

## 3. PROGRESS TOWARDS IMPLEMENTATION

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This section of the report outlines and examines progress towards implementation of the UN PoA across the regions and countries of the world. It aims to provide an overview of what has been done so far in each region and in relation to the key commitments and themes contained in the PoA. It presents factual information on practical steps towards implementation in a wide range of countries and organisations.

As noted at the beginning of this report, we do not aim to be comprehensive in our coverage and analysis of what each country and region has done. Rather, we aim to provide a brief overview and to illustrate progress through examples of useful initiatives and programmes in each of the main regions. Although we recognise that many countries have taken relevant measures before the PoA was agreed in 2001, and these are in many places noted, our bias has been towards examining progress over the last two years.

Space and resource constraints mean that we have described specifically only a limited number of countries and measures in this section. While we have aimed to select cases of particular significance and interest, we are aware that many useful and significant initiatives and measures have been taken that are not included in this report. We hope that readers understand the constraints, i.e. omissions do not have any wider implications. As described in the introduction, we have gathered our information from a wide variety of sources and commissioned numerous studies. While we have made every effort to ensure that all of the information presented here is accurate, balanced and up-to-date, it is impossible to ensure perfect accuracy in a report such as this. We apologise in advance for any errors, and welcome any comments and corrections.

The examination of practical measures that states, international and regional organisations and civil society groups have taken to implement the PoA is organised into two broad sections.

Section 3.1 briefly outlines overall progress at the national level in meeting key PoA commitments. Drawing on all the data collected during the research phase of this report, this section aims to map progress globally in implementing these key commitments, and illustrates this through tables relating to:

- National coordination agencies and national points of contact;
- Existing national laws and administrative procedures; and
- Stockpile management, disarmament and weapons collection and destruction.

Section 3.2 constitutes the majority of the report, and is introduced more comprehensively below. It outlines the nature of implementation of the PoA in various regions, at the regional, sub-regional and national levels. Case studies focusing on particular aspects of implementation are contained within this section.

Section 3.3 outlines implementation on a thematic basis, highlighting progress in key areas and drawing on implementation of provisions of the PoA at the international, regional, sub-regional and national levels.

Each of these sub-sections form the basis of the analysis of implementation contained in Section 4 and the recommendations contained in Section 5.

### 3.1. OVERALL PROGRESS IN NATIONAL IMPLEMENTATION

Progress in implementing the PoA at the national level has been mixed. This section outlines policy and practice relating to implementation of key areas of the PoA. These include the starting points for implementing the PoA, such as the creation of national coordination agencies and points of contact, and the issues that the majority of PoA commitments relate to, such as the presence of laws, regulations and

administrative procedures dealing with the production, export, import, transit, brokering and retransfer of SALW and domestic regulations; and issues related to stockpile management, the destruction of surplus and collected or confiscated weapons, and the conduct of disarmament and weapons collection programmes.

The information presented in this section is not complete, and does not represent the full picture of implementation so far. The section aims instead to illustrate the nature and challenges of implementation. The depth and quality of information varies from state to state and the tables in this section are completed with a “yes” in cases where, for instance, relevant legislation is in place, or with a blank where either the information collected was inconclusive, where the information appeared to indicate that no laws, policies and so forth existed but that this could not be verified, and where no information was available.

Where states do not appear in the relevant global or regional tables, this indicates that no relevant information was available at the time of writing on their progress or implementation. Similarly, it is possible that for some states included in this section, action has been taken on specific commitments, but has not been recorded in this report. This could be due to a variety of reasons, as explained in more detail in Section 1.4 - Methodology and Partnerships.

### **3.1.1. NATIONAL IMPLEMENTATION: NATIONAL COORDINATION AGENCIES AND POINTS OF CONTACT AND REPORTING TO THE UNDDA**

The creation of national coordination agencies and points of contact is an essential starting point for the implementation of the UN PoA. The following section indicates which states have created these bodies, but does not analyse their existing capacity or the success of their work to date. Additionally, the submission of reports on national implementation and national legislation to the UNDDA is outlined.

There is no attempt in this section to analyse the information contained within it. Analysis of the research conducted for this report is contained within Section 4, and recommendations for progress in the future are introduced in Section 5.

