

3.3 PROGRESS IN KEY THEMATIC AREAS AND INTERNATIONAL CO-OPERATION AND ASSISTANCE

3.3.1 INTRODUCTION

This section outlines progress in implementing the Programme of Action in key thematic areas. These are areas of significant international concern and attention. Full and comprehensive implementation of high standards in all of these thematic areas is essential to tackling the illicit trade and misuse of SALW.

The first part of this section examines implementation of thematic areas in which there are relatively strong commitments and standards within the PoA. These include:

- National Commissions/Focal Points and National Action Plans
- transfer controls, including controls over brokering
- enforcing embargoes
- marking, record keeping and tracing
- stockpile management and security
- disarmament and weapons collection
- weapons destruction and disposal
- transparency and information exchange.

Then the section examines progress in thematic areas in which emerging or established good practice goes beyond the specific commitments made in the Programme of Action. Most of these relate to issues that are given prominence in the preamble to the PoA, but that are not fully developed into specific commitments to action, or issues whose importance is widely recognised but that proved controversial during the UN Conference. There is significant global, regional, and national interest in enhancing commitments in all of these areas. These include:

- gender
- civilian possession
- state misuse of SALW
- demand reduction
- restricting transfers to non-state actors
- MANPADS.

The PoA includes a wide range of commitments related to the provision of assistance to other states in implementing the PoA. This section concludes with an examination of the provision of international assistance and international co-operation.

3.3.2 NATIONAL COMMISSIONS/FOCAL POINTS AND NATIONAL ACTION PLANS

In many countries the lack of effective co-ordination between the many government departments and agencies that have a role to play in small arms control has been a significant barrier to implementing the PoA.

One of the fundamental commitments of states in the PoA is to establish “national co-ordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.”¹⁰³

¹⁰³ UN PoA section II, para 4.

states also agreed to “establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.”¹⁰⁴

143 countries have established a national point of contact and a list of these is available on the UN DDA website.¹⁰⁵ This is the minimal evidence of PoA implementation that at least enables contact between states on small arms control. Unfortunately, even though this list is updated regularly, many of the names listed are out of date.

79 states have national co-ordination mechanisms including officially designated national co-ordination agencies or bodies (Section II, Para 4), and other similar mechanisms for co-ordination on SALW issues within government (for instance this figure includes 15 states with no formal national commission but evidence of significant national coordination). However, the effectiveness, scope and mandate of these bodies vary significantly. In many countries it appears as if the motivation behind establishing a Commission or Focal Point has been to satisfy international requirements rather than to create an effective means of addressing the small arms problem in that country. In other countries it appears as if states have reported that they have established National Focal Points (implying a co-ordination agency) when actually this just consists of an individual who is the national point of contact.

A significant conclusion of the analysis of states’ implementation of the PoA is that progress is most marked in the countries where effective inter-agency National Commissions or National Focal Points (NCs/NFPs) have been established. A body of good practice is emerging that should inform the creation of these bodies in countries where none exists, and the operationalisation of them in countries where little has yet to happen in practice. These lessons include:

The need to include a broad range of agencies. A wide range of government departments and agencies have a key role to play in small arms control. However in a number of countries, NC/NFP membership is limited to security and law enforcement agencies. This significantly limits the scope of co-ordinated government action on small arms control. A comprehensive NC/NFP must include all security and law enforcement agencies as well as other relevant ministries, often for example including ministries of education, finance and planning.

The role of sub-regional co-ordinating agencies. Progress in the establishment of NCs/NFPs has been greatest in regions where there are effective sub-regional small arms agreements and co-ordinating agencies. For example, in the Great Lakes region and the Horn of Africa, all of the 11 signatories to the Nairobi Protocol have either established NFPs or are in the process of doing so (although the effectiveness of these varies dramatically). By contrast in South Asia, where there is no sub-regional agreement in place, only Sri Lanka has established a co-ordinating agency.

The importance of a nation-wide approach. In order to effectively tackle the problem of small arms proliferation in local communities it is important that the NCs/NFPs are able to coordinate practical action across the country. In Tanzania, Provincial Task Forces of law enforcement agencies, government officials and NGOs have been established that have undertaken a wide range of activities including weapons collection and public awareness-raising.

The benefits of including civil society. If they are to be truly national, commissions and focal points need to involve civil society. However, research shows that this is not the case in most countries. Good examples include Uganda, where four NGOs nominated by the Uganda National Action Network on Small Arms sit on the NFP, and Sri Lanka, where civil society organisations from different provinces came together to nominate four members to the National Commission.

¹⁰⁴ Ibid, section II, para 5.

¹⁰⁵ <http://disarmament2.un.org/cab/docs/List%20of%20National%20Points%20of%20Contacts%20March%202005%20rev%202.pdf>

Progress in the establishment of National Action Plans

In order to be effective, research shows that NCs and NFPs need to develop a clear strategy or action plan for their work to address small arms proliferation. In many countries, however, the lack of knowledge about the real nature and extent of the small arms problem has been an obstacle to the development of national strategies.

A number of governments have now begun to address this by undertaking national surveys to assess the small arms and security situation. Often these have been undertaken with local and international NGOs and with UNDP. For example, in South East Europe, surveys have been undertaken in Albania, Bulgaria, Macedonia, Serbia and Montenegro. These surveys are important tools to inform government action and also provide valuable information for civil society organisations and international donors.

The challenge is ensuring that these surveys lead to the development of comprehensive responses to the small arms problem. In Africa, surveys or 'mappings' have been undertaken in Botswana, Kenya, Namibia, Tanzania and Uganda that have led to the development of National Action Plans (NAPs). These NAPs have been signed by Cabinets and include a range of measures such as strengthening legislation, enhancing border controls, police training, public awareness and development programmes to reduce the demand for weapons. In total 18 governments have developed National Action Plans or Strategies. A number of surveys and mappings are currently underway in other regions with recent progress in a number of Latin American countries. In South Asia, the Sri Lankan Government announced at the launch of its NC in April 2005 that it plans to undertake a comprehensive survey leading to the development of a National Action Plan.

It is clear from the analysis that conducting national surveys and developing NAPs is a prerequisite for effective small arms control. It is encouraging that this is developing now as a norm of international best practice. Indeed, it is hoped that the Chairman's conclusions of the Biennial Meeting of States will highlight the importance of NAPs for implementing states' commitments in the PoA. Specific lessons in their development include:

- **The need to address licit and illicit arms.** As the PoA states, it is important to address the problem of the illicit trade in small arms "in all its aspects". This requires surveys not just to cover issues of illicit small arms in the possession of civilians, but also to look at transfer controls, stockpile management and regulation of national defence industries.
- **The importance of comprehensive action to address small arms.** To be effective, national strategies and NAPs should not just address technical issues of small arms control but also make links to wider action to address insecurity, governance and under-development.
- **The valuable role of civil society.** International and national NGOs, survey groups and academics can provide important technical assistance to governments to help undertake national surveys or mappings. All of the recent examples of work in this area have benefited from drawing on this available expertise.

3.3.3 TRANSFER CONTROLS

The issue of principles governing small arms and light weapons (SALW) transfer controls is a pressing one for the international community to address. The unregulated trade in SALW fuels conflict, undermines development, and imperils human security, thereby causing untold misery and suffering to millions of people around the world. The SALW transfer controls issue was a hotly debated topic in the run up to, and during, the UN Small Arms Conference in 2001. It became clear that whilst many governments recognise the need for common standards for the regulation of SALW transfers, the issue remains a sensitive one for some. These states argued that the Conference should focus only on the illicit

trade and thus had no purview with regard to the government-sanctioned trade in SALW. Others argued that the government-authorised trade in arms can and does fuel the illicit trade, thus strong controls on the state-sanctioned trade would prevent arms becoming illicit. This view was backed by previous statements from the United Nations General Assembly and the UN Disarmament Commission that the 'illicit' trade in arms is that which is contrary to not only national law, but also international law. Thus consensus emerged at the Conference that the state-sanctioned trade must be included.

Paragraph 2 of Section II of the PoA commits states:

“To put into place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of SALW within their areas of jurisdiction and over the export, import and transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in SALW or their diversion to unauthorised recipients.”

The substantive reference to the need for principles governing transfers is contained in Section II, para 11 where states undertake:

“To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade...”

However there is no elaboration on the substance of the “strict national regulations and procedures” nor on what constitutes “the existing responsibilities of States under relevant international law”. This lack of specificity remains a concern because it is evident that many states are unsure what their existing responsibilities under international law are, and continue to justify irresponsible exports by arguing “if we don’t sell, someone else will”. It is therefore vital that the 2006 Review Conference provides the space and opportunity for states to agree on international standards governing arms exports, based on states’ responsibilities under international law.

Progress at the international level since the UN Conference

Whilst the references, in the PoA, to principles relating to transfer controls remain under-developed, a concerted effort has nevertheless been made on the part of both governments and civil society organisations to elaborate them, with particular emphasis on the role of international law in the development of common SALW transfer principles.

There are three major international processes related to transfer controls. These three initiatives are distinct but closely linked, and reinforce the UN small arms process, and PoA commitments on transfer controls.

The UK Government has led the Transfers Control Initiative (TCI). Beginning in January 2003, the TCI seeks to secure international agreement to common standards on SALW transfers at the UN Programme of Action Review Conference next year. In particular it has elaborated criteria to be applied in arms transfer authorisations. The TCI has adopted a bottom-up approach, working through dialogue, meetings and workshops around the world to establish common ground on such standards.

Currently, the TCI's focus is on working at a regional level with governments to gather information on what transfer controls already exist within countries and build consensus on the need to strengthen controls on SALW transfers. Sub-regional workshops have so far been held in Argentina, the Bahamas, Nicaragua and Kenya.

The second of the three parallel global initiatives is the Consultative Group Process convened by the Biting the Bullet Project (which includes International Alert, Saferworld, and the University of Bradford). Also beginning in 2003, the CGP has involved over 30 governments from different regions including Europe, Africa, Asia, and the Americas, as well as international experts from NGOs and UN Agencies.¹⁰⁶ In a series of five meetings the CGP has made significant progress in elaborating and refining guidelines for national controls over all key aspects of SALW transfers (including export, import, and where relevant, transit and transshipment).

In late 2004 the CGP published a Chair's report. This report drew together the progress made by the CGP in building common understandings on transfer control guidelines, and on the second aspect of the CGPs work, restricting transfers to Non-State Actors (See NSA section 3.3.15). This first phase of activity included meetings in London, Prague and Nairobi – and at the first BMS in New York. Since that time the CGP has moved into its second phase of activity aimed at refining proposals on transfer controls. Thus further meetings have been held in Sri Lanka in September 2004 and in Brazil in April 2005. As a result of these meetings a draft proposal of guidelines has been submitted to participants with a view to its presentation at the BMS.

The third of the current initiatives is the effort to establish an international Arms Trade Treaty (ATT). Initially inspired by Nobel Peace Laureates, the ATT is now championed by NGOs and states alike. The initiative centres upon a set of global principles governing arms transfers which were compiled with the help of a team of international lawyers and which codify states' existing responsibilities under international law. These have been put forward by the NGOs for discussion by states as a key contribution in the establishment of an international agreement. Momentum for the idea of an ATT is building and it now has the support of a number of states including Cambodia, Costa Rica, Finland, Germany, Ghana, Iceland, Kenya, Mali, Tanzania, Senegal, Tanzania and the UK. This initiative has the backing of over 600 civil society organisations world-wide and is the main international objective of the Control Arms Campaign. As well as 21 Peace Laureates, the ATT is supported by many key figures, including President Lula of Brazil, Mary Robinson (the former High Commissioner for Human Rights), and former Archbishop Desmond Tutu, plus currently more than 250,000 supporters from 152 countries around the world.

The Finnish, Tanzanian and UK governments have led the process of building governmental support for an international Arms Trade Treaty. Finland hosted a meeting of government experts in Helsinki in June 2004 and a follow up meeting was held with a broader range of 30 governments in Dar es Salaam in February 2005. In a comprehensive concluding statement, participants agreed that:

'the implementation of their obligations presented in Article 11 of the UNPoA section II... would be assisted by a universally recognized benchmark to guide national legislation to that effect. In this regard, the following principles were then presented and considered:

- a. *All international transfers of arms should be carried out in accordance with national laws and procedures, and subject to written state authorisation, on a case-by-case basis.*
- b. *When authorising transfers, the following minimum criteria should be applied:*
 - i. *Express limitations: States shall not authorise international transfers of arms which would violate their obligations under international law. This includes the Charter of the United Nations, the decisions of the Security Council on embargoes; binding treaties and decisions; weapons, the use of which is prohibited under international law, and transfers that are likely to be diverted for use in violation of the above mentioned obligations.*

¹⁰⁶ Governments that have been involved in one or more Biting the Bullet Consultative Group Process meeting include: Russia, the UK, Brazil, Mexico, Canada, the US, Switzerland, Poland, the Czech Republic, Kenya, Ghana, Columbia, Ukraine, Finland, Japan, Mozambique, Romania, Tanzania, Sri Lanka, Norway and Uganda.

- ii. *Limitations based on likely use: States shall not authorize international transfers of arms where they are likely to be used to commit genocide or crimes against humanity; commit serious violations of human rights including arbitrary killings, torture and enforced disappearances; perpetrate war crimes and other serious violations of international humanitarian law; international acts of aggression; support terrorist acts; and support other illegal activities, in particular those of organized crime; and that can be diverted for any of the above.*
- iii. *Factors to be taken into account: When considering authorization, states should also take into account potential adverse effects of the sale on the control and prevention of violent and other serious crime; regional security; sustainable development; internal stability; and the likelihood of diversion.'*

At the time of writing (May 2005) the UK Government was planning a further meeting of government experts in London before the Biennial Meeting of States to build support for the development of a legally-binding Arms Trade Treaty.

In addition to these three global processes, support for strengthened controls over SALW transfers has also come from three recent heavyweight international reports for effective international controls on arms transfers. The UN Secretary-General's High Level Panel on Threats, Challenges and Change called for the development by states of a "legally-binding instrument on arms transfers";¹⁰⁷ the Millennium Project report on progress towards the Millennium Development Goals called for an international code of conduct on arms transfers;¹⁰⁸ whilst the Commission for Africa called for negotiations to establish an international Arms Trade Treaty to begin "no later than 2006".¹⁰⁹

Regional progress

The establishment of multilateral SALW transfer controls has thus far been most successful at regional or sub-regional level. The EU Code of Conduct on arms exports (1998)¹¹⁰ and the OSCE Document on Small Arms (2000)¹¹¹ both contain detailed export criteria. EU member states began a review of the EU Code in 2004. However, this failed systematically to review the language of the export criteria which has been criticised as being vague, subjective and an inadequate reflection of states' international legal obligations. The one positive change that was agreed to, following intense pressure from the NGO community, was a more explicit commitment to refuse arms exports where they could be used to violate international humanitarian law (see EU overview in Section 3.2.3).

Since 2003, the most encouraging regional progress on the issue of transfer principles has been in Africa. The Southern African Development Community (SADC) Firearm Control Protocol came into force in 2004 containing a commitment for governments to harmonise import, export and transit controls. And the 11 signatory states to the Nairobi Protocol in the Great Lakes and Horn of Africa agreed in 2004 "Best Practice Guidelines for the Import, Export and Transit of Small Arms and Light Weapons". These are expected to be signed by ministers at the regional review conference in June 2005 and then incorporated into national legislation. Governments in West Africa have committed themselves to turning the Moratorium on the Importation, Exportation and Manufacture of SALW into a legally-binding Convention; this necessitates agreement on exemption criteria for transfers. At the same time, the countries of the Andean Community in South America have agreed the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects which obliges states to exercise effective control over the production, import, export, transfers, trade, brokering, transport, marking and registration of SALW.

