

## 4. ANALYSIS AND ASSESSMENT

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### 4.1. INTRODUCTION

This section provides a brief analysis of progress towards implementing the UN PoA. The information presented in Section 3, above, demonstrates that there have been substantial implementation efforts in many countries over the last two years, building on the progress achieved in some regions prior to the UN Conference on Small Arms in July 2001. However, it is clear that the international community is still far from having prevented or eradicated the illicit trade in SALW in all its aspects. Indeed, there is little evidence to suggest any overall success so far in reducing illicit trafficking or destabilising accumulations and flows of SALW, and the problems remain intense in many parts of the world, contributing to great suffering and insecurity. It will take determined and comprehensive international efforts over a number of years before we can realistically expect this complex problem to be substantially reduced. In fact, two years is insufficient even to properly implement the legal, administrative and programmatic commitments contained in the PoA.

Thus, at this stage, our criteria for assessing progress should focus on the extent to which governments, together with relevant international and regional organisations and civil society groups, have:

- Taken steps to implement their PoA commitments;
- Improved their understandings of the problems, issues and dynamics;
- Learned lessons from experience about how best to implement PoA commitments and measures;
- Developed the necessary partnerships for effective action; and
- Taken initiatives to further develop shared international understandings and cooperation on important issues relating to the trafficking, proliferation and misuse of SALW.

This section briefly examines progress in these areas, in order to help to identify key opportunities, challenges and priorities for promoting effective implementation of the PoA. Section 4.2 focuses on states' progress in establishing the basic policy and procedural frameworks and programmes required to implement the PoA. In Section 4.3, we examine progress in the main thematic areas covered by the UN PoA, highlighting improved understandings, lessons learned and emerging opportunities and problems as appropriate. Section 4.4 discusses progress towards developing the partnerships required for effective actions to prevent, combat and reduce trafficking and proliferation of SALW, in terms of: partnerships between governments, international and regional organisations and civil society groups; regional cooperation; and international assistance. The final sub-section, Section 4.5, discusses the significance of recent political initiatives to strengthen international cooperation to prevent and reduce SALW trafficking in all its aspects.

### 4.2. STARTING POINTS FOR IMPLEMENTING THE POA

There are a number of important measures that states can take relatively quickly to start implementing the PoA. These include establishing national SALW contact points and national coordination agencies or mechanisms; developing national plans for implementing the PoA; preparing national reports; and reviewing the adequacy of existing laws, regulations, procedures and institutions in the light of PoA commitments. Progress in these areas provides a minimum indication of governments' commitment to the implementation process.

There has been welcome initial progress in several of these areas. As of 1 June 2003, some 111 states have designated a national point of contact, the great majority of which have been notified to the UNDDA, as detailed in Section 3.1. At least 37 states have designated national SALW coordination

agencies or bodies. Moreover, some 50 governments from across the world have either submitted national reports to the UNDDA for either 2001 or 2002, or provided it with information on their legislation relating to SALW. At least 19 states have recently implemented reviews of or changes to legislation relating to SALW transfers and other relevant areas.<sup>157</sup>

However, this also implies that a large majority of states have apparently not yet implemented even these modest steps towards active implementation of the UN PoA. Hopefully, the Biennial Meeting of States in July 2003 will stimulate many more states to establish national coordination agencies and provide information and reports.

Questions can be raised about the quality of these initial steps in several countries. For example, it is not clear that many of the nominated national points of contact are actually able to respond to the full range of issue areas covered by the UN PoA. In order to function effectively, experience shows that a national point of contact needs to be embedded within a functioning national SALW commission or coordination agency, and this practice is still the exception rather than the rule.

Some states have embarked on a thorough review of the adequacy of their existing laws, regulations, procedures and institutions in the light of their commitments in the UN PoA or related regional agreements. This is very important. Many laws and regulations are out of date, incomplete in their coverage, or otherwise inadequate. Thus, it is little comfort to report in Section 3.1 that large numbers of states have relevant laws in place. Reviews can highlight problems with procedures and institutional capacities. They are an integral part of the process of developing an effective national implementation plan. It is disappointing that only a minority of states appear to have seriously conducted such a review.

The problems arising from this are easily illustrated. Many governments appear to believe that their state has laws in place that enable adequate control of the manufacture, possession, sale, import and export of SALW. In practice, however, detailed reviews of national legislation normally demonstrate that this is not the case. Measures to implement the PoA therefore require further development of laws and regulations, as well as capacity-building efforts to improve implementation and enforcement. These need to be properly coordinated across government and incorporated into an overall national implementation plan.

The effective operation of national commissions or similar national coordination bodies appears to be very important for the prospects for implementation of the PoA and similar regional agreements. SALW-related issues are cross-cutting: a range of national ministries and agencies need to cooperate in addressing them, with appropriate involvement of industry, professional bodies and civil society groups. This is the case in well-developed states that already have many SALW controls in place and are not very severely affected by the problems of SALW trafficking and misuse. It is even more true in severely affected countries with relatively weak existing controls.