At least 37 states have designated national coordination agencies. In some cases, such as Mozambique, Kenya and Uganda, the national focal points (NFPs) established in accordance with the Nairobi Declaration (see page 47) incorporate both roles (national coordination agencies and points of contact).

At least 111 states have designated national points of contact. Of these, 97 appear on the list of points of contact on the UNDDA website. It is not clear whether the UNDDA has been or will be notified by those who have not already done so.

Additionally, in direct relation to the implementation of the PoA, as of 1 June 2003, 15 states have submitted national reports on implementation to the UNDDA for 2001,<sup>7</sup> 36 states have submitted such reports for 2002,<sup>8</sup> and 13 states have provided the UNDDA with at least some of SALW-related legislation.<sup>9</sup> Experts from 23 states sit on the Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons,<sup>10</sup> and 17 states provided submissions on their views of this group's first meeting, which took place on 1–5 July 2002 in Geneva (France and Switzerland provided a joint statement).

<sup>7</sup> These are Australia, Bangladesh, Belarus, Botswana, Bulgaria, Burkina Faso, Costa Rica, Ethiopia, Hungary, Ireland, Japan, Lithuania, Mexico, the Russian Federation, and the United States of America.

<sup>8</sup> These are Australia, Austria, Bangladesh, Bulgaria, Cuba, Czech Republic, India, Indonesia, Iran, Italy, Japan, Jordan, Latvia, Lebanon (Nil Report), Lithuania, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Qatar (Nil Report), Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Serbia and Montenegro, Slovenia, Sweden, Switzerland, and the former Yugoslav Republic of Macedonia.

<sup>9</sup> These are Argentina, Brazil (“A Statement on Marking and Registering SALW in Brazil”), Canada, China, Cuba, Egypt, France, India, Jamaica, Mali, Russia, Switzerland and the United Kingdom.

<sup>10</sup> <http://disarmament.un.org/cab/docs/trcngexperts/Listofexperts.pdf> .

# Table 1: National Coordination Agencies and National Points of Contact

Country	National Coordination Agency	National Point of Contact	Country	National Coordination Agency	National Point of Contact
Algeria		Yes	Democratic Republic of Congo		Yes
Andorra		Yes	Denmark		Yes
Angola	Yes		Ecuador		Yes
Antigua and Barbuda		Yes	El Salvador	Yes	
Argentina		Yes	Egypt		Yes
Armenia		Yes	Estonia		Yes
Australia		Yes	Ethiopia		Yes
Austria		Yes	Fiji		Yes
Bangladesh		Yes	Finland		Yes
Barbados		Yes	France		Yes
Belarus		Yes	Gambia		Yes
Belgium		Yes	Germany		Yes
Bosnia and Herzegovina		Yes	Ghana	Yes	Yes
Botswana	Yes	Yes	Greece		Yes
Brazil		Yes	Guinea		Yes
Bulgaria	Yes	Yes	Holy See		Yes
Burkina Faso		Yes	Hungary	Yes	Yes
Burundi		Yes	Iceland		Yes
Cambodia	Yes	Yes	India	Yes	Yes
Cameroon		Yes	Indonesia	Yes	Yes
Canada	Yes	Yes	Iran	Yes	Yes
Chile		Yes	Ireland		Yes
China		Yes	Israel	Yes	Yes
Colombia		Yes	Italy	Yes	Yes
Congo (Republic of)		Yes	Jamaica		Yes
Cook Islands		Yes	Japan	Yes	Yes
Costa Rica	Yes	Yes	Jordan		Yes
Côte d'Ivoire		Yes	Kazakhstan		Yes
Czech Republic		Yes	Kenya	Yes	Yes