¹⁰⁷ <http://www.un.org/secureworld/>

¹⁰⁸ <http://www.unmillenniumproject.org/reports/index.htm>

¹⁰⁹ page 63, 'Our Common Interest' Commission for Africa, 2005

¹¹⁰ http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf

¹¹¹ http://www.osce.org/documents/fsc/2000/11/1873_en.pdf

National progress

107 states surveyed have some legislation covering SALW exports, 37 of which include an assessment of the risk of diversion, 56 of which require the use of authenticated end-use certificates, and 25 of which notify the original exporting state when retransferring previously imported weapons. In many cases legislation is very old and dates back long before the PoA, indeed only 54 states have conducted a review of their SALW export legislation since 2001. A norm is developing for criteria-based licensing systems although in many countries the actual criteria used are often confidential. A number of countries are beginning the process of updating their legislation and most of this activity has been in regions where regional frameworks have provided impetus. For example, the process of EU enlargement has acted as a spur to many countries in Eastern Europe to review their export control legislation. A number of countries in Eastern Africa are now undertaking legislative reviews following the signing of the Nairobi Protocol. The different standards of criteria in operation in different regions, and the lack of regional agreements in some areas (eg. South Asia) further highlights the need for common international standards governing arms transfers.

Overall progress

This encouraging progress at the international and regional levels means that there are now a series of building blocks that provide a strong basis for developing international consensus on effective transfer controls. These provide a key opportunity for governments to agree a declaration of principles governing international transfers at the Review Conference in 2006. There is now significantly greater openness to the agreement of more elaborated commitments on transfer controls. For instance, building on the progress of the three major international initiatives on SALW transfer controls, the range of principles that could be agreed by states clearly include not transferring SALW if they are likely to be used in serious breaches of human rights or international humanitarian law.

CONTROL ARMS CAMPAIGN

Launched in October 2003, the Control Arms campaign for an Arms Trade Treaty (ATT) and stronger regulation of the arms trade is being led by Oxfam, Amnesty International and the International Action Network on Small Arms (IANSA) with the support of civil society organisations in all parts of the world. During this time a number of important milestones have been reached, including:

- The UK Foreign Secretary gave a speech in which he made a strong commitment to an Arms Trade Treaty on 15 March 2005
- In early 2005, Spanish parliamentary parties urged their government to promote the ATT
- The New Zealand government endorsed the campaign in a statement at the First Committee of the UN General Assembly in October 2004
- Ghana endorsed the principles of the ATT following a meeting in March 2005 between the Ghanaian Foreign Minister and members of the West African Action Network on Small Arms (WAANSA)
- South African former Archbishop Desmond Tutu endorsed the campaign in September 2004, joining a variety of public figures and celebrities from more than 20 countries worldwide
- As of May 2005, over 250,000 people have joined the Million Faces petition on www.controlarms.org
- As of May 2005, 21 Nobel Peace Laureates have endorsed the ATT
- International meetings have taken place in 2004 and 2005 at which states have discussed the agreement of a set of global principles for international arms transfers and the Arms Trade Treaty.

CONTROL ARMS CAMPAIGN, CONTINUED

These have taken place in Helsinki, Dar Es Salaam and London with the leadership of the governments of Finland, Tanzania and UK respectively with the input of a range of international and local NGOs. Chair's reports from the meetings in Tanzania (at which representatives from 31 countries) participated and in London (where 22 states, including the world's major arms producers) discussed the need to develop effective international controls based on states existing responsibilities under international human rights and humanitarian law.

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3.3.4 SALW BROKERING

Arms brokering is another issue that has been on the international agenda for many years after a succession of UN Panel reports on sanctions-busting revealed the role of arms brokers as the major violators of arms embargoes in Angola, DRC, Liberia and Sierra Leone.

Brokering and the PoA

States agreed in the PoA "To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering."

This was a significantly watered-down commitment to that contained in previous drafts of the PoA that contained a commitment to develop an international instrument to control arms brokering.

International progress

International progress on the arms brokering issue since the UN Conference has been frustratingly slow. On 23 December 2003, the United Nations General Assembly adopted resolution 58/241 on the illicit trade in small arms and light weapons in all its aspects that requested the Secretary-General to hold broad-based consultations, within available financial resources, on further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

Consultation meetings were held in New York and Geneva in 2004 and a background paper from UN DDA set out a number of issues to be discussed including definition and scope, licensing systems, registration, sanctions, extra-territorial controls and international co-operation. A number of states urged the development of an international instrument, but a few states were outspoken in their opposition to this. The end result was resolution 59/86 of the General Assembly in December 2004 requesting the Secretary General to continue his consultations and mandating the creation of a UN Group of Experts to consider "further steps in international co-operation". This Group is to start work "after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group [on marking and tracing]".

This resolution was disappointing in a number of ways. Firstly, there has already been a UN Group of Experts on arms brokering in 1999 and so there is a real sense that the issue is not moving forward. Secondly, the insistence of states that the Group can only begin work after the Review Conference and marking and tracing negotiations have been concluded, highlights a new sense that small arms issues can only be addressed one at a time. Given the urgency and scope of the problems to be addressed this

is very concerning. In the meantime, UN DDA has arranged further consultations on the issue in New York and Geneva in June 2005.

Support for more effective international action has come from the UN Secretary-General's High Level Panel that called for the development of a legally-binding agreement on brokering in its report, a call echoed by the UN Secretary General in his response 'In Larger Freedom'.¹¹²

Regional progress

There has been some progress in addressing arms brokering at the regional level. EU Member States agreed a Common Position on arms brokering in 2003 which stipulates that all transactions organised by arms brokers resident in the EU should be subject to licensing against the criteria of the EU Code of Conduct on arms exports. NGOs had been urging the EU to agree binding extra-territorial controls on arms brokers operating overseas, but the Common Position just "encourages" members states to establish these.

In 2003 the OAS agreed draft Model Regulations for the Control of Brokers of Firearms, Their Parts and Components and Ammunition. These included prohibitions relating to: acts of genocide or crimes against humanity, human rights, war crimes, UN embargoes or sanctions, support for terrorists, diversion, or breaches of multilateral arms control agreements.

The SADC and Nairobi Protocols both include legally-binding commitments to regulate arms brokers, although the level of controls required has not been stipulated. This is a key issue to address in the process of regional harmonisation of legislation.

National progress

32 governments now have national controls on arms brokering, an increase from the 18 who did at the time of the last report in 2003. 24 governments operate a register of arms brokers and 15 have some form of extra-territorial application of their law. There has been a lot of progress in the EU with a number of countries introducing new legislation following the EU Common Position, including Belgium, Finland, Latvia and the UK. However new legislation often contains loopholes (such as a lack of comprehensive extra-territorial controls) which arms brokers can exploit and it is striking how many governments still have not acted to control arms brokers. The international nature of arms brokering and the absence of controls in so many countries highlights the need for an international legally-binding regulatory instrument.

Overall progress

The issue of arms brokering requires reinvigorating at the international level. It is hoped that the recent support of the UN Secretary General and his High Level Panel for a legally binding international instrument will encourage a clear recommendation in this regard from the UN Group of Experts in 2006. It is important that the Group highlights key issues for an international instrument to address and sets out a timeframe to achieve this.

3.3.5 ENFORCING EMBARGOES¹¹³

Arms embargoes are one of the principal tools of states in seeking to prevent, limit and bring an end to armed conflict and human rights abuses. Recourse to embargoes has increasingly been a feature of international relations in the past decade or more, as states have sought to respond to crises by limiting

¹¹² <http://www.un.org/largerfreedom/>

¹¹³ See also Biting the Bullet Briefing 17 "Strengthening Embargoes and Enhancing Human Security" (Biting the Bullet, London, 2004)

or halting the flow of arms into particular countries or sub-regions. Article 41 of the United Nations Charter confers upon the Security Council the power to call for a “complete or partial interruption of economic relations...and the severance of diplomatic relations” in response to a threat to or breach of the peace or an act of aggression.

The existence or impending threat of violent conflict is the principal rationale for the imposition of UN embargoes, the majority of which have been legally binding on all state parties. The majority of UN arms embargoes form part of a wider regime of sanctions, for example a ban on the trade in specific commodities such as oil, diamonds and timber.

Increasing the effectiveness of arms embargoes is a specific aim of the PoA which calls upon states “To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations” (Section II, Paragraph 15).

Whilst arms embargoes are potentially a very useful tool with which states can put pressure on renegade governments and groups, there are significant problems with their implementation. Pressure is therefore growing for the international governmental community to act in order to ensure that the political commitment embodied by the imposition of arms embargoes is matched by the commitment to ensure their rigorous enforcement and to achieve enhanced human security on the ground.

Investigating breaches of arms embargoes

The notable failure of UN arms embargoes to prevent flows of arms to protagonists in a number of recent conflicts has prompted the UN Security Council to pass resolutions establishing a series of independent Panels of Experts in order to investigate violations of the sanctions against UNITA (Angola),¹¹⁴ the RUF (Sierra Leone),¹¹⁵ Somalia,¹¹⁶ Liberia,¹¹⁷ and the Democratic Republic of Congo.¹¹⁸ The UN Security Council has also established a Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC which has highlighted the linkages between the illicit trade in natural resources and arms. These Panels of Experts have performed an invaluable role in highlighting the ways in which UN Sanctions are abrogated and in identifying the primary culprits in this so-called “sanctions-busting”.

The experience of the various UN Panels of Experts, amongst others, shows that when arms embargoes are imposed against specific countries, this does not make the supply of arms impossible, only more difficult. Once under embargo, governments or rebel groups that could previously place direct orders for arms and materiel now have to rely on brokers and other indirect channels. Most countries have difficulty in prosecuting arms brokers, due to the fact that brokering is the least visible part of an arms deal, and that the physical trail of the arms delivery does not usually pass through the country where the brokering took place. Only a few countries have adequate laws in this respect, as highlighted in the section on arms brokering in this report. In situations where a broker’s activities come under investigation, and particularly if their operations become threatened, they will tend to move their base to another country. This highlights the need for effective international controls.

In addition, the UN Panel Reports have also pointed to the practice, adopted by arms brokers and other actors involved in the illicit arms trade, of obtaining or fabricating false end-use certificates and using

¹¹⁴ UNSCR 1237 (1999)

¹¹⁵ UNSCR 1306 (2000)

¹¹⁶ UNSCR 1425 (2002) and 1474 (2003)

¹¹⁷ UNSCR 1343 (2001), 1395 (2002), 1521 (2003)

¹¹⁸ UNSCR 1533 (2004) and 1552 (2004).

them to provide cover for arms shipments to embargoed recipients. Indeed, the Panel of Experts report investigating the alleged violations of sanctions imposed against UNITA (known as the Fowler Report) published in March 2000, highlighted the role played by forged end-user certificates and arms brokering agents in helping to circumvent UN sanctions. The Report found evidence that top-level officials from the former Zaire, Burkina Faso and Togo provided end-user certificates and transit or transshipment facilities to brokers working for UNITA, in exchange for diamonds, cash or a proportion of the transiting arms. A number of UN Panel reports point to the role of neighbouring countries in violating arms embargoes, for example there have been allegations (denied by the governments concerned) that Rwanda and Uganda have provided military assistance to rebel groups in DRC.

The various UN Panels of Experts have also put forward a series of recommendations for measures to be adopted at national, regional and international level that would enhance implementation of these and future UN sanctions regimes.

Strengthening arms embargoes

The full implementation of the steps called for by the PoA, including the imposition of more effective controls on arms broking activities, the tightening of national legislation on arms transfers, and improving end-use certification provisions, would significantly diminish the scope for breaching UN arms embargoes. Beyond this, priorities for international action to enhance embargo regimes have been identified in the following areas:

Strengthening national implementation of arms embargoes by:

- implementing UN embargoes in national legislation
- tackling corruption and poor enforcement of export controls
- addressing the weakness of current end-user requirements
- enhancing controls on licensed production overseas
- regulating arms brokering and transportation agents
- enhancing capacity and enforcement of air traffic control regulations.

Improving the targeting of arms embargoes by:

- developing a consistent approach to arms embargoes and non-state actors
- intervening to prevent genocide.

Linking arms embargoes and other sanctions by:

- extending sanctions beyond the arms embargo to include the illicit trade in other materials and resource exploitation by corrupt elites
- using secondary sanctions against those complicit in sanctions-busting.

Enhancing enforcement and monitoring of arms embargoes by:

- establishing a common military list for UN embargoes
- employing embargoes as a preventive tool
- establishing a dedicated Sanctions Unit in the UN.

It is to be hoped that the discussions at the 2005 BMS and 2006 Review Conference will take full account of the range of measures required in order to strengthen implementation of UN arms embargoes and that states will make a renewed commitment to taking action in these areas.

3.3.6 MARKING AND TRACING

Many SALW currently entering illicit circulation are untraceable. Marking and tracing is crucial to effectively tackling the illicit trade in SALW. It is one of the limited number of thematic issues to have been pursued in global processes as well as regional agreements and national implementation of the PoA.

The PoA includes some strong commitments related to the marking and tracing of SALW. In particular, states undertook to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW. Thus, the Group of Government Experts on Tracing Illicit Small Arms and Light Weapons (GGE on Tracing) was established. 23 member states were represented on the GGE, which held its first session in July 2002, its second in Geneva in March 2003; and its third in New York from 2 – 6 June 2003.¹¹⁹

The GGE drew upon and discussed a range of existing common standards on marking, record keeping and co-operation in tracing, included in various regional and international agreements (such as the UN Firearms Protocol, SADC Firearms Protocol, and OSCE Document) and built upon the momentum of the French-Swiss initiative. The key decision of GGE on Tracing was that it is feasible and desirable to negotiate an international instrument on tracing, and that this instrument would fill any gaps in existing instruments and strengthen them.¹²⁰

In December 2003 the Open Ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG) was established, on the basis of the GGE report, with a mandate to “negotiate an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.”¹²¹ Under the chairmanship of Ambassador Anton Thalmann (Switzerland) and 14 co-chairs, 26 states made statements in the first substantial meeting of the OEWG in June 2004.¹²² Within the OEWG common positions are held by African Nations, and by the EU (and its associates), and are reported by a single member from each region. Thus, de-facto membership of the OEWG is large and significant. Furthermore, civil society organisations have participated including IANSA and its members.

Within this broad and significant membership there is considerable agreement on key elements of measures to identify and trace illicit SALW. However, after its second session, in January and February 2005, some significant divisions within the OEWG remain.

The third, and last scheduled, substantive session of the OEWG is due to take place in June 2005. The third draft text of the international instrument takes many positive steps, though there remains significant scope for enhancing minimum standards. These issues include:

- the nature of the instrument (legally or politically binding, though the majority of states appear to support a legally binding measure)
- the nature of information contained in markings
- the inclusion of ammunition in the instrument
- the inclusion of obligatory commitments for marking at import
- the length of time records should be kept, and what types of information should be kept
- whether international peacekeeping forces would have the right to initiate a trace
- the form of international co-operation in tracing, in particular whether this should be done bilaterally or there could be greater international co-ordination.

¹¹⁹ The 23 member states were: Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, Russian Federation, South Africa, Switzerland, United Kingdom, United States and Thailand. The GGE was chaired by Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament.

¹²⁰ Report of the Group of Governmental Experts on Marking and Tracing, A/58/138, p 24.

¹²¹ UN GA Resolution 58/241

¹²² These 26 states were: Argentina; Australia; Bahamas; Belarus; Brazil; Canada; Chile; China; Costa Rica; Cuba; Democratic People's Republic of Korea; Egypt; Guatemala; Ireland (on behalf of the EU); Jamaica; Japan; New Zealand; Nigeria (two statements: one on behalf of the African Group); Philippines; Republic of Korea; Serbia and Montenegro; South Africa; Sri Lanka; Switzerland; Trinidad and Tobago; and the United States of America.

The prospects for the OEWG agreement and key issues are examined and assessed in Section 4.