Thus, for example, there has been a welcome drive in Western, Eastern and Southern Africa and in South East Europe for the establishment of such national commissions. International and regional organisations have contributed substantially to this process, including the UNDP, the EU, ECOWAS, IGAD, SADC, the EAC and the OSCE, as well as bilateral donors such as Canada, Germany, Japan, Norway, Switzerland, Sweden, the UK and the USA. Linked with this, the establishment of regional co-ordination mechanisms is similarly important, for example the Nairobi Secretariat in East Africa and SEESAC in South East Europe. All of these efforts are on-going, but progress has been made. Some governments, however, seem to have approached this as if it is a bureaucratic exercise, perhaps implemented partly due to pressure from regional partners and donors.

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<sup>157</sup> See Section 3.1, above.

The key issue is not whether such national SALW commissions are formally established, but how well they function. An effective national commission is a focal point for national efforts to tackle the complex challenges posed by SALW trafficking, availability and misuse. It needs to be a combination of custodian, implementer and developer of the national action plan to tackle these challenges. It should aim not only to involve all relevant national ministries and agencies, but also all key national stakeholders, including relevant civil society experts and groups, particularly community and women's groups concerned with peace and security issues. It needs to have the capacity to take, or directly influence, decisions on behalf of the government, while still engaging with interested groups and citizens outside government. It should facilitate appropriate local initiatives and regional cooperation, while acting to ensure the integrity and effectiveness of the national plan.

These are demanding aims, but they provide practical objectives. Progress towards achieving these goals has been made in a number of countries, including developing countries such as Tanzania and Kenya. The key is government commitment to a coordinated and inclusive process that can mobilise political authority, resources and enthusiasm.

The process by which a national action plan for SALW is developed can have a major impact on its contents and success in implementation. Governments that have so far developed a national plan have differed widely in the ways in which they have developed their plan. Some appear to have focused on consultations within government on the basis of existing knowledge and policy. However, information and understanding of SALW issues is poor in most countries, and responsible officials and "experts" will tend to have partial or distorted understandings. Research and wide consultation across society therefore has an important role to play. This has been an integral part of the strategies for developing national action programmes in a few countries, such as Uganda and Tanzania, where a comprehensive mapping of the problems has recently been carried out, with extensive involvement of a range of civil society groups as well as government groups.

Differing understandings and priorities relating to SALW amongst various ethnic, social, cultural and gender-specific groups in society can enrich understandings of the opportunities and challenges and are important to the design and implementation of national action plans, since all key sectors of society need to be engaged.

Awareness of gender is an important but still relatively neglected element in the research and consultation process, as it is in the development and implementation of most aspects of programmes to implement the PoA. Misuse and trafficking of SALW is normally highly gendered, as are impacts and priorities for action. Experience shows, in countries as diverse as Mali, Brazil and the USA, that women's groups can play a major role in mobilising public concern about SALW issues and also in contributing to the design and implementation of relevant projects and programmes.

Overall, a substantial number of countries across the world have at least taken initial measures to implement the PoA. However, most states do not yet appear to have taken substantial recent measures to initiate implementation of the PoA or to review or develop comprehensive plans to strengthen their efforts to prevent, combat and reduce SALW trafficking and proliferation.

### **4.3. PROGRESS IN THEMATIC AREAS OF THE POA**

#### **4.3.1. WEAPONS COLLECTION AND DISARMAMENT**

There is now extensive and positive experience with SALW collection and destruction programmes from many countries across the world. Although this process began before 2001, it has widened and strengthened over the last two years. Weapons collection and management is now an integral part of "standard operating procedures" in DDR programmes in post-conflict states, implemented in at least 11

post-conflict countries in the last two years. A wide variety of voluntary weapons collection programmes have recently taken place in at least 24 states, including “gun buy-backs” and “weapons-for-development” community programmes. Over 20 states have held firearms amnesties, to enable hand-ins of illicit arms, and over ten countries have conducted substantial arms confiscation programmes.<sup>158</sup> This appears to represent a significant and on-going expansion of such activities.

There is substantial recent experience with DDR and weapons collection initiatives and programmes. Some have not been very successful. But others appear to have had a significant and relatively enduring impact, in terms of numbers of weapons collected and wider contributions to community-building, peace-building and development. A number of donors, including the EU, the UNDP and most bilateral donors with SALW programmes, have become comfortable and relatively experienced in supporting voluntary weapons collection programmes.

Moreover, in a number of countries, these programmes have now been established for several years, allowing them to mature and become better embedded within wider peace-building, security and development processes. In some cases, there has been considerable experimentation with different approaches towards weapons collection and reduction. For example, in Cambodia, the Royal Cambodian Government, in cooperation with civil society groups, the EU and (recently) Japan, has conducted a variety of different weapons collection programmes, with differing designs, incentives and costs. These appear, for example, to demonstrate the value of linking or embedding such collection projects within wider peace-building or development programmes, and of facilitating improved police performance or cooperation between the police and local people.

It is important to further develop and widen weapons collection programmes – there are still many countries and communities across the developed and developing world where they would be of real benefit. At the same time, however, it has become urgent to review and learn lessons from experience and to develop and disseminate good practices. Governments and donors are still designing and implementing weapons collection programmes on the basis of partial or distorted understandings of a few past experiences. Recent initiatives to research and evaluate weapons collection programmes more systematically are therefore welcome.

Experience shows that there is no reliable “formula” for successful weapons collection programmes: design and implementation should vary according to local contexts and needs, and according to the particular target groups for the programme.