Country	National Coordination Agency	National Point of Contact	Country	National Coordination Agency	National Point of Contact
Kosovo	Yes		Russian Federation		Yes
Latvia	Yes	Yes	Rwanda		Yes
Lebanon	Yes	Yes	Saint Kitts and Nevis		Yes
Liechtenstein		Yes	San Marino		Yes
Lithuania		Yes	Senegal		Yes
Malaysia		Yes	Serbia and Monetengro		Yes
Mali	Yes	Yes	Sierra Leone	Yes	
Maldives		Yes	Singapore		Yes
Malta		Yes	Slovakia		Yes
Mauritius		Yes	Slovenia		Yes
Mexico	Yes	Yes	South Africa		Yes
Moldova		Yes	Spain		Yes
Monaco		Yes	Sri Lanka	Yes	Yes
Mongolia		Yes	Sudan	Yes	Yes
Morocco		Yes	Sweden		Yes
Mozambique	Yes	Yes	Switzerland		Yes
Netherlands		Yes	Syrian Arab Republic		Yes
New Zealand	Yes	Yes	Tanzania	Yes	Yes
Nigeria	Yes	Yes	Thailand	Yes	Yes
Norway	Yes	Yes	Turkey	Yes	Yes
Oman		Yes	Tuvalu		Yes
Pakistan	Yes	Yes	Uganda	Yes	Yes
Paraguay		Yes	Ukraine		Yes
Peru		Yes	United Kingdom	Yes	Yes
Philippines		Yes	United States of America	Yes	Yes
Poland	Yes	Yes	Venezuela		Yes
Portugal		Yes	Zambia		Yes
Qatar		Yes	TOTAL	37	111
Republic of Korea		Yes			
Romania	Yes	Yes			

Table 2: Existing National Laws and Administrative Procedures

	Laws and Procedures on Production, Export Import and Transit					National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	Pr	E	I	Tt		D	EUC	R			M	P	S	T	
Albania	Y	•	•	•							Y	•	•	•	•
American Samoa	Y			•							Y	•	•		•
Angola	Y										Y				
Argentina	Y		•	•	•	Y					Y		•	•	•
Armenia	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Australia	Y	•	•	•	•	Y		•	•		Y	•	•	•	•
Austria	Y		•	•	•	Y	•	•		Y					
Azerbaijan	Y		•	•							Y	•	•		
Bangladesh	Y	•	•	•							Y	•	•		•
Belarus	Y	•	•	•	•	Y		•		Y	Y	•	•	•	•
Belize	Y		•	•	•						Y	•			
Belgium	Y		•	•	•	Y				Y					
Bolivia	Y		•	•	•						Y	•			•
Bosnia and Herzegovina	Y	•	•	•	•						Y	•	•	•	•
Botswana	Y		•	•							Y	(being amended)			
Brazil	Y	•	•	•	•						Y	•	•	•	•
Brunei	Y	•	•	•							Y	•	•	•	•
Bulgaria	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•		•
Cambodia	Y	•	•	•	•						Y	•	•	•	•
Cameroon	Y	•	•	•	•						Y	•	•	•	•
Canada	Y		•	•	•						Y	•			
Chile	Y		•	•							Y	•	•	•	
China	Y	•	•	•	•	Y		•			Y	•	•	•	•
Colombia	Y	•	•	•							Y	•	•	•	•
Cook Islands	Y		•	•							Y		•		•
Costa Rica	Y		•	•							Y	•	•	•	•
Czech Republic	Y	•	•	•	•	Y			•	Y	Y	•	•	•	•
Denmark	Y		•		•	Y	•	•							
Democratic Republic of Congo	Y	•	•	•	•					Y	Y	•	•	•	•
Ecuador	Y		•	•							Y	•	•		•
El Salvador	Y		•	•							Y	•			•
Estonia	Y		•	•	•	Y		•	•	Y					
Fiji	Y		•	•							Y	•	•		•
Finland	Y		•			Y	•	•		Y					
France	Y	•	•	•	•	Y				Y	Y	•	•		•
French Polynesia	Y			•							Y		•		
Georgia	Y		•	•	•	Y		•			Y		•	•	•
Germany	Y	•	•	•	•	Y		•	•	Y	Y	•	•		•
Ghana	Y			•						Y	Y				
Greece	Y		•	•	•	Y	•	•							
Guatemala	Y		•	•							Y	•			
Guyana											Y	•			
Honduras	Y		•	•							Y	•	•		•
Hungary	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•

**ACTION BY STATES AND CIVIL SOCIETY**

**KEY:**

Pr = production  
 E = export  
 I = import  
 Tt= transit  
 D = diversion risk assessment  
 EUC = end user certificates

R = retransfer notification  
 M = manufacture  
 P = possession  
 S = stockpiling  
 T = trade