In addition to the OEWG process, which aims to tackle illicit weapons in both crime and conflict settings, the entry into force of the Firearms Protocol in 2005 will also represent an important step forward in global frameworks for enhancing the traceability of illicit weapons – though only those related to crime. However, many of the commitments it contains are below emerging good practices and minimum standards required to ensure that weapons found in illicit circulation can be traced.

Civil society groups have played a significant role in furthering understandings and agendas in this key area of tackling illicit SALW. Both prior to and since the UN Conference civil society groups and experts have been closely involved in promoting the issues of tracing illicit weapons. This has continued and has included production of a number of studies on the issue provided to the GGE on Tracing.¹²³ Civil society experts have made presentation to both the GGE and the OEWG. In 2004, the Control Arms Campaign also produced a report on Marking and Tracing.¹²⁴

In addition to global level progress towards an international instrument on marking and tracing, progress has been made at both regional and national levels. This occurred to varying degrees for all three core elements required for the tracing of illicit weapons: marking, record-keeping, and international co-operation in tracing.

Marking

In the PoA states undertook to ensure that, from 2001 onwards, weapons are marked as an integral part of their manufacture, and that such markings should be unique to the weapon (including the country of manufacture, the manufacturer and a serial number).¹²⁵

Further, states have undertaken marking commitments in the UN Firearms Protocol, and various regional agreements including the SADC Protocol, the OSCE Document, the OAS convention (CIFTA), the Nadi Framework, and more recently the Nairobi Protocol. In line with these commitments, some regions have been developing standards on marking. The OSCE has produced a Best Practice Guide on all aspects of Marking, Record-keeping and Tracing (drafted by France) and in the Americas, the group of experts convened by CICAD have been working on improving the Model Regulations on a range of issues, including firearms marking.

At the national level, 50 states require that all SALW are marked as an integral part of their manufacture. Some states have reviewed their marking standards, including – to some degree – Benin, Brazil, China, Monaco, Norway, Slovenia, and Sweden.¹²⁶ While many more states may do so after the agreement of the international instrument, it is concerning that – in the light of the wide range of global and regional commitments on SALW – there appear to be few systematic reviews of marking standards. Nevertheless, those few states that have engaged in some review have done so largely to comply with the UN Firearms Protocol or regional agreements. In other cases reviews of marking procedures have entailed the adoption of high standards. In Brazil, for instance, the new law established that ammunition produced for the military and the police should have a lot number included in the headstamp. In many cases, however, states marking standards continue to fall below clear basic minimums required for tracing.

¹²³ These include a UNIDIR/Small Arms Survey study entitled “The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons” and a study on the “Technical and Institutional Aspects of an International SALW Tracing Instrument” produced by GRIP.

¹²⁴ Control Arms, “Tracking Lethal Tools: Marking and Tracing Arms and Ammunition: a central piece of the arms control puzzle”, (Control Arms Campaign, London, 2004).

¹²⁵ PoA Section II, paragraph 7.

¹²⁶ Information on Benin, Monaco, and Sweden from Kytomaki, Elli, and Yankey-Wayne, Valerie, op – cit, pp 80 – 81.

Information on forms of secondary marking, such as the point of import, is fragmented. In many cases marking at the point of import only occurs if the arms are not already marked with unique identifying markings. The Nairobi Protocol, however, commits states to import marking.

47 states have measures to tackle unmarked or inadequately marked weapons (Section II Para 8). In many cases the possession, manufacturing and trade in unmarked or inadequately marked SALW, and the removal or alteration of markings from weapons, is a criminal offence. For instance, such provisions are included within the Nairobi Protocol and the Pacific Islands Forum Model Weapons Control Bill. In most cases unmarked or inadequately marked weapons are required to be marked or destroyed. However, there is little information available on how systematically or effectively such standards and procedures are applied.

Record Keeping

The PoA commits states to keep detailed records on holdings and transfers of SALW. Ideally records should be kept for the life-time of the weapons, including all transfers, up to and including their destruction. Some existing standards fall beneath this. For instance the UN Firearms protocol requires that records are kept for only 10 years. Within the OEWG a longer time frame appears to be envisaged, though consensus upon this is yet to be reached.

Some regional agreements include commitments in relation to record-keeping, and the harmonisation of regional standards, that would contribute to tracing illicit SALW. The SADC Protocol, the OAS Convention, the OSCE Document and Best Practice Guide, the Nairobi Protocol, and the Nadi Framework all contain various commitments on record-keeping.

Changes in record-keeping standards and systems have been a particular focus for national implementation in the area of marking and tracing. At least 79 states keep detailed records on holdings and transfers of SALW (Section II, Para 9).

Many other states have been improving their record-keeping on aspects of SALW that are important to the tracing of illicit arms. Some states have revised their record-keeping standards or have modernised their record-keeping system including centralisation, and in some cases computerisation of records. However, national practice in terms of the types of information recorded, and the length of time records are maintained, remain highly varied – thereby undermining the traceability of illicit SALW.

Co-operation in Tracing

Co-operation in tracing is, perhaps, the least developed and the most significant aspect of emerging best practices or standards. The nature of co-operation in tracing – in particular whether co-operation should be bilateral or through an established multilateral mechanism – remains an open issue within the OEWG. These key issues, in particular, will shape the nature and effectiveness of the global instrument on identifying and tracing SALW. Information on national practices in co-operation with tracing requests is limited. According to available information at least 42 states actively co-operate with tracing requests.

Largely in relation to tracing crime weapons, the PoA and other instruments supports the role of Interpol in co-operation in tracing and encourages support for Interpol's International Weapons and Explosives Tracing System (IWETS). Some progress has been made in further developing IWETS. For instance the United States and Canada have provided financial support (of US\$125,000 and Can\$300,000 respectively) for enhancing the IWETS system. The Royal Canadian Mounted Police (RCMP) have reportedly also developed a prototype IWETS system and donated it to Interpol.

A key element of tracing, and a specific commitment in the PoA, relates to the development of relevant information exchange mechanisms among states. It is hoped that this will be tackled within the international instrument negotiated by the OEWG.

Conclusions

Global progress on issues of marking, record keeping and tracing has been significant. The OEWG process presents opportunities for significantly enhancing the ability of states to identify and trace illicit SALW – in both crime and conflict settings. This progress has been reinforced, and in some cases pushed forward, by regional agreements. National implementation has tended to be slow. Thus it is essential that the OEWG agreement is implemented early, contains high standards, and - preferably - be legally binding. Possible scenarios and implications for this are examined in section four.

3.3.7 STOCKPILE MANAGEMENT AND SECURITY

Stockpile management and security

A key strength of the PoA is that it contains significant and detailed commitments in relation to stockpile management and security. Recognising that weak stockpile management and security contributes to the availability of illicit SALW, the PoA outlines a range of standards in this regard. While national regulations and procedures remain the key to good weapons management, global understandings of the requirements of good management and security of stocks were already well advanced in 2001.

Thus, the PoA commits states to ensuring that all bodies authorised to hold SALW have adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. Further, the PoA outlines some key basic elements of such standards and procedures including: “appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of theft or loss” (Section II, Para. 17). Within such procedures, the importance of regular reviews of stocks is paramount. Thus, the PoA also commits states to undertake regular reviews and that surplus stocks are identified and disposed of, preferably by destruction (Section II, Para 18).

Since 2001, there has been a widening acceptance among states that stockpile management and security is a legitimate area of international concern. Greater action has taken place at the regional and national levels; though much remains to be done.

Regional Measures

In addition to the national level commitments entered into in the PoA, states are also committed to action at the regional level. In particular, states committed themselves to “encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and sub-regional mechanisms in this regard” (Section II, Para 29).

The primary type of regional implementation of these commitments relate to the development of regional good practices in stockpile management and security; and/or the provision of assistance. For instance, stockpile management and security, and related weapons management issues, have been a major focus for the OSCE. In June 2002 the OSCE included stockpile management and security in its information

exchange. In 2003 the OSCE developed a range of Best Practices, including one on National Procedures for Stockpile Management and Security (drafted by the governments of Spain, Switzerland and the United Kingdom). Further, and while not exclusively related to SALW ammunition, in November 2003 the OSCE agreed a Document on Stockpiles of Conventional Ammunition. This Document adopted general principles and procedures including possible indicators of a surplus, indicators of surpluses at risk, and measures for transparency and assistance in securing or destroying at risk stocks.¹²⁷ A framework has been created whereby a state can request OSCE assistance to address stockpile management and security challenges. Following the first such request, from Belarus in July 2003, the FSC assembled a team of small arms experts from the UK, Spain and Switzerland who, between December 2004 and March 2005, conducted four visits in order to assess national SALW stockpile storage facilities and determine the viability of assistance programmes. Similarly, three assessment visits have been conducted in Tajikistan, while the preparatory work for the Kazakh request is in progress.

The provision of assistance at the regional level has also been a feature of improvements in stockpile management and security. In the Pacific, for instance, stockpile management and security has been a major focus of assistance provided by Australia and New Zealand to Pacific Island Forum states. In Asia, EU ASAC and JSAC have provided assistance that has allowed Cambodia to review its stockpiles, build new warehouses, develop computerised records and receive training in SALW security. In the Americas, the “2006 Lima Challenge” challenges and supports countries in the Latin American and Caribbean region to destroy firearms, ammunition and explosives and to improve stockpile management between the years 2001-2006. For example, within this framework, UN-LiREC has assisted in improving stockpile infrastructure in Mendoza, Argentina. Similarly, the USA and Canada have both provided expert assistance in a wide range of stockpile management issues including the physical security of stocks and record-keeping.

National Implementation

At least 30 states have reviewed their stockpile management and security procedures since 2001. Among the aspects reviewed are:

- physical security measures (including building new more secure stockpiles, e.g. Cambodia, Solomon Islands, Argentina)
- access to stocks (e.g. Slovakia introduced new security clearance procedures in 2002)
- record keeping and Inventory Management (e.g. Cambodia. In particular through centralisation and/or computerisation such as in Brazil, and Benin)
- national harmonisation of levels of security (Slovenia)
- ammunition storage (Bulgaria).

64 states claim to regularly review their stocks. However, the regularity of these reviews ranges from daily to annually – or less frequently. Regular reviews of stocks and of stockpile management and security procedures are important. For instance, in Russia there is theoretically a strong multi-layered system of accounting, control and storage of SALW. However, in practice there are some significant problems. In March 2004, a “Special Inspection” of arms stocks was held by the Control Department of the Presidential Administration. It found significant problems, particularly in relation to large losses through theft (see Russia snapshot).

¹²⁷ OSCE Document on Stockpiles of Conventional Ammunition.

Ammunition issues

The management and security of ammunition stocks presents further challenges. In addition to the need to minimise risks of theft, safety issues are also significant. Explosions at ammunition dumps as a result of poor security, poor procedures, or inadequate storage of unstable and out of date ammunition, cause many deaths every year. Progress in implementing PoA commitments on stockpile management and security have been particularly weak in relation to ammunition. Since 2001, however, concern about ammunition has risen on agendas. In 2005 Biting the Bullet produced a briefing paper on “Ammunition Stocks: Promoting Safe and Secure Storage and Disposal.” This expert analysis of the challenges posed by ammunition stocks identified a range of priorities and recommendations for developing international action¹²⁸ (see Section on Ammunition).

Overall, stockpile management and security is a legitimate and pressing area for international concern. There has been some modest but essential progress in improving stockpile security standards in several regions, and increasing recognition of the importance of these issues. However, international attention and assistance has tended to focus to a greater degree on the related matters of weapons destruction (see below). Thus, there is a significant need for greater and more comprehensive assistance in this area. Further, while the requirements of good stockpile management and security are well established, few states have systematically assessed whether their existing procedures and systems are adequate, or have undertaken programmes to enhance those systems.

3.3.8 DISARMAMENT AND WEAPONS COLLECTION

One of the most successfully implemented aspects of the PoA is the commitment to develop and implement weapons collection and disarmament programmes. Since the PoA was agreed in 2001 and since the last Report in 2003 there have been a wide range of practical programmes on the ground across the globe. In this context there are numerous forms of collection and disarmament activities have been initiated including DDR programmes, voluntary weapons collection programmes and firearms amnesties.

At the regional level discussions continue around the implementation and importance of weapons collection and destruction activities and the UN Regional Centres in Africa (UNREC) and Latin America (UN LiREC) continue to support disarmament initiatives. In July 2003 UNREC facilitated the adoption of a training curriculum for armed and security personnel from the member states of the Economic Community of Central African States (ECCAS) in the control of small arms and light weapons. Of the five modules that were developed two were related to weapons collection and disarmament activities and DDR.

In addition to the ongoing work at the regional level there have been a variety of internationally led initiatives looking at ways to improve the efficiency and effectiveness of related activities. In 2004 the German technical co-operation (GTZ) produced a practical field and classroom guide to DDR which includes issues and problems which may arise in weapons collection projects.

In late 2004 the Swedish government launched the Stockholm Initiative on DDR. The objective of the year long project is to identify loopholes and gaps in DDR processes. The first meeting was attended by participants from 23 countries and 14 national and international organizations, institutes and UN agencies. The Initiative aims to bring together representatives from donors and host nations, international organisations, academic institutions and civilian, military and police experts and the ultimate goal of the project is to propose ways and means that can contribute to the creation of a predictable framework in which DDR processes can be planned and implemented. The findings of the

¹²⁸ Greene, Owen; Holt, Sally; and Wilkinson, Adrian, Biting the Bullet Briefing 18: *Ammunition Stocks: Promoting Safe and Secure Storage and Disposal*, (London, Biting the Bullet, 2005).

project will have significant implications for disarmament and weapons collections processes within DDR programmes and may well be applicable in more broad contexts.

Types of Weapons Collection and Disarmament and National Implementation

In addition to such research projects and regional initiatives which form a vital part of ensuring effective implementation of weapons collection and disarmament projects, there have been a number of practical initiatives implemented at the national level. These have built on the trend in the late 1990's which saw a move away from 'buy-back' schemes such as those in El Salvador in favour of more community focused projects such as 'weapons-for-development' programmes, as initially developed in Albania in 1997 and subsequently refined in Cambodia, Georgia and Mali. The reason for this shift is an increased understanding among both implementation agencies and donor governments that the direct linkage between the surrender of weapons, ammunition, and explosives in return for cash is often not conducive to sustained peace. The PoA recognises such problems and therefore calls on states to increase public awareness and confidence building with regard to illicit SALW including weapons collection and destruction projects. A key approach that has developed in response to this need targets incentives at the wider community rather than individuals through weapons-for-development schemes and has been a successful approach to achieving buy-in from communities. In addition:

- DDR programmes with disarmament components have been carried out in at least 19 states
- Voluntary Weapons Collections of various types have been carried out in 32 states
- 36 states have implemented firearms amnesties. Many of these were amnesty provisions within voluntary weapons collection programmes or preceded forcible or coercive disarmament.
- forcible or coercive disarmament programmes and confiscation efforts have been carried out in 13 states.

In Sierra Leone from November 2002 onwards incentives in the form of US\$20,000 grants were allocated to chiefdoms that participated in the Arms for Development disarmament programme and were certified by UNDP observers to be weapons free. However, the pitfalls of weapons-for-development schemes, namely that they can be used by local authorities and communities to bargain for aid rather than to reduce arms circulation within the community, remains a problem. However, following a collection project the numbers of weapons inside the community have reduced as a result and a key element of the project has been that the communities collectively identify the development needs that they want to be addressed. Further, the UNDP has tried to address some local objections to handing over small arms, for instance by substituting wire traps for firearms to allow local hunters to continue to collect bush meat. Interestingly, in an evaluation conducted by the University of Bradford this aspect of the project was seen not to have happened, possibly due to corruption, and this failure to honour a promise was said to have resulted in increased local dissatisfaction with the project.¹²⁹

In the Former Yugoslav Republic of Macedonia (FYRoM) in December 2003 local media, local government officials and businesses joined together to back a UNDP sponsored raffle for voluntary surrender of SALW where each weapon surrendered gave a citizen a ticket enabling them to win some of the daily prizes, with the grand prize being a car. While this campaign only resulted in the handover of 7,571 weapons, as well as 100,219 pieces of ammunition, in a country where it is estimated that there are around 500,000 illicit weapons in circulation and, compared to other campaigns in the region, this was relatively successful. It was also an innovative initiative to avoid the problem of communities or authorities using these projects to bargain for development aid, through reducing the scope for individual gain at authority level. However, it is probably important to state that the lack of success of weapons

¹²⁹ See Alison Lockhead and Owen Green, 'Assessing and Reviewing the Impact of SALW Projects on Small Arms Availability and Poverty: A Case Study of Sierra Leone UNDP "Arms for development" Project. Bradford: University of Bradford, April 2004, p12.

collection projects in SEE compared to the greater success of these projects elsewhere may indicate the importance of local consultation and perhaps reflects the failure of the international community to take into account local needs for security into full account.