Although gun buy-back schemes can work if appropriately embedded in wider programmes, they can have significant drawbacks. Experience appears to show that weapons hand-in incentives that benefit the wider community (such as through development incentives, or addressing different gender or social needs) rather than individual gun-holders are generally preferable, in that they are more likely to bring wider peace and community-building benefits and are less likely to have unintended bad effects (such as stimulating black market trading, or handing-in old weapons for payments that can be used to buy newer, illicit arms). However, there are also dangers in the “weapons-for-development” concept. It can be understood crudely, and may stimulate authorities and communities to hold out and bargain for greater aid rather than focus on the intrinsic benefits of reducing arms availability.

Experience has shown that there are many potentially successful approaches to encouraging communities to hand in weapons that are more based on integrating them into a wider process of community-building, engaging gender or culturally specific roles, development, crime reduction and peace-building, than on explicit “bargains”. Similarly, weapons collection is greatly strengthened if it is embedded in a more

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<sup>158</sup> See Section 3.3.5, above.

comprehensive SALW programme, involving improved laws and law enforcement, police reform (particularly developing community policing), stockpile security, weapons destruction and other elements. It appears that collection schemes involving relatively small direct aid incentives can be as successful as those involving relatively generous incentives, provided that social groups such as traditional leaders or women are supportive and that weapons collection is regarded as an intrinsic part of community efforts to build a better future. Community perceptions of their own security, and the “meaning” of weapons collection are very important, as is the degree of local trust in state authorities to provide for their peace and security.

Experience further shows how important it is to approach weapons collection as an on-going process. The first phase may only collect “spare” weapons, while people retain others for their security. As the process develops, confidence and partnerships develop that enable more arms to be collected from the same community. Confidence depends on good communications, and assurance (preferably through public destruction of collected arms) that weapons that are handed in do not leak back into the community or criminal networks. Moreover, weapons hand-ins are not the only issue: if people decide to bury their arms to hide them, they are not easily available for misuse in disputes and thus similar benefits are obtained.

#### **4.3.2. WEAPONS DESTRUCTION**

The PoA encourages destruction of confiscated, collected and surplus SALW, as do most relevant regional agreements. As noted in Section 3, above, it is increasingly the norm that all or most collected SALW are destroyed. Moreover, a significant and increasing number of governments have declared policies of destroying arms confiscated during criminal investigations (subject to evidential requirements of courts) and of destroying surplus SALW from official stockpiles.

Moreover, technical and financial assistance for weapons destruction programmes is relatively easily available. Most donor agencies concerned with SALW are comfortable and now reasonably experienced with assisting arms destruction programmes, particularly where these are associated with voluntary weapons collection (some development agencies are still constrained in providing assistance relating to police or military stocks).

Prior to 2001, there were debates in many international meetings about appropriate methods of SALW destruction. In practice, this was never a technically complex problem, and this is now widely recognised. There are a range of well-proven destruction techniques, of which several are cheap and involve low technology. Where commercial smelters exist, for example, they can readily be used for SALW destruction. Where they do not, arms can be destroyed through a variety of methods, including cutting, crushing, burning and explosive destruction. The main technical challenges arise in relation to disposal of ammunition and explosives, which generally require relatively expert handling and destruction. Even in these cases, however, most armed forces have such expertise and experience.

The costs of SALW destruction typically do not arise from the destruction process itself, but rather from the measures required to ensure security, monitoring and record-keeping and, where relevant, to ensure an effective public event. Such measures are important. Loss or theft of weapons due for destruction is a continuing issue of concern in many countries, and public confidence depends on reliable assurances that weapons due for destruction are actually destroyed.

Thus, progress towards establishing and implementing a norm of destruction of collected and confiscated arms has continued since 2001, although it still has far to go before it is consistently implemented. The norm of destroying surplus arms from official stocks is not as well advanced. Best practices are being established, and these could usefully be specified and disseminated more widely. Moreover, in some regions, such as the OSCE, EAPC and Stability Pact areas in Eurasia, regional

mechanisms have developed to facilitate the processes of securing financial and technical assistance with weapons destruction. In most regions, however, these are still undeveloped, making it hard for middle-ranking national officials responsible for disposal to find even the modest resources to enable destruction rather than disposal on the second-hand arms market.

Importantly, in practice, a substantial fraction of confiscated or collected arms probably still find their way back into use, and most surplus arms are sold on rather than destroyed. This implies not only increased efforts to promote destruction, but also the development of good practices relating to transfers of surplus stocks. Such good practices should include measures to reduce the risk of undesirable knock-on effects of legal transfers of surplus SALW to third party governments.

#### **4.3.3. STOCKPILE MANAGEMENT AND SECURITY**

Commitments to ensure that SALW kept in official and authorised stockpiles are kept secure and safe are second to none in importance in the PoA. The great majority of SALW in the illicit trade or associated with destabilising flows and holdings are sourced from legal stocks. One quiet but significant development since July 2001 has been ever-widening acceptance amongst governments that stockpile management and security within their territories are of legitimate international concern.

In practice, however, there is little evidence that this has led to substantial efforts to review and improve SALW stockpile management and security in most countries. Military or police authorities within a state generally regard such issues to be within their professional domain, and are resistant to suggestions from foreign ministries or others that they need to review and tighten their stockpile security procedures. In many countries, such issues remain politically sensitive and relevant information is hard to obtain.