	Laws and Procedures on Production, Export Import and Transit					National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
		Pr	E	I	Tt		D	EUC	R			M	P	S	T
India	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•	•
Indonesia	Y	•	•	•							Y	•	•	•	•
Iran	Y	•	•	•							Y		•		•
Ireland	Y		•	•		Y	•			(being considered)	Y		•		
Israel	Y	•	•	•	•					Y	Y	•	•	•	•
Italy	Y	•	•	•	•	Y		•		(being considered)	Y	•	•	•	•
Jamaica	Y	•	•	•	•						Y	•	•		•
Japan	Y	•	•	•						Y	Y	•	•		•
Jordan											Y	•			•
Kazakhstan	Y		•			Y		•							
Kiribati	Y		•	•							Y	•	•		•
Kenya	Y	•	•	•	•						Y	•	•		•
Kosovo* (UNMIK/KFOR)	Y	•	•	•	•	UNMIK					Y	•	•	•	•
Kyrgyz Republic											Y		•		
Latvia	Y	•	•	•	•	Y	•	•	•	(draft)	Y	•	•		•
Laos	Y	•	•	•							Y	•	•	•	•
Lebanon	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Lesotho											Y	•	•		•
Lithuania	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•	•
Macedonia	Y		•	•							Y		•		
Malawi	Y		•	•							Y	•	•		•
Malaysia	Y	•	•	•	•					Y	Y	•	•	•	•
Mali	Y					Y	•	•			Y	(being reviewed)			
Marshall Islands	Y			•							Y	•	•		•
Mauritius	Y			•							Y	•	•		•
Mexico	Y	•	•	•	•						Y	•	•		
Micronesia	Y			•							Y	•	•		•
Moldova	Y		•	•	•	Y		•	•		Y	•	•		•
Mozambique	Y		•	•							Y	•	•	•	•
Myanmar	Y	•	•	•	•										
Namibia	Y		•	•							Y	•	•		•
Nauru											Y		•		•
Nepal	Y	•	•	•	•						Y	•	•		•
The Netherlands	Y		•	•	•	Y	•			Y	Y		•		•
New Caledonia	Y			•							Y	•	•		•
New Zealand	Y	•	•	•	•	Y	•	•	•		Y	•	•	•	•
Nicaragua	Y		•	•							Y	•	•		•
Nigeria	Y	•	•	•	•	Y		•		Y	Y				
Niue	Y		•	•							Y		•		
Norway	Y	•	•	•	•	Y				Y	Y				
Pakistan	Y	•	•	•	•					Y	Y	•	•	•	•
Palau	Y		•	•							Y	•	•		
Panama	Y			•											

\*Kosovo is an entity under interim international administration

	Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	Pr	E	I	Tt		D	EUC	R			M	P	S	T
Papua New Guinea	Y			•						Y	•	•		•
Paraguay	Y	•	•	•						Y	•	•	•	•
Peru	Y		•	•						Y	•	•		•
Philippines	Y	•	•	•	•					Y	•	•	•	•
Poland	Y	•	•	•	•	Y	•	•		Y	•	•	•	•
Portugal						Y	•	•						
Republic of Korea	Y	•	•	•		Y		•		Y	•			•
Romania	Y	•	•	•	•	Y	•	•		Y	•	•	•	
Russian Federation	Y	•	•	•	•	Y	•	•		Y	•	•	•	•
Rwanda	Y		•	•	•	Y	•	•		Y		•	•	•
Samoa	Y		•	•						Y		•		•
Serbia & Monetengro	Y	•	•	•	•	Y		•		Y	•	•	•	•
Seychelles	Y		•	•	•					Y	•	•		•
Singapore	Y	•	•	•						Y	•	•		•
Slovakia	Y	•	•	•	•	Y	•	•		Y				
Slovenia	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•
Solomon Islands	Y		•	•						Y	•	•	•	
South Africa	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•
Spain	Y	•	•	•	•	Y		•		(being drafted)	Y	•	•	•
Sri Lanka	Y	•	•	•	•					Y	•	•		
Sudan	Y					Y	•	•		Y				
Swaziland	Y		•	•						Y	•	•		•
Sweden	Y	•	•	•	•	Y	•	•		Y	•	•	•	•
Switzerland										Y				
Tanzania	Y	•	•	•	•	Y	•	•	•		Y	•	•	•
Thailand	Y	•	•	•	•						Y	•	•	•
Tonga	Y		•	•							Y	•	•	•
Trinidad & Tobago	Y		•	•	•						Y	•	•	•
Turkey	Y	•	•	•	•	Y	•	•	•	Y	•	•	•	•
Tavalu	Y		•	•							Y	•	•	
Uganda		(under review)								Y	Y			
Ukraine	Y		•											
United Kingdom	Y	•	•	•		Y	•	•		Y	Y		•	•
United States of America	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•
Uruguay	Y		•	•	•						(updated July 2002)			
Vanuatu	Y			•							Y	•	•	•
Venezuela	Y			•							Y	•	•	•
Vietnam	Y	•	•	•							Y	•	•	•
Wallis and Futuna	Y			•							Y		•	
Yemen											Y	•	•	•
Zambia	Y	•	•		•						Y	•	•	•
Zimbabwe	Y		•	•							Y	•	•	•