In Brazil, as a requirement of the new National Disarmament Statute, a national voluntary weapons collection was initiated from 15 July 2004 to 31 December 2004. This was then extended to 23 June. The campaign has been co-ordinated by the Ministry of Justice but has been supported by numerous other groups, including three civil society organisations and as of 24 May 2005, 345,203 SALW had been collected.

In Montenegro a 'Farewell to Arms' initiative was launched between 12 March and 12 May 2003, incorporating an illegal weapons amnesty and collection effort which resulted in the collection of 1,770 guns and 3,000 hand grenades, mines and other explosive devices.

Following the "November Revolution" of 2003 in Georgia and the election of the new government, a weapons collection programme was initiated in Ajaria in May 2004. While the programme was not supported by public awareness or education initiatives it still resulted in the seizing or voluntary surrender of 3,000 automatic weapons and up to 150 grenade launchers.

In West Africa, in 2004, DDR programmes were implemented in the neighbouring states of Liberia and Cote d'Ivoire. However different levels of monetary compensation were offered in each for handing-in weapons. This fostered a flurry of black-market dealings where guns were bought in Liberia (where payment for hand-in was US \$300) and smuggled across to Cote d'Ivoire and handed-in for profit where the remuneration rate was US \$200 higher. In numerous cases, gun-holders holding more than one weapon profited from both buy-back schemes. This example offers key learning points for the design of future DDR and weapons collection projects.

Overall Implementation

Experiences of implementation in this area demonstrate that successful and sustained disarmament needs a focus on a holistic approach to SALW control rather than simply looking at arms collection in isolation, addressing *inter alia* law enforcement, police reform and corruption.

There is considerable scope for better planned projects with more regional co-ordination and increased integration into broader SALW programmes as well as increased local and civil society participation. Previous ill-planned initiatives, involving fundamental errors such as the miscalculation of the number of weapons which needed to be collected, highlights the need for an improved assessment mechanism in order to try and get a better picture of the nature of the SALW problem in a country, prior to commencing a weapons collection project. In particular, a co-ordinated strategy of stockpile security and weapons destruction is needed to ensure that weapons that are handed in do not leak back into society. Any weapons collection or disarmament project must be seen to offer real alternatives to the benefits of keeping a gun. These benefits will differ depending on the context of the community being disarmed, and must be reflected by a tailored strategy which addresses the causes of demand for weapons as well as practical disarmament and collection measures. Frequently, donor emphasis on outputs have meant that low turn-in rates in the first arms collection attempt meant that follow-on projects were curtailed. Arms collection should therefore be approached as an ongoing process, accepting that initial progress, whilst trust is being won, will be slow.

3.3.9 WEAPONS DESTRUCTION AND DISPOSAL

The destruction of surplus, collected, seized and confiscated weapons and ammunition is a key means of reducing the stock of weapons available for illicit circulation, reducing the burden placed on overstretched stockpile management and security systems, enhancing public faith in disarmament and weapons collection programmes and, when done in public destruction ceremonies, raising public awareness of SALW issues. Thus, the PoA contains a number of commitments relating to the disposal, and preferably destruction, of these categories of SALW.

There have been no global level processes on the disposal or destruction of SALW and/or ammunition. The desirability of disposing of surplus, collected, confiscated and seized weapons and ammunition by destruction was clear before the UN Conference. Guides to practical destruction methods were also developed prior to the UN Conference. However, there remained scope for progress in the development of best practices in a number of areas. This has been pursued at the regional level. For instance, in 2003 the OSCE developed a range of Best Practices, several of which are relevant to the destruction of SALW. These include a Best Practice Guide on National Procedures for the Destruction of SALW - including reasons for destruction, practical destruction methods, and procedural considerations (developed by the governments of Canada, the Netherlands, and the United States of America); and on the Definition and Indicators of Surplus SALW (developed by Germany). Further, the best practice guides re-emphasise the importance of destruction as an integral part of stockpile management and security and of Disarmament, Demobilisation and Reintegration programmes, and highlight the need to destroy unmarked or inadequately marked weapons, and to keep adequate records of destructions.

International assistance for destruction programmes has been significant. Indeed destruction programmes have been one of the types of activity that have attracted most donor assistance. Some donors have been particularly active in the field of destruction. For instance, the UK's Global Conflict Prevention Fund and the UK Foreign Office Small Arms Destruction Fund has funded weapons destruction in numerous regions.

Regional level

Much donor support for weapons destruction has occurred at the regional level. For instance the OSCE has been particularly active in this area. In OSCE member states over 3 million SALW were destroyed between 2001 and 2003. In 2002 the OSCE adopted a Decision on the Mechanism for Providing Assistance to states in implementing the OSCE Document. Assistance in SALW destruction and stockpile management and security have been major types of requested assistance. As noted previously (see OSCE overview), in mid-2003 Belarus made the first request for assistance within this new mechanism. This request was for assistance to destroy SALW and MANPADs and to improve the security of stockpiles. Following the adoption of the OSCE Document on Stockpiles of Conventional Ammunition, on 19 November 2003, a further request for assistance was made within this new framework. Similarly, Tajikistan requested assistance in these two frameworks in July 2004, leading to several assessment visits. These visits identified serious limitations in the capacity of Tajikistan to manage SALW stocks safely and securely, and thus identified an urgent need for the destruction of approximately 20,000 SALW.

Similarly in the Pacific, Regional Assistance Mission to the Solomon Islands (RAMSI), has destroyed over 3,700 collected weapons. In Asia, Japanese assistance to Cambodia has included considerable weapons destruction. In Latin America, UN-LiREC has supported weapons destruction and/or stockpile management capacity building in Brazil (2002 and 2004), Costa Rica (2004) Argentina (2002 and 2004), Peru (2002) and Paraguay (2003 and 2005). For instance, Paraguay has destroyed significant amounts of arms and ammunition, such as the destruction of 4 tonnes of small calibre ammunition from 5-11 May, 2005, in Piribebuy.

National Implementation

The destruction of surplus, collected, confiscated, and seized SALW and ammunition stocks has occurred in most regions. In terms of national implementation at least 36 states have destroyed some surplus stocks since 2001; at least 48 states have destroyed some confiscated, seized, and/or collected SALW since 2001.

In some cases the destruction of surplus weapons and ammunition represents an urgent safety issue. For instance, Ukraine has large and growing surplus stocks of SALW (1.5 million) and ammunition (1.5 million tonnes). It requires significant assistance in disposing of these surpluses. A NATO PfP project for the safe destruction of 133,000 tonnes of conventional munitions, and 1.5 million SALW is currently under development and will be one of the largest projects of its kind. It is supported by the USA, UK, Germany and Canada and will cost an estimated €8 million.¹³⁰

The destruction of collected weapons is particularly important for public faith in the disarmament process and for logistical reasons (dispersed collection sites are vulnerable to diversion unless weapons are made inoperable immediately and destroyed soon afterwards) as well as other reasons. For instance, in Brazil, weapons collected were first rendered inoperable in front of those handing them in. They were then destroyed no more than 48 hours after being handed in. The rapidity of this destruction appears to have enhanced the credibility of the weapons collection process as well as permanently removing weapons vulnerable to illicit circulation.

In DDR operations, in particular, the disposal of weapons through destruction is essential. Some DDR programmes, such as the recent one in Liberia in 2004, have failed to make appropriate arrangements for the destruction of the weapons that have been collected. This can lead to weapons that have been collected trickling back into circulation, often quite literally through the back door of the building where they have been collected. In such tense situations the immediate destruction of weapons plays a key role in confidence and trust building.

Policies on disposal

While not an absolute commitment, the PoA emphasises that destruction should be the main means of SALW and ammunition disposal. 13 states destroy most or all surplus weapons and ammunition, and at least 12 sometimes destroy surplus arms but often authorise other disposal; 23 states destroy most or all collected and/or confiscated SALW while only 8 sometimes authorise other disposal.

Policies in favour of disposal through destruction for the majority of surplus, collected and confiscated weapons have developed largely through common practice, but in some cases through law (such as in Venezuela's 2002 disarmament law) or declared policies. For instance, Austria introduced such a policy in 2002, while in 2003 New Zealand declared a national policy of destruction for all surplus and collected small arms. While in some cases legal frameworks for weapons disposal through destruction exist, the political will and technical and financial resources required are often lacking. Conversely, in a few cases, such as Senegal,¹³¹ the political will is apparent, but appropriate amendments to the legal framework remain necessary.

Most states have not explicitly adopted the best practice of destroying most surplus and all collected, seized, and confiscated SALW and ammunition. For instance, Bulgaria has large surpluses and has

¹³⁰ NATO PfP Trust Fund Status, at http://www.namsa.nato.int/inits/ammo_trust_e.htm, information accessed 16/05/2005.

¹³¹ In Senegal (see Case Study) the US government supported the destruction of some 8000 army weapons in 2003. A census is currently underway to take account of weapons confiscated by various forces (police, gendarmerie, and customs). The destruction of these weapons will, reportedly, require the introduction of new legal and financial arrangements. .

destroyed significant amounts of SALW with the assistance of the USA and of UNDP and SEESAC. Nevertheless, it does not destroy all surplus weapons, but rather has also actively exported them. Thus, there remains scope for global and regional progress on developing and disseminating best practices, and providing practical support for destruction.

3.3.10 AMMUNITION

According to widely used understandings of what is included in the category of SALW, ammunition is included. This makes sense in many ways: weapons cannot function without ammunition, and thus they are inextricably linked. Measures to control and reduce ammunition stocks are critical elements of wider efforts to prevent, combat and reduce illicit trafficking and proliferation of SALW. During the negotiations for the PoA, many delegations assumed that the commitments applied to ammunition much as they did to the weapons themselves.

Nevertheless, ammunition has its own characteristics, and in practice often requires specific treatment. Moreover, the PoA commitments do not explicitly refer to ammunition, and are not sufficiently elaborated that they explicitly set out the ways in which they should be applied to ammunition. Thus, although there is little dispute that PoA commitments apply in principle to ammunition as well as weapons, in some areas it remains unclear what the actual PoA commitments are in this context. It is for this reason that this brief discussion of ammunition issues is in this part of section 3.3.

The distinctive and urgent challenges relating to ammunition

Improved knowledge and understanding of the SALW issues has been an essential aspect of efforts to prevent, combat and reduce illicit trafficking, proliferation and misuse. However, many of the characteristics, dynamics and challenges of ammunition availability, flow and impacts are rather distinctive, and require specific study.¹³² The same applies to regulations and programmes for reduction and control. These are not yet as well understood as weapons.

Thus, for example, the patterns of ammunition production and trade are rather different to those for weapons such as pistols or rifles. Whereas many types of small arms are relatively durable, ammunition contains explosive materials, and degrade unless properly maintained. In any intense conflict, ammunition is rapidly consumed, providing possible 'choke points' for limiting supply that do not exist in the same way for weapons.

Practices relating to unique marking and record-keeping for ammunition are different, with unique marking being relatively rare for rounds and cartridges, for example. This has implications for the application of obligations relating to ammunition in the proposed international instrument to enable timely and reliable identification and tracing of illicit SALW, which are now a key focus for negotiation.

There are vast stocks of SALW ammunition around the world, much of which pose urgent safety and security problems.¹³³ For example, in the area of the Former Soviet Union, large stocks accumulated during the Cold War have become surplus to requirements. Stocks of hundreds or thousands of tonnes of ammunition that is well beyond its shelf life are not uncommon.

Many ammunition stocks are insecure, posing risks of loss, capture, or corrupt diversion into the illicit trade. Ammunition stores also pose hazards to communities that live or work near to them. Major

¹³² See for example: UN Group of Experts, Report on Ammunition and Explosives in all its aspects, United Nations, New York, June 1999; see also the chapter on Ammunition in the 2005 Small Arms Survey Yearbook, co-ordinated by S. Pezard, Oxford University Press, Oxford, 2005 (forthcoming).

¹³³ See O. Greene, S. Holt and A. Wilkinson, Ammunition Stocks: Promoting Safe and Secure Storage and Disposal, Biting the Bullet Briefing 18, Biting the Bullet Project, London, February 2005.

explosions can and do frequently occur, resulting in dozens of deaths a year. Indeed, recent explosions at munitions stores in Lagos, Nigeria, and Seonggang, North Korea, each resulted in over 1,000 deaths in 2002 and 2004 respectively.

One of the main experiences in practice with weapons collection programmes is that substantial quantities of ammunition are also often handed in: much of it old and possibly unstable. Too often, programme managers have been taken by surprise by this, and are inadequately prepared: safe and secure storage of ammunition in civilian areas poses distinct challenges.

Reduction of surplus stocks of ammunition is at least as important as for weapons. However, destruction of collected, confiscated, or surplus ammunition is a more demanding technical challenge than for small arms and light weapons, since explosive materials are involved. As noted in a previous sub-section, international programmes for destruction of SALW have developed substantially in recent years. This is not yet true for ammunition.

Implementation of the PoA in relation to ammunition

Since ammunition and weapons are intrinsically linked, efforts to implement the PoA so far have in practice included a wide range of actions relating to ammunition. Thus much of the discussion in earlier thematic sub-sections on progress towards implementation implicitly refer to ammunition as well as to weapons.

As noted, ammunition issues have become particularly prominent in relation to implementation in areas including weapons collection and disarmament, stockpile management and security, and destruction, partly because they have been important in practice but often posed problems for programme managers. Moreover, land-mine clearance programmes have in many countries in practice become actively involved with clearance of unexploded munitions.

Some significant implementation programmes have developed in recent years that specifically address ammunition. For example, a number of programmes involving the destruction of ammunition have taken place in South Eastern Europe, sponsored for example, by NATO, UNDP (particularly the UNDP Regional Clearing House SEESAC) and bilateral donors such as the USA and EU. The OSCE has developed programmes on ammunition stockpile management in general, but has in recent years promoted projects relating to SALW ammunition, such as in Tajikistan and Georgia. A range of countries have reportedly recently destroyed substantial ammunition stocks, including Paraguay, Brazil, Argentina, Haiti and Honduras

Just as for arms, ammunition management and destruction is a normal part of military stockpile management in most countries. So it is not necessarily clear that destruction events should be understood as contributing particularly to PoA implementation: overall stocks may not decrease. Overall, the scale of destruction of surplus stock of ammunition is significantly lower than it arguably ought to be, given the enormous quantities of insecure or unsafe stocks.

Overall, it is becoming clear that much greater international attention needs to be given to the development and implementation of measures to control and reduce SALW ammunition availability and flows. This could usefully be a focus of attention at the forthcoming 2006 Review Conference.

3.3.11 TRANSPARENCY AND INFORMATION EXCHANGE

The PoA contains a number of commitments related to transparency and information exchange. However, since 2001, no global transparency and information exchange mechanisms have been

established and progress in developing information exchange and transparency at the regional and national levels has been limited. The level of transparency and information exchange varies between SALW issues.