A partial exception to this tendency can be found in Europe, where NATO standards in stockpile management and security appear to have been an important influence amongst countries with Partnership for Peace status and aspiring towards NATO membership. OSCE states are developing a best practice guide on the issue. The regional institutions for military cooperation have facilitated reviews and cooperative programmes for strengthening systems and capacities for stockpile security. However, in practice, progress remains patchy, and where it exists it has focused more on military stockpiles than on those of the police and paramilitaries, for which regional cooperation mechanisms are much less well developed. In other regions, only Latin America has made progress towards establishing regional programmes, and these remain very modest.

International and regional programmes to promote measures to ensure stockpile security therefore appear to be an important priority. This requires a concerted effort, to encourage all states to review their present regulations and practices and to implement necessary measures where weaknesses are found. The good practice guides that are being developed in the OSCE and in Latin America and the Caribbean should be widely disseminated. But it is important for each state and region to address these issues for itself, within the framework of a global approach. The systems and procedures for stockpile security established by the OSCE, for example, may not seem practicable in many poor developing states. International training and assistance programmes are probably needed if significant progress is to be made within a few years.

#### **4.3.4. ENSURING ADEQUATE CONTROLS ON MANUFACTURE AND TRANSFERS OF SALW**

As noted in Section 3.1, above, large numbers of states have at least some laws and regulations to control the manufacture, export, import or transit of SALW. In nearly all such countries, these laws and regulations are part of a wider system for controlling manufacture and transfer of all categories of military goods and sensitive technologies.

However, on the basis of evidence available to us, it appears that at least half of the member states of the UN still do not have regulations and systems enabling them to control manufacture and transfer of SALW. This should be a source of major concern. In contrast to the situation with major conventional weapons systems, such as tanks, artillery or aircraft, virtually all states in the world are potential exporters of SALW – not least of surplus stocks from existing stockpiles. Moreover, the capacity to manufacture SALW and/or associated ammunition is relatively widespread – in at least 98 countries. The PoA commitments in this area are directly relevant for all states.

Moreover, many of the laws and regulations that do exist are inadequate or partial in their coverage. Small-scale production of firearms is not controlled in many countries, leaving major loopholes in legal controls: many cottage industries that traditionally concentrated on single shot ceremonial or hunting rifles diversify into producing much more capable weapons. In relation to arms transfer controls, for example, laws are often inadequately supported by regulations or licensing and reporting procedures.

These are areas where there is now long experience and widely acknowledged good practice. Measures to promote efforts to ensure adequate laws and regulations on manufacture and transfer are greatly needed in most regions. This process is relatively well advanced in the OSCE, and among EU and Wassenaar Arrangement countries, where efforts to strengthen and ensure consistency of national controls on arms transfers have been under way for more than 12 years. The OSCE best practice guidelines are being finalised on laws and licensing procedures for SALW transfers, and on systems for their control and enforcement. It is important to note, however, that even in Europe, many of the relevant laws and control systems are relatively new, and even EU states need to continue to take actions to strengthen and coordinate their controls.

Other regions too have made significant recent progress, particularly in the Americas and Southern and Eastern Africa. But elsewhere, regional initiatives are much less well developed, to the extent that they exist at all.

International initiatives are needed to develop shared international understandings of good practices, and to promote and assist with their adoption and implementation. In doing so, the “harmonisation” of national laws in these areas is an important objective. However, this should be regarded as a process in which all states are developing and improving their national laws in an adequately consistent way, rather than a process of “harmonising” existing legislation.

There are now a number of widely acknowledged international and regional standards and guidelines in this area. These could usefully be crystallised and re-inforced through a new internationally agreed document. Proposals to launch negotiations for a framework convention on the international arms trade aim to address this need

In practice, however, it continues to be clear that the continuing supplies for illicit or destabilising flows of SALW are not only due to inadequate laws. It is important also that states avoid licensing transfers that may be diverted into the illicit trade or that contribute to destabilising or excessive flows and holdings of arms. It appears that many states continue to exercise inadequate care in deciding on whether to issue licences for arms transfers. This may often be due to inadequate information about risks associated with a proposed arms transfer, and to poorly developed national guidelines on how to assess risks when judging whether to issue a transfer licence. International cooperation on such matters is constrained by lack of information exchange or shared understandings about such national guidelines.

Moreover, inadequate controls on SALW possession and trade within a state appear in some cases to continue to contribute to problems of illicit or destabilising international flows. The PoA does not include commitments to specific standards relating to domestic possession and trade. Nevertheless, the overall

system of controls of each state, including those on domestic possession by civilians, should be sufficient to prevent unauthorised or inadequately regulated international transfers. However, wide availability of guns in one country inevitably increases the risk of leakage across borders. Issues relating to domestic gun control continue to be actively debated in many countries around the world, and in the last two years a number of states have significantly tightened restrictions on SALW possession by civilians, as well as on the carrying of such weapons by off-duty police and military personnel.

#### **4.3.5. CONTROLS ON ARMS BROKERS**

Most states are still far from implementing their commitments in relation to ensuring adequate controls on SALW brokering activities. As noted, only some 18 states have so far adopted explicit controls over such activities, and a few more governments believe (dubiously, in some cases) that SALW brokering is effectively controlled (or banned) through their administrative procedures or arms transfer control systems.