### 3.1.2. LEGISLATION AND ADMINISTRATIVE PROCEDURES ON THE PRODUCTION, EXPORT, IMPORT AND TRANSIT OF WEAPONS

Most states have some legislation and/or administrative procedures on the production, export, import and transit of weapons. While comprehensive data is not available, the research conducted for this report appears to indicate that there is considerable variation in the scope of both legislation and administrative procedures. Likewise, most states have some laws relating to illicit possession, manufacture and trade within their jurisdictions. Significantly, however, the presence of such laws and procedures does not signify adequate controls over related activities. Many laws and procedures are out of date and in need of review and reform, and in many cases where legislation does exist, implementation is very weak and enforcement is either not systematic or effective. For the purpose of this section, however, the following information is merely indicative of the existence of laws and procedures, and makes no judgement of their coverage or adequacy.

In sum, of the states for which data has been gathered:

- At least 60 have laws and/or procedures on production;
- At least 105 have laws and/or procedures on export;
- At least 112 have laws and/or procedures on import; and
- At least 63 have provisions on transit/transportation.

Many of these laws, regulations and procedures on the export of SALW consist of requirements for permits to engage in export activities, rather than a system of export licensing. Of those states with export licensing controls and procedures, at least 30 incorporate an assessment of the risk of diversion into illicit trade when assessing applications for export, and at least 17 have laws or procedures relating to the notification of the original exporting states in cases of the retransfer of previously imported weapons. While the information available at the time of writing only includes specific references to a requirement for authenticated end-user certificates within the export controls of 41 states, it is likely that this is a requirement for many other states.

At least 19 states have conducted reviews and/or implemented changes to import/export legislation since the 2001 UN Small Arms Conference, at least 38 states claim to have some controls or laws in place on arms brokering activities, and several others are currently in the process of developing or review existing legislation. In relation to the control of arm brokers, however, very few of these states have explicit controls, with many believing aspects of brokering activity to be covered by elements of their export controls. The extent to which brokering activity is actually covered by such legislation is unclear (see Section 3.3.4 on page 155).

### 3.1.3. DOMESTIC LAWS ON ILLICIT MANUFACTURE, POSSESSION AND TRADE

In relation to domestic laws, most states have provisions making illicit manufacture, possession and trade illegal. The nature of these provisions and how each is defined varies widely. In many cases, the legislation was developed many decades ago and has since been enforced inadequately. Illicit stockpiling is not well defined in either the PoA or many national laws, but it is often effectively covered by laws on illicit possession. Of the 114 states for which information on domestic legislation has been gathered:

- At least 92 have legislation on illicit manufacture;
- At least 97 have legislation on illicit possession;
- At least 87 have legislation on illicit trade; and
- At least 49 have legislation on illicit stockpiling – or see this as being covered by legislation on illicit possession.