Foremost among information exchange on all aspects of SALW is the submission of national reports to the UN on implementation of the PoA. To date 120 states have submitted at least one report (67 states have submitted one report; 37 have submitted two; 14 have submitted three; and 2 have submitted four). The greatest number of states submitted reports at the 2003 Biennial Meeting of States. However, 31 have submitted their national reports to UN DDA well in advance of the 2005 BMS.

Many states have used this opportunity to go beyond reporting on the basic requirements of PoA implementation, to sharing – at the global level – other information also shared in regional forums. For instance, Benin has provided information on holdings, Sweden on projects supported, and Hungary (among others) has provided summary data on imports (based on the confidential information produced for information sharing within the OSCE). In contrast, however, some states, such as Lebanon, have submitted ‘nil’ reports, a practice common in other transparency mechanisms, but which contribute little to the UN SALW process.

UN DDA, UNDP and the Small Arms Survey have jointly provided assistance to states in reporting to the UN on their implementation of the PoA. This has proved invaluable for some states. For instance, Tajikistan’s only report, in 2003, was produced with such assistance. The Solomon Islands have used the reporting template and have submitted two detailed reports.

States are also committed, on a voluntary basis, to submitting information on SALW that are confiscated and destroyed, and other relevant information such as illicit trade routes. While no information on illicit trade routes has been made public by governments, it appears that some states exchange this information on a bilateral/regional – and confidential - basis.

Much information exchange is confidential. For instance, under the Firearms Protocol (Article 12) states have agreed to exchange relevant information, on a confidential basis. The tracing mechanism that comes out of the OEWG is likely to include some confidential information exchange. Further one of the most significant improvements has been within the Wassenaar Arrangement. Within this 34 member group transparency on SALW transfers has been enhanced since the 2003 plenary agreed to add SALW, including MANPADS, as a category within the scope of mandatory reporting requirements. However, information exchange within this mechanism is confidential.

While in many cases confidentiality enhances the level and types of information provided to other governments, it is also a limitation upon effective global and civil society interaction on key SALW issues. Often some of the information shared could be made public with no impact upon the security concerns of states.

Many regional and other multilateral agreements on SALW also include information exchange mechanisms. The OSCE Document contains commitments to exchange information on: national marking systems; manufacture control procedures; export policy, procedures and documentation, and control over brokering; and destruction techniques and procedures. Information is also shared on national procedures on: stockpile management and security; numbers of small arms seized and destroyed; and on small arms imports to and exports from other OSCE participating States.¹³⁴ Similarly, there is significant information sharing within the EU on the EU Joint Action and the Code of Conduct. More

¹³⁴ <http://www.osce.org/fsc/13010.html>

informally, regular Baltic-Nordic meetings on export controls reportedly allow some information sharing and problem solving.

In the Americas, UN-LiREC and the OAS Commission for Inter-American Drug Abuse Control have developed the Small Arms and Light Weapons Administration (SALSA) system to serve as a public portal for exchanging information on national legislation and policy actions.¹³⁵ The site also has a private interface where Latin American governments can exchange confidential information related to imports, exports, transit and confiscated SALW though this is not yet in use.

In Africa, the SADC Protocol and Nairobi Protocol have provisions for information exchange between their parties. For example, the Nairobi Protocol states have committed themselves, among other transparency measures, to exchange information between law enforcement agencies on illicit trafficking, to establish national databases to facilitate information exchange, and to “develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian-owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession.”¹³⁶

Much transparency relates to the production of reports on arms exports. At least 22 states publish annual reports on their arms exports, including at least some information on SALW. While the numbers of states producing such reports appears to be increasing, particularly as a result of EU expansion, such progress is modest and fragmented. Since 2003 Bosnia and Herzegovina’s Ministry for Foreign Trade and Economic Relations has compiled an Annual Report detailing the import and export of SALW and military equipment. In contrast in Belgium there is no national report since the transfer of competencies in arms export decision making to the regional level. Regions produce reports, but they differ considerably. Overall, national practices are varied in the nature and level of detail of information provided and the regularity of reporting. There are often limitations in the comparability and reliability of information provided.

Overall, at the national and regional level, an increasing number of states make publicly available information on a wide range of SALW issues including exports, imports, holdings, firearms licenses issued and denied; and also share information confidentially on a broader and more detailed basis. This is enhanced by information made available through NGO research. However, overall such transparency remains largely ad hoc.

There is a clear need for the development of stronger international mechanisms for information exchange (both public and confidential). There is a need for broadening the range of information being shared. In some cases this may require significant assistance to be provided to states in the production of national reports.

3.3.12 GENDER¹³⁷

Gender is not an issue that is directly considered in the PoA. The only mention of gender is in the Preamble which states that the UN member states are : “*Gravely concerned about.....the devastating consequences on children...as well as the negative impact on women and the elderly.*” (PoA Preamble Para 6). This statement not only treats gender and age as one category of concern but also fails to take into account the nuanced issues relating to gender and SALW.

¹³⁵ <http://www.salsa-system.org>

¹³⁶ Nairobi Protocol, Article 16, b.

¹³⁷ See also Johnston, Nicola and Godnick, William with Watson, Charlotte and von Tangen Page, Michael “*Putting a Human Face to the Problem of Small Arms Proliferation: Gender Implications for the Effective Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*” (London, International Alert, February 2005)

Gender is an issue which concerns men and boys as well as women and girls and, in this context, is about the social and cultural differences that gender can have on attitudes to SALW. By focusing on women as victims the current PoA does not take into account important gender considerations, the most serious of which is that the majority of perpetrators of gun violence are male, as are an estimated 90% of victims.¹³⁸ Moreover, supply and demand for SALW remain a primarily male-driven domain. In many societies, gun possession is part of male identity and masculinity. The PoA makes no mention of these gender dynamics nor does it take into account the increasingly diverse and multiple roles that women and girls can play in relation to SALW - as combatants, weapons carriers for traffickers, informants with knowledge of SALW whereabouts, as well as active agents for social change in initiatives such as community disarmament. Where women are framed as victims, it tends to be in a simplistic way, which does not take into account the varied nature of victimisation. Women are the principal victims of domestic firearms abuse and are known to be involved in weapons trafficking. There has also been evidence in numerous conflict and post-conflict situations, for example in the Democratic Republic of Congo and Burundi, that women have been raped at gunpoint indicating that women may also be direct victims of gun violence, albeit in a manner that would be very difficult to quantify. In addition to being victims, women are often also the section of the community that have to step in and act as carers or become the economic providers of a household following the death or injury of a male.

Examples such as these indicate that there is a significant gender implication in understanding small arms problems. If the differing impacts and effects of SALW on men, women, boys and girls are not taken into account, it is highly likely that any initiatives to tackle SALW proliferation, including the PoA, will be undermined as they are not based on a full understanding of the context they are being implemented in.

Despite the absence of any substantive gender consideration within the PoA there has been increasing international interest in the issue and the international community has begun to give more consideration to gender related issues outside of the context of the PoA. There is a growing realisation that without taking in to account the relevance of gender in relation to SALW, implementation of the PoA will be less effective. In light of this interest an increasing number of SALW programmes, especially those that concentrate on DDR or community disarmament initiatives, are including a gender component, recognising the differing roles of men, women, boys and girls in relation to the illicit trade and possession of weapons, as well as the impact these weapons have on their lives.

One of the key developments in relation to gender was UN Security Council Resolution 1325 On Women, Peace and Security, unanimously adopted on 31 October 2000, which gave recognition at the UN level to the important but often marginalised roles women are playing in building peace, as well as recognising the need to include them in peace negotiations and decision-making structures relating to peace and security. In addition, it calls on the need to mainstream gender into the planning and implementation of peacekeeping and post-conflict reconstruction operations and initiatives. It is somewhat surprising that Resolution 1325 was not referenced in the text of the PoA when it first appeared, as its principle of recognising the need to mainstream gender across the UN system is highly relevant to the implementation of the PoA. This is especially so, considering that Article 13 specifically encourages those involved in planning for DDR 'to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants'.

The UN has also launched other initiatives in relation to gender and security more broadly, although the success of these has been limited. In 2002 the UN DDA developed a Gender Action Plan addressing the importance and commitment given to gender in disarmament related work. The Plan was based on the idea that an understanding of how gender effects perceptions of security and weapons can help highlight

¹³⁸ According to World Health Organization figures about 90 percent of SALW homicide victims are men

the challenges and opportunities for disarmament. As part of this work a Gender Mainstreaming Plan was launched in April 2003 to take forward Resolution 1325 in Afghanistan. It was to take place after the DDR project ended, however, so this was never implemented.

In 2003, the EU implemented a “Weapons for Development” programme in Cambodia as part of their Assistance on curbing Small Arms and light weapons in Cambodia (ASAC). As part of the programme substantial training, education and awareness campaigns were carried out in a number of villages. A major part of the project was to ensure that it received support from all groups in the communities, taking into account individuals’ different roles and needs. This kind of approach strives to get support from the target group it is aimed at, and is what is missing if gender considerations (i.e that different people are affected in different ways and have different needs) are not taken into account. The activities not only focused on increasing people’s trust in the police and the governing authorities, but also worked to include all relevant groups in the community. Policemen’s wives were offered training and education to enable them to acquire their own independent means of income and women, both as ex-combatants and as members of society who suffered extensively during the conflict, were included in almost all parts of the programme.

In 2004 the UK Home Office organised a conference on gun crime and culture as part of their initiative to tackle the problem at a community level. Discussions at the meeting confirmed that firearms possession is linked to gang activity and issues of self-protection and is predominantly a problem amongst young men. In response to this gender specific problem a poster campaign was launched aiming to target the stereotype among young men and their peer groups that gun ownership is ‘cool’.

In 2004 in Guatemala a national SALW commission was formed by the president in order to modernise the government’s ability to combat the illicit trade, possession and the use of SALW at the national, regional and international levels. In addition to the Ministries of Defence, Interior and the National Police Force, the Commission includes the Human Rights Ombudsman, Judiciary, relevant parliamentary committees and an International Action on Small Arms (IANSA) member NGO constituted primarily of women. This broad participation has enabled the government to go beyond traditional arms control work to include public awareness-raising activities which also facilitates the involvement of different sectors of society.

Gender is also highly relevant to civil society involvement in the implementation of the PoA. In Brazil a very active disarmament organisation, Viva Rio, has run several successful women-oriented disarmament campaigns, essentially working through women, to target the widespread SALW ownership by men under the slogan “Choose Gun-Free! It’s Your Gun or Me!” This campaign played on gender stereotyping in order to confront the strong gun culture inside the favelas of Rio. It specifically targeted the idea that in order to be a strong man one needs a gun, by getting women to specifically reject any such ‘protection’. Prominent Brazilian models and soap actresses backed the campaign that was designed to encourage women to persuade their husbands, boyfriends and male relatives to give up their weapons. By dissociating gun possession from masculinity, this private effort achieved substantial results in Rio, and in February 2004 the buy-back programme under the same slogan began in Sao Paulo. At the international level the human rights organisation Amnesty International has launched a ‘Stop Violence Against Women Campaign’. This campaign mobilises both women and men to try and counter violence. A key part of this campaign has been to mobilise entire communities and get people to take responsibility for violence against women.

Given the increasing realisation that gender considerations play a key role in the effective implementation of SALW initiatives and control measures and that other UN bodies and Resolutions have already recognised this, it would seem that the PoA is currently lagging behind. In doing so it is, in many ways,

undermining its effectiveness, especially at the implementation level. Gender issues such as masculinity directly feed into the illicit trade of SALW in all its aspects. Not only is gender important in addressing a considerable number of demand issues; it is also important in terms of the effective implementation of weapons collection and destruction projects, amongst other things

3.3.13 CIVILIAN POSSESSION¹³⁹

During the 2001 conference, the issue of controls over civilian possession of SALW, and related domestic trading and manufacture, proved highly contentious. Many states argued in favour of the inclusion of relatively detailed commitments on these areas. However, these elements proved controversial and as a result the final commitment in this area was fairly weak, referring explicitly only to the criminalisation of illegal manufacture, possession, stockpiling, and trade of small arms and light weapons (PoA Section II, Paragraph 3). However, this requirement, in combination with others, implies a commitment to controls on civilian possession including strong standards and procedures to be implemented at a national level. This is recognised by many states, as demonstrated by the fact that in the 2003 BMS the majority of states (69 of 103) reported on their controls over civilian use and trade in SALW.¹⁴⁰

In spite of limited explicit measures within the PoA itself, international attention and progress on this issue has continued in parallel with and in support of the UN Small Arms process. This has occurred through implementation of standards in the UN Firearms Protocol, through regional and sub-regional agreements and through informal initiatives.

The first International Meeting on the Regulation of Civilian Ownership and Use of Small Arms was held in Rio de Janeiro in March 2005. Organised by the Centre for Humanitarian Dialogue with the Government of Brazil and the NGOs Sou da Paz and Viva Rio, the meeting considered the issues of civilian possession and use of small arms in depth. Wide participation (including 17 governments, 21 NGOs, as well as representative from the World Health Organisation, UNDP, World Bank, Nairobi Secretariat, and others) demonstrated continued and strong interest in progressive action on the issues. The meeting sought to highlight the progress made on regulating civilian possession within the context of the global process embodied in the PoA.

Drawing upon the experiences of the numerous states to have reviewed and revised their controls over civilian possession of SALW, and the progress in regional commitments in this area, the experts present at this meeting developed some principles that could form the basis of minimum standards to guide national controls.¹⁴¹ These suggestions were related to:

- restricting civilians from acquiring or possessing small arms designed for military use (though definitions of such weapons remain contentious)
- ownership of small arms should be contingent on obtaining a firearms licence, and licences should be contingent on minimum criteria including: a minimum age; a lack of relevant criminal history; the existence of a legitimate reason to acquire weapons; observance of relevant gun laws; as well as the safe and efficient handling of small arms
- small arms licenses should be time-limited and subject to periodic renewal
- measures allowing removal of small arms from those whose licenses have been revoked or persons unfit to possess firearms

¹³⁹ See also Miller, Derek, and Cukier, Wendy, et-al, *Biting the Bullet Briefing 16: Regulation of Civilian Possession of Small Arms and Light Weapons*, (London, Biting the Bullet, 2003).

¹⁴⁰ Kytomaki, Elli, and Yankey-Wayne, Valerie, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, (Geneva, UNIDIR, 2004), p 40.

¹⁴¹ Chair's Summary of the 'International Meeting on the Regulation of Civilian Ownership and Use of Small Arms' – Rio de Janeiro, March 16-18 2005.

- controls on ammunition sales¹⁴²
- keeping adequate records of civilian-held small arms
- encouraging greater co-ordination of laws and enforcement practices within regions as well as national uniformity
- providing assistance and collaborating for effective implementation of such standards.

Many of these were discussed at the 2001 Conference, but eventually excluded from the PoA. While global level progress has been limited, meetings such as this one show both considerable interest and substantial and robust common ground on many areas of policy. This is further reinforced by the development and implementation of strengthened and harmonised standards at the regional level, and enhanced controls and enforcement at the national level.

Regional Level Progress

Experience indicates that within regions, significant disparities in the nature of domestic firearms regulations of neighbours can significantly contribute to illicit trafficking in SALW. Thus many regional agreements contain commitments to harmonise these regulations and to do so at a relatively strong level. Several regional agreements contain significantly specific commitments on regulation of civilian possession, trade, and manufacturing.

In the Americas, the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, agreed in June 2003, highlighted the importance of controls over civilian possession, recommending that countries “Prepare and implement, as appropriate, domestic programmes for...the adoption of appropriate national rules or regulations for improving and reinforcing laws that regulate the legal possession by civilians of firearms, ammunition, explosives and other related materials”.¹⁴³

In the Pacific, the Model Weapons Control Bill, developed within the Nadi Framework, was endorsed at the Pacific Islands Forum (PIF) meeting in August 2003. States have begun implementing its provisions, but much progress is still required. The Nadi Framework process emphasises harmonisation of regulations and good basic standards therein.