Nevertheless, international momentum and understanding has been building on this issue, particularly during the last year, as discussed in Section 3.3.4, above. A number of states are in the process of developing legislation on arms brokering activities, and the EU and OSCE have made substantial progress towards developing some best practice guidelines. The Dutch-Norwegian international initiative aiming to develop common approaches and agreed elements of model regulation on arms brokering was launched promisingly in April 2003.

Priorities in this area are not only to promote wide adoption of effective national controls by states, but also to ensure that states adopt adequately consistent and harmonised approaches to new brokering regulations, to avoid loopholes and inconsistencies that can be exploited by unscrupulous arms brokers. This implies a need for enhanced international information exchange and consultation on arms brokering controls, and for developing common approaches towards the design of such controls. Such exchanges and common understandings should include as many states as possible from all regions.

Proposals to launch international negotiations for an international instrument on SALW brokering activities were widely discussed in the lead-up to the UN 2001 Small Arms Conference. These continue to attract attention, although a number of governments have made it clear that they are not yet ready to agree to such negotiations. As the international consultations and development of common international approaches to brokering controls proceed, such proposals should rise high on the international agenda.

#### **4.3.6. MARKING, RECORD-KEEPING AND TRACING OF SALW**

The PoA contains particularly specific and stringent commitments relating to ensuring adequate marking and record-keeping of SALW and promoting cooperation in tracing illicit SALW. The UN Firearms Protocol complements and reinforces these commitments. So do a number of regional agreements, particularly the OAS Convention, SADC Protocol, Nadi Framework, and OSCE Document, as discussed in Section 3.3.2. Many countries have regulations in place that require that all newly manufactured SALW are uniquely marked during the production process.

Nevertheless, progress on marking, record-keeping and tracing since July 2001 appears to be disappointing. Awareness of the importance of adequate marking and record-keeping has been raised, but efforts to promote and ensure adequate marking and improve record-keeping appear to have been modest and fragmented in most regions. In the OSCE, there has been significant follow-up, through information exchanges and the development of best practice guides, and a number of countries have reportedly improved their record-keeping and registration systems. Similarly, in the OAS region and in Southern and Eastern Africa, some progress towards establishing electronic registration and record-keeping systems

has been made. The Royal Canadian Mounted Police have provided useful software and other resources to assist international efforts in this area. This is welcome, but overall progress has been patchy and slow. Many existing stocks of SALW remain inadequately marked, and there have been few concerted efforts to remedy this. Record-keeping and registration systems remain paper based and inadequate in most countries.

In the lead-up to the July 2001 UN Conference on Small Arms, the situation appeared ripe to launch initiatives to facilitate and promote international cooperation in tracing illicit SALW. There were proposals to launch negotiations for an international instrument in this area, which continue to command wide interest. Immediately after the conference, there were hopes that at least a number of states would launch an informal international initiative to cooperate in tracing illicit SALW. However, in practice, this did not materialise, and action was postponed pending the report of the UN Group of Experts on marking and tracing, which is due to be issued in time for consideration by the UN General Assembly during its next session in autumn 2003.

Nevertheless, there has been some progress, particularly in relation to tracing illicit firearms used in crimes. Interpol's programme to upgrade its IWETS database has continued, though it is not yet finished. The Canadian Firearms Reference Table has been made more generally available, particularly in the Americas, to facilitate reliable firearms identification. Bilateral and trilateral cooperation amongst police authorities has incrementally developed. In November 2002, the SECI Regional Centre for Combating Transborder Crime launched its Operation Ploughshares Project to promote information exchange amongst police and customs authorities in South East Europe on confiscated SALW.

However, these established mechanisms for tracing cooperation are designed for use in criminal investigations of individual firearms crimes. They are not, as yet, designed also for use in tracing illicit shipments of SALW to regions in conflict. Progress in implementing the PoA in this area has thus been frustratingly slow since July 2001, and it can only be hoped that it will accelerate over the next two years.

#### **4.3.7. INFORMATION EXCHANGE AND TRANSPARENCY**

There have been no new information exchange and transparency mechanisms established relating to SALW at either a regional or international level since July 2001. In this respect, progress in implementing this aspect of the PoA has been very limited. However, there has been progress in implementing information exchanges agreed prior to 2001, particularly in the OSCE and OAS. Moreover, Wassenaar Arrangement countries are actively considering whether to exchange information regularly and systematically on their SALW transfers, in the same way that they already do for major conventional weapons systems.

At a national level, democratically-elected governments are gradually increasing the amount of information they regularly provide to their parliaments and citizens relating to SALW and also to other conventional arms. For example, most OECD countries now regularly provide a detailed annual report on the licenses issued for SALW transfers, and the informal best practice standards for disclosure are incrementally improving every year. However, similar progress is not seen in many regions, and particularly in countries without democratically-elected governments.

#### **4.4. DEVELOPING PARTNERSHIPS**

The primary responsibility for preventing and reducing illicit trafficking and proliferation of SALW and for implementing the PoA lies with states. Nevertheless, the problems of SALW trafficking and proliferation

are complex, cross-cutting and difficult. They cannot effectively be tackled without developing partnerships not only within government but also among governments, international and regional organisations, and civil society groups. In this section, we briefly examine progress in developing such partnerships. We begin with cooperation among governments and civil society and international organisations, then consider regional and international cooperation, and finally international cooperation and assistance programmes

#### 4.4.1. PARTNERSHIPS BETWEEN GOVERNMENTS AND CIVIL SOCIETY

Many countries lack traditions of close cooperation and partnerships among governments, local authorities and civil society groups, particularly NGOs. This is true in most sectors of governance, including education, health and the economy. It is particularly true in relation to the control of arms and combating illicit trafficking, which are widely regarded as sensitive issues in which governments and government agencies determine policy and manage implementation, and where private citizens and NGOs have a limited role to play. Often, relationships between governments and NGOs are mutually suspicious and even adversarial.