Table 3: Stockpile Management, Disarmament, Weapons Collection and Weapons Destruction

	Stockpile management		Weapons destruction				Disarmament and weapons collection	
	Review of Procedures	Regular reviews of stocks		S	C	Policy of Destroying All	DDR	
Afghanistan								• weapons for development
Albania	Y	•	Y		•		Y	weapons collection and amnesty
Angola	(1)						Y	• VWCP and amnesty under consideration
Argentina			Y		•		Y	VWCP
Armenia	Y	•					Y	voluntary surrender and amnesty
Australia	Y	•	Y	•			Y	amnesty effectively permanent
Austria			Y	•				
Azerbaijan	Y							
Bangladesh							•	
Belarus	Y	•	Y	•	•		Y	VWCP
Bosnia and Herzegovina	Y	•	Y	•	•		Y	Operation "Harvest" (ZETVA) and amnesty
Brazil			Y		•			
Bulgaria	Y	•	Y	•	•			
Cambodia	Y	•	Y		•		Y	• VWCP and confiscation and weapons for development
Cameroon	Y	•	•					
Central African Republic							Y	other
Chad							Y	(2)
China	Y	•				• (3)		confiscation
Colombia	Y		Y		•		Y	VWCP
Congo (Republic of)			Y		•		Y	•
Costa Rica	Y	•	•	Y				
Croatia			Y		•		Y	amnesty and buy-backs
Cyprus			Y					
Czech Republic	Y	•					Y	VWCP
Democratic Republic of Congo	Y		Y		•		Y	•
El Salvador	Y	•	Y	•	•			
France	Y		Y	•				
Georgia			Y		•		Y	VWCP
Germany	Y	•	•	Y	•	•		
Ghana	Y	•	Y		•		Y	VWCP
Hungary	Y	•	•					
Italy	Y	•	Y	•	•			
India	Y	•	•				Y	•
Jamaica			Y		•			
Japan	Y	•						
Jordan							Y	other
Kenya	Y	•	Y		•		Y	amnesty and forcible
Kosovo*	(4)		Y		•		Y	• amnesty
Kyrgyz Republic	Y	•						
Latvia	Y		Y		•		•	
Lebanon	Y	•	•					
Lesotho			Y	•				

\*Kosovo is an entity under interim international administration

**ACTION BY STATES AND CIVIL SOCIETY**

**KEY:**

S = Surplus

C = Collected or confiscated

DDR = Disarmament,  
demobilisation and reintegration

VWCP = Voluntary weapons  
collection program

	Stockpile management			Weapons destruction				Disarmament and weapons collection		
		Review of Procedures	Regular reviews of stocks		S	C	S	C	Policy of Destroying All	DDR
Lithuania	Y	•	•	Y		•		•	Y	amnesty
Macedonia (FYRoM)										• forthcoming weapons collection and amnesty
Malawi	Y								Y	other
Malaysia	Y								Y	other
Mali	Y	•	•	Y		•			Y	• other
Mexico	Y		•	Y		•			Y	VWCP
Moldova	Y		•	Y	•	•			Y	amnesty/registration
Mozambique	Y			Y		•				
The Netherlands	Y			Y	•					
New Zealand	Y		•	Y	•	•			Y	amnesty
Niger				Y		•			Y	VWCP
Nigeria	Y			Y	•	•	•	•	Y	forceful disarmament of militias
Norway	Y									
Pakistan	Y		•	Y	•				Y	“de-weaponization program” and amnesty
Panama									Y	arms for food
Papua New Guinea	Y		•	Y		•			Y	• VWCP
Paraguay	Y		•	(5)						
Peru	(6)			Y		•				
Philippines	Y	•	•						Y	other (various)
Poland	Y	•	•	Y	•		•		Y	amnesty
Romania	Y		•	Y	•					
Russian Federation	Y		•	Y	•	•		•	Y	• buyback
Rwanda	Y	•	•							
Serbia and Monetengro	Y		•	Y	•	•	•	•	Y	• amnesty
Sierra Leone				Y		•			Y	• other (CACD)
Slovenia	Y	•	•	Y	•	•		•	Y	other (legalisation and amnesty)
Solomon Islands									Y	• amnesty
South Africa	Y	•	•	Y	•	•	•	•		
Spain	Y							•(7)		
Sri Lanka	(8)			Y					Y	amnesty
Sudan	Y	•		Y			•	•	Y	other
Sweden	Y		•	Y	•	•			Y	•
Tanzania	Y	•	•						Y	VWCP
Trinidad & Tobago	Y									
Turkey				Y						
Uganda	Y	•	•						Y	voluntary and seizures
United Kingdom	Y	•	•	Y	•	•		•	Y	• amnesty
United States of America	Y	•	•	Y	•	•			Y	Buy-backs and other
Uruguay									Y	amnesty
Venezuela		•								
Zambia	Y		•	Y		•			Y	amnesty and buy-back
Zimbabwe									Y	amnesty

