVIEW

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

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

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

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