One of the main challenges for both governments and concerned NGOs and other civil society groups after July 2001 was to overcome suspicions and obstacles to cooperation and to develop effective partnerships in implementing the PoA. As would be expected, progress has been patchy. It is harder where the institutions of democratic governance are poorly developed or non-existent, or where society is highly polarised. It is easier where both government and NGOs enter into the relationship with some confidence and expertise, and where there are good precedents from partnerships in other areas.

Overall, there appears to have been real progress towards developing good cooperation between civil society groups and government ministries and agencies in many countries across the world. Good examples can be found in virtually every region of the world. In general, wherever governments have been open to cooperation on tackling SALW issues, at least some NGOs and other civil society groups (such as professional bodies, women's groups or community representatives) have proved interested and capable as cooperation partners. Members of the IANSA NGO network have actively sought such cooperation.

There are many examples of civil society groups contributing to efforts to promote public awareness on the risks and impacts of SALW availability and misuse, and to mobilise public support for measures to prevent and reduce illicit or excessive SALW availability and misuse.

Experience shows that government public awareness campaigns have limited effect unless they are associated with active civil society support. Moreover, two-way cooperation is important. Concerned civil society groups will only rarely simply be instruments for government campaigns, but rather active participants in the design and targeting of efforts to promote public awareness.

For example, gender-aware efforts have proved to be highly potent in efforts to promote voluntary disarmament or to reduce violence and SALW misuse, especially where women's groups have become engaged. Often, women's roles as "mothers", "sisters", "lovers" or "carers" can be used to mobilise concerns about wide availability and misuse of SALW, and to target pressure on the groups of men who might otherwise be unaffected by public campaigns. Similarly, engagement with gun sports associations or industrial associations has proved to be important in generating support for improved regulation and for combating illicit activities.

Civil society campaigns can also draw attention to problems with government policies and programmes. Although the criticism is sometimes uncomfortable, the overall impact is generally

to help to mobilise political will, overcome bureaucratic obstacles and develop more sustainable initiatives.

Different civil society groups can bring distinctive skills and capacities. Some bring independent credibility to the campaign. Others bring quite highly developed professional skills in the design and implementation of public awareness materials and campaigns. In many cases, it is the capacity to mobilise citizens, or simply the combination of concern and close links with relevant communities.

However, the contributions that civil society groups make have proved to go far beyond raising public awareness. From the beginning of international efforts to address SALW problems in the early 1990s, NGOs and independent experts have been an important source of expertise, knowledge, experience and policy proposals for governments and international organisations. A number of institutes and NGOs have contributed substantially to research and understanding of the problems, impacts and potential policy responses, including BICC, GRIP, the ISS, the Monterey Institute, the Small Arms Survey, SaferAfrica and the UNIDIR, as well as the three BtB project partners: Saferworld, International Alert and the University of Bradford. For many governments, such civil society research is a major source of information and ideas. A key development over the last three years has been a continuing expansion of research and policy development activities on SALW issues by research communities and civil society organisations.

As noted in Section 4.2, a well-functioning national commission or national coordinating body has proved to be a key institution in efforts to develop and implement effective national plans to implement the PoA and similar regional agreements. On the evidence so far, it appears that the involvement of representatives of effective civil society groups and NGOs in the work of such commissions is a key indicator of their likely effectiveness. In a number of national commissions, NGOs have brought substantial additional capacity and expertise to otherwise poorly resourced government officials, and have helped to enable wider and more effective engagement and consultation with a wide range of social sectors and communities in the development and implementation of national programmes.

Certain NGOs and experts have been able to play a key role in facilitating meetings and contacts between key stakeholders (within different branches of government, or central and local government and community representatives), or between government officials from neighbouring countries. In some cases, these were politically difficult for governments to initiate on their own, and in many others, NGOs provided useful facilitation and convening capacity. There have been many examples of this, including several countries and regions in sub-Saharan Africa, Eastern and South Eastern Europe, and Latin America.

Similarly, some NGOs have well-developed international networks to enable them to facilitate contacts and “match-making” between donors, international institutions and government agencies in severely affected countries, thus contributing to the development of international cooperation and assistance. Their international networks and experience have contributed to lessons-learned processes.

In summary, therefore, experience since July 2001 has emphasised the potential benefits of effective cooperation between governments and civil society groups. Nevertheless, there are serious problems and issues remaining.

Firstly, in many countries and regions, there is still very limited cooperation between governments and civil society groups on SALW issues. Often, the process has not proceeded far beyond initial contacts and discussions.

Secondly, “civil society” includes a very wide range of groups, including social organisations and movements, churches, trades unions, institutes, professional organisations, NGOs of many different

types, industrial associations, ethnic and cultural associations, women's organisations and community groups. Inevitably, these can be expected to disagree on many issues, and bring a wide range of concerns and interests. So far, only a small fraction of these groups have become engaged in SALW issues in most countries. Those NGOs that have developed good cooperation with the national or local governments represent only a small fraction of civil society concerns and interests. This is inevitable. But it highlights risks of limiting good cooperation to a small group of government officials and a few favoured NGOs and experts. It is important to continue systematically to ensure inclusiveness and to broaden engagement between officials and a wide variety of civil society groups.