- (1) A Review of procedures is planned
- (2) DDR is planned
- (3) Unserviceable weapons
- (4) No stocks
- (5) Assistance requested
- (6) UN-LiREC assistance pending
- (7) Unmarked
- (8) Under consideration

### 3.1.4. STOCKPILES, DISARMAMENT, WEAPONS COLLECTION AND WEAPONS DESTRUCTION

As discussed in depth in Section 3.3 (page 145), one of the key achievements of the PoA was establishing the issues of stockpile management and security as legitimate issues for international concern. The PoA thus requires that states “ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police, or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of weapons”(II, 17); and that these stocks are regularly reviewed (II, 18). The PoA also encourages states to dispose of surplus arms and collected and confiscated weapons, preferably through destruction, unless other methods of disposal are authorised (II, 16 & 18). The development and implementation of disarmament, demobilisation and reintegration (DDR) programmes is encouraged where possible, particularly in post-conflict situations, as is the voluntary collection of SALW (II, 20 & 21). In each of these areas that relate to dealing with existing stocks of SALW, national implementation has varied considerably (see Table 3).

#### STOCKPILE MANAGEMENT

While it is likely that most states have some form of stockpile management procedures, very little verifiable data is available on this issue. Of the 62 states for which some illustrative data has been gathered, 42 regularly review stocks of arms, and 20 have reviewed stockpile management and security procedures. There are also, no doubt, several states (for example, Angola) that are in the process of conducting reviews at present.

#### WEAPONS DESTRUCTION

Of the states covered in this report, at least 39 have destroyed, collected or confiscated SALW; and at least 24 have destroyed some surplus SALW or ammunition. In addition, for some states, such as Turkey, Belarus and Costa Rica, where it appears that some weapons have been destroyed, or that destruction procedures are in place, the information available for this report does not specify whether the weapons were designated surplus at the point at which they were destroyed. Additionally, many states have a policy of destroying unserviceable surplus arms, but most provide for the possibility of other forms of disposition for serviceable weapons, such as export (as in the case of the UK) or reallocation (for example, as in India) (see Section 3.3.5 page 164 for further details).

#### DISARMAMENT AND WEAPONS COLLECTION

A range of options exist for the development and operation of disarmament and weapons collection programmes. According to the data collected, at least 50 states have implemented some form of disarmament or weapons collection since July 2001 (see Section 3.3.5, page 161 for further details). Clearly, many others had implemented such programmes prior to this date.

### 3.1.5. SUMMARY

The information presented here on key aspects of the PoA indicates at a very basic level that implementation has been extremely varied. On many of these aspects there are encouraging signs, such as the establishment of points of contact in over 100 states. Likewise, the number of states submitting reports to the UNDDA for 2002 is 140 per cent higher than for 2001; however, the total number remains very low, at just 36 states. The existence of stockpile management procedures and the conduct of disarmament, weapons collection and weapons destruction programmes are also encouraging signs.

However, while it is clear that most states have some legislative provisions that relate to particular aspects of SALW, the coverage and effectiveness of these provisions and the associated administrative procedures is not revealed by the fairly binary data presented here.

The fairly basic nature of the information contained in this part of the report makes drawing detailed and useful conclusions difficult without further elaboration. The following two sections in this part of the report, which analyse implementation on a geographical and thematic level respectively, aim to do just this.

## 3.2. REGIONAL IMPLEMENTATION

This section outlines and examines progress towards implementing the PoA in different countries and regions across the world. For each region and sub-region, we aim to provide an overview of progress, with illustrations from regional organisations and regional civil society initiatives from a range of countries. We then illustrate initiatives and progress in selected countries in more detail.

Most regional sections are sub-divided into sub-regions, each of which include several country-specific case studies. These regions are: sub-Saharan Africa (including SADC, East Africa/Horn, Great Lakes/Central Africa and West Africa); the Americas (including the North American Free Trade Area (NAFTA), the Caribbean and Latin America); Europe (including the EU and Associate Countries, South East Europe and the former USSR); North Africa and the Middle East; Asia (including South Asia, South East Asia, Central Asia and North East Asia); and Oceania-Pacific.