In Africa, the Nairobi Protocol, agreed in April 2004, broke new ground on the issue. The 11 Nairobi Protocol States have undertaken a range of commitments in relation to their laws and procedures on civilian possession that combine to form a high common standard. Provisions related to civilian possession include:

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

¹⁴² “Small arms ammunition sales should be restricted to those with a valid firearms license, and only for ammunition suitable for the type of gun specified on the license as well as limitation on the number of rounds of ammunition allowed.”

¹⁴³ <http://www.comunidadandina.org/ingles/treaties/dec/D552e.htm>

The SADC Protocol, one of the first sub-regional agreements to contain commitments to harmonise domestic regulations on SALW, entered into force in November 2004. The protocol seeks to standardise legislation on the private ownership of guns in the region.

National implementation and improvement

The regulation of civilian possession of SALW, and of the associated trade, manufacturing and stockpiling of SALW and ammunition, will remain an issue for national control and implementation. In line with rudimentary commitments in the PoA to criminalise illegal possession, manufacturing, trade and stockpiling of SALW (Section II, Para 3):

- 133 states have laws and procedures criminalising the illicit possession of SALW
- 117 states have laws and procedures criminalising the illicit trade in SALW
- 110 states have laws and procedures criminalising the illicit manufacturing of SALW
- 34 states have laws and procedures criminalising the illicit stockpiling of SALW.¹⁴⁴

Reflecting the importance attached to these issues by many states, at least 47 states have reviewed their laws and procedures on civilian possession since 2001.

Many of these changes have increased the stringency of their laws:

- **Some states have attempted to go 'gun free'.** Brazil's 2003 Disarmament Statute calls for a national referendum in October 2005 to test the question of whether or not to ban all civilian gun sales. In May 2005, Cambodia passed the Arms Law, which is expected to introduce very tough licensing procedures for private gun ownership within which self-defence and many sporting activities will not be considered legitimate reasons for gun ownership. Jordan has also banned firearm possession in certain regions of the country.
- **Some states have restricted civilian ownership of certain weapons.** Germany banned pump action weapons in 2002, the UK banned certain non-powder weapons in 2003.
- **Some states have limited the number of guns that can be purchased or possessed.** Since July 2004, South Africa has limited the number of firearms that can be possessed. In 2005, El Salvador limited the number of firearm purchases possible each year.
- **Some states have developed more robust requirements and systems for registration and record-keeping,** such as Brazil in 2003, Honduras, Uganda, Hungary, and Nicaragua.
- **Some states have tightened the conditions for obtaining a firearms license.** For instance, since 2002 Germany has required a medical and a psychological exam before a licence is granted. South Africa's Firearms Control Act, which came into effect in July 2004 strengthened the criteria for obtaining a license and added a regular renewal requirement.
- **Some states have increased the minimum age for obtaining a firearm license.** In Germany since 2002 the minimum age has been 21, whilst in Brazil since 2003 the minimum age has been 25.
- **Many states have prohibited the carrying of firearms in certain areas.** In 2003, the Philippines banned carrying guns in public, as did Montenegro in 2004. In 2003, Brazil prohibited carrying firearms in public except in certain limited cases. In 2002, Yemen banned the carrying of guns in all city streets. South Africa declared certain public areas (such as schools, places of worship, bars, etc) as Firearm Free Zones. In 2005, El Salvador banned the carrying of guns on public transport and in certain bars. Bulgaria amended its firearm carrying laws in 2002, Nicaragua in 2004.
- **Some states have increased penalties for violations of firearms laws.** These include Australia in 2002, Brazil and the UK in 2003, South Africa in 2004.

¹⁴⁴ Illicit stockpiling does not appear to be well understood or taken to be a priority by states. While many laws on civilian possession include limits on the number and type of arms that may be possessed, and some domestic regulations include storage requirements (particularly for manufacturers and dealers), there are no common understandings of what illicit stockpiling relates to. In many cases states and civil society report that illicit stockpiling is criminalised, in line with the PoA, because the law contains provisions on possession.

While in a few states the laws have become weaker:

- **Uruguay** reduced age limits from 21 to 18,
- In the **USA**, the Violent Crime Control and Law Enforcement Act of 1994 was allowed to lapse and was not renewed in 2004. The Act had imposed a 10 year ban on the “manufacture, transfer, and possession” of certain semi-automatic firearms which had features that appear useful in military and criminal activities but are unnecessary in shooting sports or self-defence. Since 2001, a number of states have introduced laws which make it easier to acquire handguns for self protection. The Federal Government has also passed legislation preventing firearm manufacturers from being sued.
- **Canada** revised its legislation in 2004 to relax the standards for renewing firearms licenses in order to reduce costs. The period for renewal was extended from 5 years to up to 9 years and the requirement of two references and a photo guarantor for the renewal of licenses was eliminated.

Overall, the continued and growing vibrancy of global interest in standards for the regulation of civilian possession is reflected in regional agreements and national legislation changes. Thus there is considerable scope, and sufficient foundation and interest, at the global level, for the development and promotion of good practice and standards on national controls of the civilian possession, manufacturing, and trade in SALW.

3.3.14 STATE MISUSE OF SALW

Although state misuse of SALW was not addressed by the PoA, it is nevertheless an important and extremely relevant issue for states to consider within the context of the UN small arms process. The misuse of small arms by government security forces is a major source of human rights violations and an important factor in driving the demand for SALW on the part of civilians and other non-state actors, and consequently in fuelling the illicit trade. Moreover, if a state transfers arms knowing that there is a risk that they will be used to commit breaches of international human rights standards and international humanitarian law, according to articles of international law the transferring state is considered complicit in these acts.¹⁴⁵ At the same time, the global proliferation of SALW means that police and other law enforcement agencies are under ever-increasing pressure to deal with rising levels of gun-related violence. There is little doubt that law enforcement officials around the world do a difficult and dangerous job, many putting their lives at risk on a daily basis. However, in some countries law enforcement agencies lack the requisite training and skills to enable them to deal with threatening situations in a proportionate, yet effective, manner.¹⁴⁶

Internationally agreed standards

Nonetheless, states have a responsibility to use SALW in accordance with internationally agreed standards. These include the UN Code of Conduct for Law Enforcement Officials (1979), the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989). These agreements variously require law enforcement officials to “use force only when strictly necessary and to the extent required for the performance of their duty”;¹⁴⁷ require that “intentional

¹⁴⁵ The principle is stated in Article 16 of the UN International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, adopted in 2001 (General Assembly Resolution A/RES/56/83 of 12 December 2001) in terms which reflect customary international law binding on all states as follows: “A state which aids or assists another state in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: a) that state does so with knowledge of the circumstances of the internationally wrongful act; and b) the act would be internationally wrongful if committed by that state”.

¹⁴⁶ Guns and Policing: standards to prevent misuse, Control Arms, February 2004, p2.

¹⁴⁷ Code of Conduct for Law Enforcement Officials, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), Article 3.

lethal use of firearms may only be made when strictly unavoidable in order to protect life¹⁴⁸; and state that “exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of [extra-legal, arbitrary and summary executions] such acts”¹⁴⁹. Although not legally binding, these agreements are applicable to all states and represent global agreement by states on the application of international human rights principles in law enforcement operations.¹⁵⁰

However, states do not always adhere strictly to their responsibilities in this respect. For example, according to Amnesty International, media reports of police killings in Jamaica in 2001 and 2002 indicated that 68 people were killed in 47 incidents. Whilst the police reported that they were fired upon first in 44 of the cases, only in six of these were officers hit by gunfire, and none were killed.¹⁵¹ In Nepal, where the conflict between Maoist insurgents and the Nepalese government has resulted in more than 11,000 deaths over the past decade a senior superintendent of police admitted to Amnesty International in 2002 that Nepalese security forces deliberately kill those they describe as Maoists since the terrain and lack of detention facilities make it difficult to take those wounded or captured to hospital or prison.¹⁵² Most recently the problem of SALW misuse by government forces has been highlighted in the context of the worsening situation in Uzbekistan. Media reports have alleged that Uzbek government forces shot dead hundreds of men, women and children when they opened fire at unarmed demonstrators in the eastern town of Andijan on 13 May 2005.¹⁵³

Despite such cases, progress is being made in a number of countries on implementing international standards on human rights in the context of law enforcement. In countries such as Kenya and Malawi, where police forces have in the past been criticised for not respecting human rights, programmes are underway which combine community-based policing with efficient systems for intelligence gathering, crime prevention and supervision and these have had a positive impact on the relationship between the police and local communities and on levels of gun-related crimes.

Conclusion

The relationship between state misuse of SALW and the illicit trade in SALW warrants an in-depth discussion of the issue within the UN SALW Conference process. Continuing reports of state misuse of SALW mean that states should take the opportunity of the 2005 BMS and 2006 Review Conference to reaffirm their commitment to agreed international standards with regard to the use of SALW in law enforcement operations. Security sector reform programmes are often key to ensuring that state forces uphold international standards and these should be embedded, where appropriate, in international SALW assistance programmes. Further, there is considerable international consensus that, when making decisions on licensing transfers of SALW, states take full account of a recipient’s record in upholding international standards for the use of SALW in law enforcement. In this regard states should refuse SALW transfers if the weapons are likely to be used to violate international human rights standards.

¹⁴⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Point 9, Special Provisions.

¹⁴⁹ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, Point 1.

¹⁵⁰ Control Arms, *Ibid*, p 7.

¹⁵¹ Control Arms *Ibid*, p14.

¹⁵² Control Arms, *Ibid*, p20.

¹⁵³ See for example “Uzbek activists held in new sweep” BBC news, 30 May 2005, <http://news.bbc.co.uk/1/hi/world/asia-pacific/4593239.stm>

3.3.15 RESTRICTING TRANSFERS TO NON-STATE ACTORS

Background

In recent years, the issue of SALW transfers to non-state actors (NSA) has been one of the most controversial and hotly debated subjects in the international arms control arena. Much of the debate has centred upon the issues and implications arising from the possible transfer of small arms to rebel groups and terrorist organisations, however defined. In 2001 discussions of controlling transfers to NSA proved highly emotive. A small number of states, led by the US, refused to accept the inclusion in the PoA of a ban on such transfers, despite strenuous counter-arguments, particularly on the part of members of the Africa Group. The issue proved so intractable that it threatened, at the eleventh hour, to derail the entire Conference process and outcomes; however those favouring a ban relented so as to avoid the Conference ending in failure. Unfortunately the absence of a consensus on the issue, has created one of the major gaps within the PoA.

It is important to note that a wide-range of non-state actors may seek to acquire and use SALW. The fact that many of these actors may acquire SALW legitimately was an important aspect of opposition to commitments on NSA in the PoA. However, the flow of SALW to rebel groups, terrorist organisations, and similar NSA remains an urgent concern for the international community.

Strictly speaking any transfers of arms to any non-state actor should be authorised by the exporting government and the government of the territory where that non-state actor is based. Failure to secure such authorisation could mean that the supplier government is guilty of interfering in the internal affairs of another state. The focus of the international debate has thus primarily centred upon the possible supply of arms to entities that are not authorised by their national government as legitimate recipients of SALW. Such non-state actors continue to be involved in a range of undesirable activities from organised criminal activity, terrorist activity, the destabilisation of a country or region and the prolonging of armed conflict in different parts of the world. The threat to human security posed by such NSA has long been a major source of concern for the international community. How to control and halt flows of arms to those actors remains a serious issue for the international community.

Recent international debates

Since the UN Conference there has been only limited international progress on the NSA issue. The area where most progress has been cemented relates to preventing the transfer of SALW to one particular category of NSA – terrorist groups.

Following the terrorist attacks against the United States on the 11 September 2001, the UN Security Council passed Resolution 1373 which poses uniform and mandatory counter-terrorism obligations on states, necessitating that they take all possible measures to prevent the functioning of, or provision of support for, terrorist groups, including eliminating the supply of weapons to them. In order to implement Resolution 1373 the Security Council established the Counter-Terrorism Committee (CTC) which monitors and supports member states' implementation of the Resolution. The specific prohibition on providing weapons to terrorists is an important development that will become especially significant if the UN adopts a definition of terrorism as has been proposed.¹⁵⁴

Beyond this, the UN Secretary General's High Level Panel Report – A More Secure World: Our Shared Responsibility¹⁵⁵ – whilst not referring in explicit terms to the need to control unauthorised transfers of

¹⁵⁴ <http://www.un.org/Docs/sc/committees/1373/priorities.html>

¹⁵⁵ <http://www.un.org/secureworld/>

SALW to NSA nevertheless addresses a series of related issues and makes a number of recommendations which could have an impact on the NSA issue.

These recent UN initiatives propose measures which, if sufficient resources and political will can be mustered, could have a material impact on the unauthorised provision of SALW to NSA. However they do not address the lack of a coherent international approach to the issue of unauthorised transfers of SALW to all types of NSA. A number of recent UN arms embargoes have specifically targeted NSA – including the Revolutionary United Front in Sierra Leone¹⁵⁶, UNITA in Angola¹⁵⁷ and all non-government groups in the DRC¹⁵⁸. However this represents a piecemeal approach by the international community and the lack of international norms and standards continues to create a permissive environment for SALW transfers to a variety of non-state groups.

The Consultative Group Process

The only international process which fully addresses all aspects of the issue of SALW transfers to NSA is the Consultative Group Process led by the Biting the Bullet Project. A series of international meetings have been held in various regions of the world in order to explore fully all aspects of regulating transfers of SALW to NSA. Although an informal NGO-led international process, the Consultative Group has had the support and involvement of several dozen governments from around the world. At the most recent meeting in Rio de Janeiro, Brazil participants from Latin America and elsewhere debated the subject at length and concluded that whilst a ban on unauthorised transfers of SALW to NSA would represent by far and away the best form of agreement, some way should be found of bringing states that do not support a ban into an international control regime. Such a regime could include any state wishing to conduct an unauthorised transfer announcing their intention to the UN Security Council and allowing full debate of the merits and demerits of such a course of action. In addition, it was also suggested that an extremely strict set of criteria – based in international law – should govern such transfers and that any state wishing to take such a course of action should commit to collecting any SALW transferred post-conflict. Consultative Group Process participants felt that by establishing these very high standards of transparency and control states would be persuaded against carrying out such unauthorised transfers.

3.3.16 MANPADS

The proliferation of Man-Portable Air Defence Systems (MANPADS)¹⁵⁹ has been of increasing concern to the international community, especially since the failed attack on an Israeli passenger aircraft flying out of Mombasa in November 2002 highlighted the threat posed to civilian aviation. Although MANPADS are a specific sub-category of light weapons, in a number of international forums they are being dealt with separately from broader SALW issues. This reflects the particular concerns that are being attached to the proliferation of MANPADS, particularly in relation to their possible acquisition by non-state and terrorist groups. This level of political attention brings opportunities and challenges for action on wider SALW issues.

The production of MANPADS is currently limited to a small number of manufacturers but the number of companies and countries manufacturing them has increased since the 1980s. At present, at least 15 companies and consortia produce MANPADS in more than 15 countries. It is estimated that the number of complete systems in existence is in the region of 100,000.¹⁶⁰ Many of the approximately 105 states

¹⁵⁶ UNSCR 1171, 5 June 1998

¹⁵⁷ UNSCR 864, 15 September 1993

¹⁵⁸ UNSCR 1596, 18 April 2005

¹⁵⁹ The 2003 Wassenaar Document defines MANPADS as:

a) surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
b) other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals (Wassenaar, 2003, §1.1).