#### 4.4.2. REGIONAL COOPERATION

The PoA encourages regional and sub-regional initiatives and agreements to complement and reinforce global efforts to prevent, combat and reduce SALW trafficking, proliferation and misuse. A number of important regional initiatives and agreements were already established prior to July 2001, and, as outlined in Section 3, these have developed significantly over the last two years.

However, regional cooperation on SALW remains very patchy: in some areas it has developed substantially, but in several geographical regions it scarcely exists in practice. Although all governments have declared a willingness in principle to cooperate with others in their region, in practice there are many countries that are not yet part of any substantial or reasonably comprehensive regional programmes to tackle SALW problems. This is particularly obvious in relation to East and South Asia, the Middle East and North Africa. In Africa, the Bamako Declaration and the African Union provide a continental framework for cooperation, but in practice most real cooperation is to be found amongst members of sub-regional initiatives in Southern, Western and Eastern Africa (SADC, ECOWAS and the EAC/Nairobi Initiative respectively).

Experience has shown that, without specific regional programmes, agreements, mechanisms and institutions concerned with SALW, regional cooperation remains limited and *ad hoc*. In practice, lack of functioning regional cooperation on small arms generally reflects broader obstacles to regional cooperation on a range of security and other matters. Nevertheless, in at least some cases, it also appears to reflect a lack of political will to make substantial progress in implementing the UN PoA.

The existence of functioning regional agreements and initiatives to address SALW problems appears usefully to stimulate and reinforce national efforts to develop and implement national action plans on SALW. There are many mechanisms for this. For example, the existence of a regional agreement or programme provides a political framework within which government ministries and agencies can legitimately take initiatives and develop programmes without continual reference to high-level political authorities. It enables existing regional organisations to use their convening power or capacity to develop active programmes on SALW. For example, the regional associations of police commissioners in Southern and Eastern Africa have become a focus for developing substantial and practical regional cooperation on a number of prevention and law-enforcement issues in recent years. Regional agreements and mechanisms provide a framework for mobilising international support for regional and national programmes, and for exerting pressures on governments to implement their regional commitments.

Experience so far with regional cooperation on tackling SALW trafficking and proliferation indicates the importance of good partnerships among governments, regional secretariats, civil society organisation and international organisations.

UN agencies and other international organisations find it relatively efficient and easy to develop cooperation with regional organisations, and the advantages of such cooperation has been demonstrated in many ways over the last two years. For example, the UNDP, UNDDA and other

multilateral agencies have usefully supported regional efforts in the Stability Pact countries of South East Europe (particularly through support for the SEESAC regional “clearing-house” for SALW programmes), as well as in sub-Saharan Africa, Latin America, Oceania and the OSCE.

The direct relationships between NGOs and regional initiatives has been strikingly close in several regions, particularly in South East Europe and sub-Saharan Africa, and they have brought real benefits. A number of international NGOs, including Saferworld, SaferAfrica and the ISS, have played important supporting roles in the development and implementation of regional agreements and action programmes on SALW, including the wider facilitation of engagement with relevant regional and national civil society groups. They have also helped to facilitate inter-regional cooperation on SALW problems, such as the cooperation between the EU and SADC.

#### **4.4.3. INTERNATIONAL COOPERATION 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.

It is important to recognise that experience has shown that the key resources required for effective implementation of the PoA are human resources rather than financial ones. All countries, even poor countries that are severely affected by small arms problems, have great human and social resources that can be mobilised and directed towards controlling and reducing small arms problems. Even poor and fragile governments have substantial resources directed to security, crime control and regulation that can be directed towards these goals.

Nevertheless, international assistance has a key role to play in helping to stimulate, facilitate and support effective use of these national (and regional) resources. Financial and technical assistance is needed to build capacity and to directly support implementation programmes.

As discussed earlier, over the last two years there has been substantial and increased assistance available to develop and implement national and regional policies and programmes related to the PoA. This is welcome. However, experience has shown that there are continuing deficiencies and issues that need to be addressed.

Firstly, in principle, each country and region should develop its own programmes of work to implement the PoA, and then identify those areas where it needs assistance. There are normally many areas where assistance would be useful. Priorities need to be established, to help direct assistance to the most critical efforts. In practice, however, numerous countries, particularly some of those that are most severely affected by illicit SALW, have lacked the capacity to develop their own programmes and priorities. Moreover, they have felt vulnerable to donor pressure. This has led to international assistance too often being directed more according to the institutional and policy preferences of donor agencies and institutions than to the needs perceived by the recipients.

In this context, recent donor programmes providing assistance to countries with the process of developing their national plans and programmes of work for implementing the PoA are very important and welcome. Provided that these national programmes are well developed and have involved wide consultation and support from relevant stakeholders, including civil society groups, donor agencies should provide assistance according to the priorities and programmes set in the national or regional programme.

Secondly, many donor agencies and relevant international and regional donor organisations still have work to do to ensure that they have the capacity to provide appropriate assistance to help promote implementation of the PoA. This remains a major challenge.

Some donor countries and agencies have made major efforts in recent years to develop such budget lines and institutional capacity. Experience shows that this in itself is a challenging task. Development agencies typically have programme guidelines and institutional constraints that need to be reformed or expanded if they are to provide appropriate assistance in implementing the PoA. So far, only a very few substantial bilateral donor agencies and organisations have actually made sufficient progress in this that they are now in a position to provide real assistance in implementing the main elements of the PoA in more than an *ad hoc* or partial way.

One key issue in developing capacity to provide assistance in this area is to ensure that donor institutions have the capacity to provide flexible and timely funding across at least a substantial range of the areas addressed in the PoA. There is a continuing tendency in some agencies to develop narrow and constrained budget lines, making them relatively incapable of actually meeting the appropriate needs of the recipient countries and communities.

Numerous special funds have been established dedicated to support programmes related to implementing the PoA. Such funds are welcome and valuable. However, they generally remain separate from the much larger funds dedicated to development aid and other mainstream aid programmes. Development agencies need to develop programmes and budgets enabling them to contribute effectively to programmes specifically targeted at tackling aspects of SALW problems. In this context, it is not necessary for development agencies to provide full support for comprehensive SALW programmes, including support for military and police programmes to control SALW that are far away from mainstream development programmes – though it would be valuable if development agencies could be more flexible in this respect. Generally, the development agencies can operate in cooperation with ministries of foreign affairs and defence, together with international agencies and the recipient government itself.

However, while recognising some progress, few if any development agencies have yet successfully integrated SALW concerns into their development programming. SALW availability and misuse obstruct and undermine development and contribute to poverty, malnutrition, lack of education, child mortality and so on. A key task for development agencies is to develop their systems for developing country development assistance strategies and programmes so that they appropriately take into account SALW concerns and “fold in” support for SALW controls where possible and appropriate.

This is a challenging task for donor development agencies. However, it also implies responsibilities for recipient countries. Unless countries affected by SALW problems actually make it clear that they regard tackling such problems to be an integral part of their development needs, development agencies cannot effectively respond. Yet SALW and related conflict and security issues are rarely prominent, or even mentioned, in key documents such as poverty reduction strategy papers produced by severely affected states. This needs to change.

Also, there is still a long way to go in developing the capacity of international and regional donor organisations to assist in the implementation of the PoA. The UNDP has recently made substantial progress in this respect, and is now developing a useful and comprehensive programme of assistance in this area. This cannot be said yet of the World Bank, for example. Government representatives on the governing board of the World Bank need to take measures to ensure that this institution reforms and develops its programmes so that it can play its appropriate role. The same point applies to numerous other international agencies.

Thirdly, there is a continuing problem with matching needs with available assistance and with donor coordination. Experience shows that these are not easy tasks. As noted, in principle it is best for the recipient government or region to coordinate donor assistance. In practice, this is often difficult, and donors themselves also have major responsibilities to ensure appropriate coordination. This is an urgent priority in mobilising effective international assistance to promote implementation of the PoA.

The immediate priority is at least to ensure effective information exchange and consultation amongst donors and their partners. Recent experience shows that donors find even this to be a very challenging task. No single mechanism or organisation can achieve this reliably. The main principle should therefore be to ensure multiple channels for information exchange and consultation to facilitate coordination of assistance, including transparency by all donors; international and regional information exchange mechanisms, including regular coordination meetings; coordination mechanisms at country level; and coordinated international programmes. Regional clearing-houses, such as the UNDP's SEESAC programme, have proven to be very useful in this context. Overall, it may be necessary to establish overlapping information exchange and coordination mechanisms.

#### **4.5. INFORMAL INTERNATIONAL INITIATIVES AND THE POA**

Participating states have agreed that the priorities before 2006 are to promote implementation of the PoA, rather than to negotiate the further strengthening of international norms and commitments. This is frustrating for many of those who are aware of the weaknesses and gaps in parts of the PoA, but it is the political reality.

Nevertheless, it is important for the implementation of key parts of the PoA that the international community continues to consult and develop shared understandings of what implementation should involve. This is the case, for example, for issues such as cooperation in tracing, ensuring adequate controls on SALW transfers and brokering activities, and ensuring adequate stockpile security.

In this context, recent international initiatives on such issues to exchange information and consult are very welcome, with the aim of developing shared understandings and reasonable coordination and cooperation. These initiatives are outlined in Section 3, and include the UK's Lancaster House initiative focused primarily on strengthening transfer controls and developing common understandings of the factors that national authorities should take into account when considering license applications; the French-Swiss initiative on tracing cooperation; the UNDDA Gender Mainstreaming Action Plan; the Dutch-Norwegian initiative on brokering controls; the Geneva Forum consultations, and the informal Small Arms Consultation Group initiated by the BtB project (concerned with guidelines on arms export and controls on transfers to non-state actors). It is important that these promising initiatives are followed up and developed to involve that widest possible number of states and other interested partners.

However, there appear to be some important gaps in this collection of global initiatives. One relates to stockpile management and security: although there are some regional programmes, particularly in Eurasia, there are at present no global initiatives to promote information exchange and development and support for best practices in this issue area.

Similarly, although the issue of norms relating to regulations on possession of SALW by civilians remains actively debated at national level, further initiatives would be useful to continue to facilitate global discussion on such issues.