¹⁶⁰ The higher estimates of 500,000 suggested by some studies refer to the number of missiles only. For further information on the statistics in this paragraph see Small Arms Survey (SAS) Yearbook 2004, Chapter 3

that stockpile MANPADS, experience problems with stockpile security as is evidenced by recent high-profile cases in Russia. At least 13 non-state groups possess MANPADS, some of which are considered to be terrorist organisations, although their ability to use them effectively remains in question. It is estimated that of the approximately 1,000 Stinger missiles transferred to the Afghan mujahedin by the US Central Intelligence Agency in the mid-1980s, between 200 and 600 were never returned to the United States. Between 16 and 30 were illicitly transferred to Iran, and the rest appear to be still at large, though they may have become unserviceable. In November 2004, US Intelligence Agencies increased their official estimate of MANPADS believed to be at large worldwide, from 2,000 to 6,000, after determining that at least 4,000 of the weapons from Iraq's pre-war arsenals cannot be accounted for.¹⁶¹

Multilateral initiatives for the control of MANPADS

To date, most efforts to control MANPADS have focused on preventing their spread by tightening export controls and disposing of surplus stocks, and on retrieving systems outside of government control. International efforts to address either of these two issues prior to mid-2003 were sparse; the most notable being the US government initiative that established bilateral regulations attaching rigorous controls over any MANPADS purchased from the US.

Since then though, MANPADS have become the most urgent political priority in SALW control for the international community. At the 2003 Plenary of the Wassenaar Arrangement (WA), the member states recognised “the threats posed by unauthorised proliferation and use of MANPADS, especially to civil aviation, peace-keeping, crisis management and anti-terrorist operations”, and committed to apply strict national controls on the export of MANPADS.¹⁶² The agreed ‘Elements for Export Controls of MANPADS’ set out the principles to guide decisions on MANPADS exports. These state that only exports to governments are to be permitted, that each transfer should be subject to an individual licensing decision, and that non-governmental brokers should not be used. Exporting governments are to report transfers as part of WA’s Information Exchange reporting requirements and share information regarding non-state actors that are or may be attempting to acquire MANPADS. State parties will also share information regarding governments that are proven to fail to meet the export control guarantees specified in the document. These include the potential for diversion or misuse in the recipient country, the recipient government’s ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion, as well as the adequacy and effectiveness of the physical security arrangements. The document specifies criteria the recipient government’s national procedures should satisfy before exports can be permitted, such as prudent stockpile management practices that include secure disposal or destruction of surplus stocks. Participating States are also to assist recipient governments not capable of executing prudent control over MANPADS in the disposal of excess stockpiles, including buying back previously exported weapons. Recipient governments are to guarantee not to re-export MANPADS without prior consent of the exporting government. Participating states also commit to ensure that infringement of MANPADS export control legislation is subject to adequate criminal sanctions.

At the Evian Summit in June 2003, the G8 countries also expressed concern about the increasing number of MANPADS in world-wide circulation. The G8 committed to reduce their proliferation and called on all countries to strengthen control of their MANPADS stockpiles. The Group undertook to promote the application of the principles defined in the Wassenaar Arrangement’s “Elements for Export Controls of MANPADS” by a larger number of states. Within the framework of the G8 Action Plan to Enhance Transport Security and Control of MANPADS, the Group agreed to implement steps:

¹⁶¹ ‘US triples its estimate of missing missiles’, By Douglas Jehl and David E. Sanger, The New York Times, Monday, November 8, 2004

¹⁶² www.wassenaar.org/2003Plenary/MANPADS_2003.htm

- to provide assistance and technical expertise for the collection, secure stockpile management, and destruction of MANPADS surplus to national security requirements
- to adopt strict national export controls on MANPADS and their essential components
- to ensure strong national regulation of production, transfer, and brokering
- to ban transfers of MANPADS to non-state end-users: MANPADS should only be exported to foreign governments or to agents authorized by a government
- to exchange information on un-cooperative countries and entities
- to examine the feasibility of development for new MANPADS of specific technical performance or launch control features that preclude their unauthorised use
- to encourage action in the International Civil Aviation Organization (ICAO) Aviation Security (AVSEC) Working Group on MANPADS.¹⁶³

The G8 states have also agreed to exchange information on national measures related to the implementation of these steps.

Throughout 2003, Russia took the lead on an agreement between 11 members of the Commonwealth of Independent States (CIS) (all members with the exception of Turkmenistan) to provide notification amongst the group of states on MANPADS transfers. In October 2003, an initiative at an Asia-Pacific Economic Co-operation meeting in Bangkok resulted in a non-binding pledge to strengthen national control on the production, export and stockpiling of MANPADS. This involved China, who is an important MANPADS producer, for the first time in an international process to control MANPADS. On 8 December 2003, the UN General Assembly approved a resolution expanding the Register of Conventional Arms, adding MANPADS to Category VII ('Missiles and Missile Launchers') of the Register. This should enhance transparency in future MANPADS transfers, though it does not apply to stockpiled MANPADS.¹⁶⁴

The need to address the proliferation of MANPADS was also addressed by the OSCE. In May 2004, the OSCE Forum for Security Co-operation (FSC) incorporated principles developed under the Wassenaar Arrangement in the 'OSCE Principles for Export Control of MANPADS'. The member states will report transfers of MANPADS according to OSCE's SALW Information Exchange requirements.¹⁶⁵

Bilateral and national initiatives for the control of MANPADS

There have also been a number of bilateral and national initiatives to control MANPADS, such as the following:

- In February 2005, the Russian Defence Minister Sergey Ivanov and the US Secretary of State Condoleezza Rice signed the United States-Russia Arrangement on Co-operation in Enhancing Control of Man-Portable Air Defence Systems. The Arrangement provides a bilateral framework for co-operation on the destruction of surplus or obsolete MANPADS as well as for information sharing about MANPADS transfers to third countries.
- On 31 March 2004, the Cambodian army destroyed its entire stock of 233 MANPADS with the assistance of the US Government.
- In May 2004, Nicaragua announced it destroyed a portion of its MANPADS stocks (333 missiles). Nicaragua reportedly has some 2,000 surface-to-air weapons which were obtained from the Soviet Union in the 1980s during the Cold War.

¹⁶³ Evian Summit: A G8 Action Plan - MANPADS

¹⁶⁴ c.f. SAS Yearbook 2004, Chapter 3

¹⁶⁵ OSCE Press release, 26 May 2004 – OSCE States agree to tighten controls over export of shoulder-fired missiles; www.osce.org/item/8314.html

- In February 2005, a NATO Partnership for Peace Trust Fund project was established to help Ukraine destroy stockpiles of surplus ammunition and SALW, including MANPADS.¹⁶⁶
- Though most of the international efforts to date have not dealt with MANPADS that are already beyond state control, an example of an initiative to retrieve illicit MANPADS is the training provided by the Bangkok police in October 2003 to around 5,000 taxi drivers who were shown a missile system and what it looked like when stored in a golf bag. The move followed reports that the Thai police were looking for six contraband MANPADS smuggled into Thailand from Cambodia.¹⁶⁷

Conclusion

The progress made in tackling the spread of MANPADS is encouraging because it highlights what is possible when there is significant political will to address a problem. There is a concern though that this focus on a comparatively small part of the SALW issue may draw political attention and resources away from other equally important parts of the problem. It is clear in many countries in Eastern Europe for example that the destruction of MANPADS is prioritised by many donors above other kinds of weaponry. However, the availability of other types of SALW kills many more people than MANPADS do each year.

One of the opportunities now for the international community is to extend the tighter new controls and increased resources focused on MANPADS to cover all types of SALW. For example, one of the principal areas of agreement amongst states regarding the issue of MANPADS is that these systems should not be transferred to Non-State Actors (NSA). The emerging consensus on MANPADS could open the door for such an agreement at the 2006 Review Conference.

3.3.17 INTERNATIONAL CO-OPERATION AND ASSISTANCE

International assistance is an essential element of efforts to implement the PoA, and commitments to provide such assistance form a key part of Section III of the PoA. Even before July 2001, a number of donors were providing important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. The key challenge for the PoA is to enhance the scale and effectiveness of such international assistance.

This section briefly reviews and illustrates the range and scale of international co-operation and assistance programmes and projects that have been developed and implemented in recent years, including the policies and programmes of significant donors. It then examines some trends and emerging issues/conclusions.

DONORS AND ASSISTANCE PROGRAMMES

Bilateral Assistance

As noted in section 3.1, at least 22 states have provided some form of bilateral assistance to SALW-related projects since 2001. These include: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Ireland, Japan, Lithuania, Netherlands, New Zealand, Norway, Pakistan, South Africa, Sweden, Switzerland, Thailand, UK, and USA. Most of these have provided only quite modest aid, in resource terms, and in a limited number of areas. However, there are some with relatively substantial SALW programmes, adding up to the equivalent of millions of US dollars per year. These include: Australia, Germany, Japan, Netherlands, Norway, Sweden, Switzerland, the UK and USA.

¹⁶⁶ The project, which responds to Ukraine's request for assistance in eliminating 133,000 tonnes of munitions and 1.5 million small arms and light weapons, is the largest single demilitarisation effort in the world. 'NATO/PfP Trust Fund project to destroy surplus weapons and ammunition in Ukraine', 21 February 2005 <http://www.asd-network.com/NewsPress.asp?ID=2989>

¹⁶⁷ Small Arms Survey Yearbook 2004, Chapter 3

As will be noted, most of these are OECD countries and long-established members of the so-called 'donor' community. However, some are not. For example, Pakistan provided specific assistance to Afghanistan, relating to disarmament of ex-combatants. Countries like South Africa and Thailand are emerging as significant contributors to their neighbours. In fact, the number of developing and transitional states that are assisting neighbours in some way is probably greater than indicated by our tables: they simply do not yet report it as bilateral aid. In practice, there is great scope for developing, or severely affected, countries to provide assistance to others in a similar situation, not least because they have intimate knowledge of many of the challenges.

For the purposes of illustration, the following paragraphs briefly outline elements of three bilateral SALW aid programmes. Fuller details of bilateral aid in this area are available, for example, in the National Reports of PoA implementation.

Australia is a substantial donor of assistance relating to SALW. However, due to its focus, closely coordinated with New Zealand, on aid to the Pacific region and South East Asia, it has contributed substantially to efforts to implement the PoA in those regions (see section 3.2.6 of this Report). In recent years, it has provided aid in relation to: the development of law and regulations; weapons collection and destruction; DDR; stockpile management; capacity building; public awareness campaigns; policy research; and trans-border co-operation to prevent or combat illicit trafficking. Thus, promoting SALW stockpile management and security has been a priority. Australia provided seven new armouries in Papua New Guinea, costing US\$ 2.3 million, and has provided similar support in Vanuatu, Samoa, and Fiji. The Australian Defence Force supported destruction of surplus SALW and crime guns in Papua New Guinea and Samoa. Australia and New Zealand have worked closely together to support the development and implementation of the Nadi Framework in the region.

The Netherlands established a special fund of some 2.27 million EURO annually for SALW-projects. For example, in 2003 it supported: UNDP SEESAC Clearing House; UNLiRec programme on Firearms Ammunition and Explosives in Latin America and the Caribbean; SALW destruction in Serbia and Montenegro and Albania (through NATO's NAMSA programme) and in Afghanistan; SaferAfrica's work to support regional co-operation on SALW issues in Africa; and Viva Rio's small arms projects in Rio de Janeiro. In addition, it has also funded additional SALW programmes through its Peace Fund, its Programme for the Support of Foreign Policy and other budget lines, including programmes in many countries, including the Great Lakes Region, and also the Small Arms Survey and the Biting the Bullet Project. The Netherlands also funds SALW-projects indirectly through the EU and NATO/EAPC, and supports measures to strengthen export controls through other programmes.

The U.S.A. provides technical assistance and funds relating to most of the PoA commitments. These are generally distributed across a large number of separate and specific budget lines and programmes, each relatively substantial but also quite highly targeted and constrained. For example, recently the USA has provided a wide range of export control assistance to over 30 countries, mostly in Central/Eastern Europe, Eurasia, and Asia. This ranges from development of licensing systems, transfer control and brokering laws, border control measures to provision of enforcement equipments such as x-ray machines and inspection tools. Through its Alcohol, Tobacco and Firearms (ATF) agency, it supports firearms marking, record-keeping and tracing co-operation. From 2001 – 2004, the USA provided a total of US\$9.25 to support destruction of surplus and illicit stocks of SALW in more than 13 countries. Through the Department of Defence, a substantial programme of support through technical briefings and assessment teams has been made available internationally on stockpile management and security issues.

The United Kingdom pledged £19.5 million from 2001 – 2004 for UN agencies, regional organisations, governments and NGOs to implement the PoA. This has been managed through the Global Conflict Prevention Pool mechanism of the UK Foreign and Commonwealth Office, the Department of International

Development (DFID) and the Ministry of Defence. This has facilitated a relatively co-ordinated and integrated approach to aid in this area. Assistance has been provided across most of the thematic issues covered by the PoA. It has been provided, for example, to: UNDP, UNLiRec, SEESAC, the Nairobi Secretariat, ECOWAS, OSCE, SADC, numerous countries in central and eastern Europe, national action plans and SALW commissions in Tanzania, Uganda and Kenya, and to numerous civil society groups, including IANSA, Small Arms Survey, Geneva Forum, SaferAfrica, and also Biting the Bullet, International Alert, Saferworld and the University of Bradford. Separately, the UK has a substantial Export Control Outreach Programme, which has held recently has held detailed bilateral discussions with developing or transitional SALW exporting states. The UK has further, for example, supported the Transfer Control Initiative (see Section 3.3.3).

Multilateral or regional organisation aid

A number of countries also provide resources to enable multilateral or regional organisations to develop substantial international assistance programmes in this area. Amongst the most significant examples are: UNDP, UN DDA and UN Regional Centres, OSCE, NATO, and the Stability Pact. The EU/EC is another important example, but in some ways it is unique, for example because EU structures involve the regular and reliable resourcing of EC budgets for this purpose, rather than the ad hoc support on which most other regional and international bodies depend in this context.

Some examples of substantial international assistance programmes on SALW issues by regional and international organisations are given below.

UNDP: The UNDP became involved in SALW issues before the PoA was agreed. It has now developed a wide range of assistance programmes on a variety of aspects of implementation of the PoA. Through its Small Arms Trust Fund it has conducted country projects in, for example: Albania, El Salvador, Haiti, Honduras, Kenya, Kosovo, Macedonia, Niger, Papua New Guinea, republic of Congo, Republic of Somalia, Sierra Leone, and the Solomon Islands. It also supports regional projects in Central America, the Great Lakes Region of Africa, and South East Europe (SEESAC). The UNDP has provided some support to a wider group of countries, for example by contributing assistance to countries in preparing their national Reports on PoA implementation. These are supported by the Small Arms and Demobilisation Unit based in Geneva.

These UNDP programmes have been reviewed periodically, and have accumulated a depth and spread of expertise and activity that clearly establishes the UNDP has one of the leading international assistance agencies in this issue area. Its programmes now range over virtually all areas addressed by the PoA, including: support for disarmament and weapons collection and destruction programmes; strengthening legal and administrative controls over weapons; conducting national surveys, and security sector reform.

UNDP-Stability Pact: The UNDP and Stability Pact established SEESAC around the same time as the PoA was established. This is a regional Clearing House to promote and facilitate reduction and control of SALW in South Eastern Europe, and to provide, support and channelled assistance to a range of projects in South East Europe, including: assistance to National Commissions; SALW legislation (both domestic and export controls); border control workshops; weapons destruction; safe storage of weapons and explosives; weapons collection; awareness raising and research.¹⁶⁸ SEESAC has emerged as a leading centre for developing detailed good practice standards for the range of different programmes and systems involved in controlling or reducing SALW.

UN DDA: Since 2001 the UN Department for Disarmament Affairs has periodically responded to requests from governments to provide technical or substantive support in the implementation of the PoA. It is not

¹⁶⁸ SEESAC, Bi-Annual Progress Report: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons: 8th May to 31st December 2002.

established primarily as an assistance agency, and thus normally depends on partnerships and ad hoc arrangements in order to respond to such requests. Nevertheless, it plays a useful role, particularly in promoting some precedent-setting initiatives in the early years of the PoA. Countries it has helped in this way include: Papua New Guinea, Kenya, Argentina, Cambodia and Sri Lanka.

Additionally, UN DDA and UNDP have jointly developed assistance tools for states reporting on the PoA. Following requests from governments, two packages of assistance tools were developed in order to build states' capacity to report on their implementation of the PoA.¹⁶⁹ Such reports are submitted to the UN DDA and are available on their website.

UN Regional Centres: Each of the UN Regional Centres for Peace and Disarmament have undertaken at least some projects related to SALW and implementation of the PoA. Of these, the UN Regional Centre for Peace Disarmament and Development in Latin America, (UNLiRec) based in Lima, and the UN Regional Centre for Peace Disarmament and Development in Africa (UNRec), based in Togo, have perhaps been most active. Broadly the areas of implementation assisted by the Regional Centres have included: the creation of Clearing House programmes; supporting conferences and workshops; assistance for weapons destruction; capacity building and training of officials; and assistance to NGOs. For example, UNLiRec has been active in assisting states to review their stockpiles, to destroy surplus weapons and upgrade stockpile facilities, to co-operate in preventing and combating illicit arms trafficking, and to co-operate on tracing illicit firearms. Programmes of the UN Regional Centre in Africa have included the Small Arms Transparency and Control Regime in Africa (SATCRA), which aims to promote methods for marking and tracing, harmonisation of legislation, information-exchange and monitoring, and stockpile management.

The European Union: Through the EU Joint Action on small arms, funded under the CFSP budget, the European Commission has provided assistance to: Cambodia (EU-ASAC); UNLiREC; UNDP-SEESAC; UNDP Projects in Albania; and four projects for weapons collection and DDR in Tanzania, Ivory Coast, Liberia and Sierra Leone.¹⁷⁰ Assistance is provided within this framework totalling US\$ 3 – 4 million per year.

Much of the aid provided through the EU Joint Action has thus been for joint projects, channelled for example through UNDP/SEESAC or UNLiRec. However, it also has important aid projects of its own. Perhaps the most important of these is the EU-ASAC assistance programme to Cambodia. Established in 2000, this has been a precedent-setting programme, not only for the scale and timescale of the project, but above all because of the relatively comprehensive design and the flexibility provided by its structure for the programme manager to take opportunities as they arise and develop the profile and approach of the programme accordingly over time. The EU-ASAC programme has encompassed a range of activities including assistance with: national weapons collection; local and regional 'weapons for development' schemes; weapons destruction; registration and secure storage of arms (of the military and police); public-awareness campaigns; and the drafting and introduction of laws and regulations to enhance controls on SALW and other arms.

OSCE: The OSCE has conducted a number of training workshops in Central Asia, and has also conducted a programme to promote effective border control management to combat and prevent small arms trafficking in this region. It has carried out a range of programmes to encourage weapons collections in Georgia, and to support destruction of surplus weapons and ammunition in Georgia. It has also conducted multi-ethnic police training in Serbia and Montenegro. Following the development of the OSCE Best Practice Guides covering a range of key issues under the PoA, the OSCE has provided an important framework for disseminating and promoting use of these guidelines, particularly in Eastern Europe, the Balkans, Caucasus, and Central Asia.

¹⁶⁹ <http://www.undp.org/erd/smallarms/PoA.htm>

¹⁷⁰ For details see Fourth Annual Report on the implementation of the EU Joint Action, (2004/14073/04).

NATO: Through the Partnership for Peace, NATO assistance has focused on three areas of action: general training, stockpile management, and weapons destruction. Tailor-made projects are established with specific Trust Funds. Thus NATO has provided assistance for the destruction of weapons in Albania, Moldova and Georgia. It has also assisted in defence reform projects in Ukraine and, with the Stability Pact, in South Eastern Europe. Operations by NATO forces in Macedonia included support for weapons hand-in and destruction; and in, Kosovo, Bosnia and Herzegovina, and Afghanistan for weapons searches and DDR.

Emerging issues and themes

This review and examination of the development and implementation of international assistance programmes relating to SALW since 2001 has identified a number of emerging issues and themes, which are briefly outlined in the following paragraphs.

The scope and foci of SALW aid programmes. From the late 1990s to 2001, the range of types of SALW programmes assisted by donors was worryingly narrow. The few donor countries and agencies that were involved tended to support only voluntary weapons collection, weapons destruction, public-awareness campaigns, arms export control systems, and workshops. These were perceived to have posed relatively low political risks for the donors. Support, for example, for arms stockpile management was relatively neglected, and there was reluctance to engage directly with armed forces or other government security forces, which were seen to be the sphere for defence co-operation programmes. Moreover, donors tended to herd around a few high profile countries and support relatively short-term single-issue projects.

During the four years since 2001, the situation has significantly improved in these respects. Overall, donors are supporting a much wider range of types of programmes, and engagement with key areas such as stockpile management and security or border controls has increased, as has engagement with the militaries and other security sector agencies that are generally key actors in severely affected countries. Assistance has been made available for a much wider range of countries, and for more long-lasting and comprehensive programmes (such as the EU-ASAC Programme in Cambodia, outlined above).

Nevertheless, the earlier problems still exist. Donors still tend to cluster around quite narrowly conceived projects in a few 'politically safe' issue areas and countries. Although several de-facto multi-dimensional programmes have now in practice been running for several years (such as in Albania, Cambodia, El Salvador, and Sierra Leone), programme managers have often had to triumph over stop-start short-term funding from multiple donors, each with their own complex disbursement and reporting requirements, and who are able or willing to allow their resources to be used in only one or two aspects of the programme.

In recent years, increased international support has been made available to countries to systematically develop their own comprehensive national SALW strategies and action programmes, and the associated national institutions and partnerships that are required. SALW assistance programmes for Uganda, Kenya and Tanzania, are good examples of these. In these, a combination of donors have joined to help the recipient governments to establish national action plans and National SALW Commissions with appropriate membership, and to conduct detailed 'mapping studies' and public consultations to build wide awareness and support and to ensure the strategy properly addresses the real problems and priorities of the countries concerned (see Section 3.2.1 of this report, particularly the Kenya case study and Uganda snapshot).

These types of programmes invest in sustainable and comprehensive programmes 'owned' by the government and people of the countries concerned. As experience in this area has grown, it has become increasingly apparent how important are mapping studies, extensive consultation processes, and surveys.

Very recent detailed surveys of public perceptions of SALW issues and priorities in Serbia and Bulgaria are examples of a recent development of this process.¹⁷¹ These are to some extent preparatory activities. But logic and experience both indicate that they need to be regarded as on-going, and to be conducted in parallel with practical implementation programmes in order to achieve momentum and avoid impressions that measures to tackle the problems are being unduly delayed by studies and workshops.

Support for regional co-operation. International assistance programmes generally tend to be bilateral with a particular country, and lack an appropriately strong regional dimension. It is noteworthy that assistance relating to SALW has consistently, since the 1990s, retained a strong focus on supporting regional and sub-regional co-operation. In part, this is probably because much SALW aid has been provided through foreign ministries of donor countries through UN bodies, in the context of efforts to build wide support for the PoA and other international or regional agreements relating to SALW. Thus, in the years before 2001 substantial donor support was been provided for workshops, conferences and institutional capacity-building relating to the developing of sub-regional co-operation in SADC, ECOWAS, the Horn of Africa (Nairobi Protocol), South and Central America, Caribbean, Eastern Europe, Central Asia, South Asia, East Asia, South Pacific, and elsewhere.

Since 2001, such international support for regional co-operation has continued. However, perhaps naturally, it has increasingly focused on those sub-regions that have demonstrated positive interest and commitment to regional co-operation and have established substantial agreements and programmes. Thus there is substantial on-going support for regional co-operation in East, West and Southern Africa, the Americas, and the Caribbean. In the South Pacific and South Eastern Europe, regional co-operation aid programmes have also continued to develop because of the combination of high interest by at least some major donors and the political leverage they are able to exert to encourage substantial regional co-operation. Regional co-operation in other geographical regions now attracts relatively little donor resources each year, in large measure because there is no substantial regional activity to support.

Challenges of lesson learning. Effective identification, dissemination and learning of lessons from experience with SALW assistance programmes is widely agreed to be essential to improve their relevance and effectiveness. However, until very recently, SALW programmes were subject to remarkably little or evaluation and review. Lessons tended to be generated mainly through anecdote, or a few influential studies. This lack of review may in part have been due to the fact that many of them were supported through foreign ministries rather than development agencies: the latter are more institutionally focussed on programme management and evaluation.

In the last two years, there has been a burst of activity amongst donors in this area. Only during 2005 will a critical mass of detailed evaluative information become available about the relevance, effectiveness, efficiency or impact of the wide range of SALW programmes that have taken place in recent years. Unfortunately, many of these evaluations and reports are likely to remain confidential or circulated only amongst a narrow group. There is a need to ensure wide sharing of such studies, and to resource systematic examination of the full range of programmes to draw reliable lessons.

Nevertheless, as outlined in other thematic issue sub-sections of this chapter, a number of reasonably reliable lessons from experience have already been identified about how to design and implement different types of SALW programme. These include the importance of: sustainability; full engagement with relevant local communities and stakeholder interests; appropriate comprehensiveness and flexibility; linkage with security sector reform and related issue areas; and so on. These lessons have

¹⁷¹ UNDP/SEESAC and Saferworld, *Living with the Legacy: SALW Survey Republic of Serbia*, UNDP, 2005; and SEESAC/UNDP, Saferworld, Centre for the Study of Democracy, and Vitoshka Research, *Taming the Arsenal: Small Arms and Light Weapons in Bulgaria*, UNDP, 2005.

been widely disseminated. But many donors have in practice been very slow to actually learn and apply these lessons: similar mistakes are repeatedly made. There appears to be a need for more systematic development of networks of experts for particular types of SALW programme.

Donor Co-ordination Issues. There are now numerous donor agencies able and willing to support SALW programmes. Each of these has its own policies, priorities, and institutional procedures and constraints. Co-ordination is inevitably a continuing priority and challenge. In principle it is best for the recipient government or regional organisation to co-ordinate the donor assistance they receive. In practice, this still rarely appears to take place. Many recipient countries have not developed sufficiently strong interest or capability in such co-ordination. Moreover, donors have significant structural power, and are in a position to insist on their own priorities, whether or not these are based on better assessments of needs and opportunities. In this context, recipients can even be tempted to try to benefit from poor donor co-ordination, by playing one against another or through obtaining multiple funding for the same activities.

As noted, an important development since 2001 has been increasing donor support for national SALW commissions and strategies, which have the effect of empowering recipient state co-ordination. Nevertheless, donors themselves still have major responsibilities to ensure appropriate co-ordination. In practice, this is increasingly being achieved in those countries and regions where at least some donors have provided support for several years.

In South Eastern Europe, SEESAC assistance has developed into a capable and influential co-ordination mechanism for aid. This is partly because donors have increasingly channelled SALW related aid through SEESAC, and it would increasingly be recognised to be bad practice to launch a bilateral aid programme in this area without at least consulting with SEESAC. Similarly, numerous donors use UNLiRec as a regional clearing house in Latin America, and OSCE for programming (such as it is) in Central Asia. Otherwise, this regional Clearing House model has not yet really been applied in other regions. In Sub-Saharan Africa, much donor attention has been devoted to how to build sub-regional capacity to co-ordinate assistance, in association with ECOWAS, SADC, IGAD and the Nairobi Initiative. After several false starts, some progress has recently been made. At a country level, donor co-ordination is often poor until a 'friends of the country' mechanism emerges, where a lead country or agency takes responsibility for convening regular donor meetings and exchanges.

Donor Capabilities. Donors have a responsibility to ensure that they themselves have the capability to provide appropriate and effective support for implementation. This includes capability to provide flexible and timely support for implementation of the full range of areas in which there are PoA commitments. Significant progress has been made in this area by some donors. For example, the UK has developed assistance policies and a 'Global Conflict Prevention Pool' mechanism for supporting SALW programmes that involves structured partnerships between its foreign, development and defence ministries. This has enabled the UK to provide support for a wide range of different types of SALW programmes through a single programme management team able to draw on the expertise from all of the ministries.

However, this is still not the case for many donors, who too often still have only one or two narrow and constrained budget lines available for supporting SALW programmes in specific areas. This has either led them to prefer single-issue or short-term projects or to aim to contribute elements to multi-donor supported programmes. This latter approach is logical and normally preferable, but it imposes substantial transaction costs on recipients or programme managers, or relies on good donor co-ordination that has been seldom achieved in recent years.

Most donors also do not yet have substantial institutional expertise on SALW programming issues. Often it is the responsibility of only one or two officials, subject to regular turnover, resulting in undeveloped technical capacity or institutional memory.

Integrating SALW programme aid with other assistance programmes. In 2001, the SALW issue was widely regarded in most aid agencies as just one of many single issues. Although the linkages between SALW issues and wider challenges of development, governance, post-conflict reconstruction, humanitarian aid, and security sector reform were recognised in principle, in practice most support for SALW programmes was relatively isolated from assistance programming in these other areas.

By 2005, little progress had been made in this respect. There has been increasing awareness and discussion of the importance of strengthening co-ordination between SALW and other programming, and of 'mainstreaming' SALW concerns into wider development, humanitarian or peace-building programmes. For example, an international conference was convened at Wilton Park in 2003 by UK DFID, with University of Bradford and Saferworld, to discuss the links between poverty and SALW problems and the challenges and opportunities for integrating SALW into development programmes.¹⁷² This has been followed up with a potentially important series of studies into this issue,¹⁷³ and an informal series of workshops involving groups of major donors seeking to develop OECD DAC guidance on this issue. Moreover, in practice, programme managers implementing SALW programmes have developed many useful linkages with other relevant aid programmes in the countries concerned, with important mutual benefits.

Nevertheless, little progress has been made towards actually developing or implementing integrated programming that explicitly links SALW with poverty alleviation, governance, or post-conflict peace building. Indeed this is the case even in relation to security sector reform, despite the close links between them and the obvious opportunities for integration. There are a few instructive cases. The EU-ASAC programme, for example, in selected districts of Cambodia developed an innovative set of linked programmes for: public awareness; weapons for development programmes; police capacity building; police weapons security; police training and community relations; and police family support. This has been successful in its own right. But despite efforts, the integration with security sector reform remained contained within the EU-ASAC programme itself: other security sector reform programmes in the country were unable or unwilling to become directly linked with an SALW programme.

Many of the obstacles to the integration of SALW with mainstream aid programmes appear to stem from: lack of familiarity with SALW issues amongst the wider community of aid professionals; institutional inertia; bureaucratic incentives; and inflexible policies and mandates. A key issue is the extent to which recipient governments themselves identify SALW issues as a priority for integration into wider assistance programmes, and include them for example in their Poverty Reduction Strategy Papers (PRSPs). Until recently this virtually never happened. Now this is beginning to take place, for example in Southern and East Africa. Once SALW issues are highlighted in PRSPs, international aid agencies have greater scope and obligation to take them seriously.

Overall scale of SALW assistance. As noted, there are increasing funds and technical resources available internationally to assist implementation of the PoA. But a donor country budget of US\$ 5 million per year, for example, is still regarded as relatively large. These funds should be compared with the billions of dollars spent on post-conflict reconstruction in a single country, or hundreds of millions for an infrastructure development project. They are tiny in comparison. Although expansion of SALW aid funding to the levels of large infrastructure programmes would be very hard to justify, it seems clear that substantially more funding is required on SALW related issues if key PoA commitments are to be achieved.

¹⁷² DFID, Tackling Poverty by Reducing Armed Violence: recommendations from a Wilton Park workshop 14 – 16 April 2003, DFID, London, 2003.

¹⁷³ See Armed Violence and Poverty Project (AVPP) studies, www.brad.ac.uk/acad/cics.