For each region, a short overview provides context on the nature of the SALW problem in that region and outlines SALW-related actions or initiatives by regional organisations or instruments, for example the OAU's Bamako Declaration. In the absence of a commonly agreed position by states within a region, implementation by individual countries is noted through a discussion of thematic issues, such as, legislation and weapons destruction. Each regional overview is followed by a substantial table summarising the implementation of PoA commitments at the national level by states within that region.

The sub-regional sections begin with an introduction to the broad SALW context and, on a general level, progress towards implementation of the PoA at the sub-regional level. Then specific sub-regional initiatives are examined, with a focus on specific measures that have taken place since July 2001. A summary of key aspects of national implementation by states in the sub-region is provided and complemented by examples highlighting the role of civil society as a key player in the process of implementation. The importance of civil society engaging in the process of implementation is further developed in the sub-regional sections through specific examples describing the activities of particular civil society groups and non-governmental organisations (NGOs).

These sub-regional sections include a series of case studies that provide a short review of implementation of the PoA, examine in greater depth specific areas of implementation, and highlight key learning points based on the experiences of the respective countries. These 25 country case studies cover a wide range of PoA commitments. Many cover more than one thematic area; however, all focus on specific PoA-relevant activities. The country case studies included in this part of the report are as follows:

- Legislation and Cross-Border Cooperation and Assistance in South Africa;
- The National Action Plan on Small Arms in Tanzania;
- The National Focal Point, Weapons Destruction and the Nairobi Secretariat in Kenya;

- Laws, Regulations and Destruction Activities in Nigeria;
- Laws, Regulations and Tackling Illicit Possession in Ghana;
- Legislative Reviews, Export Controls and Destruction Programmes in the United States of America;
- Marking and Tracing, Stockpiling and Cooperation in Brazil;
- Weapons Collection, Stockpile Management and Transparency in Mexico;
- Marking, Stockpile Management and End-User Certificates in El Salvador;
- Legislative Change and International Cooperation and Assistance in the United Kingdom;
- Brokering Legislation in Germany;
- Stockpile Management and Record Keeping in Russia;
- Transparency in the Czech Republic;
- Weapons Collection and Destruction in Serbia and Montenegro;
- Developing International Cooperation in Romania;
- Weapons Collection and Transparency in Jordan;
- Controls and Legislation in Yemen;
- Legislation, DDR and Stockpile Management in Lebanon;
- De-weaponisation in Pakistan;
- Reviewing Stockpile Management in Cambodia;
- Implementation and Licensing Procedures in the Philippines;
- Regulations, Border Control, Marking and Stockpile Management in Kazakhstan;
- Export Controls, Stockpile Management and the Role of the OSCE in Tackling the Illicit Trade in SALW in the Kyrgyz Republic;
- Domestic and Export Controls in China; and
- Disarmament in Papua New Guinea: Weapons Disposal in Bougainville.

### 3.2.1. SUB-SAHARAN AFRICA

#### OVERVIEW OF PROGRESS IN SUB-SAHARAN AFRICA

Since the 2001 UN Small Arms Conference, there have been many positive developments across Africa focused on tackling the proliferation and misuse of small arms, including, for instance, the development of a Tanzanian National Action Plan on small arms and the activities of the Nairobi Secretariat in Kenya (see the national case studies on Tanzania and Kenya, below). However, the challenges involved in implementation of the PoA in Africa are great. The legacy of long civil and inter-state wars and the ongoing conflict in many areas continues to drive the demand for small arms and creates a huge pool of weapons in the region that are also used to commit violent crime and fuel conflicts. Small arms are transferred across state borders when states intervene in conflict, for example, in the Democratic Republic of the Congo (DRC), and following the cessation of conflict, these weapons continue to pose a significant threat to human rights, human security, and economic and social development. Despite this challenging environment, however, there has been significant progress across the continent at the regional, sub-regional and national levels.

Prior to the 2001 UN Small Arms Conference, in December 2000, the African states developed a common position through the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which demonstrated a high level of commitment in Africa towards moving forward on these issues and strengthened Africa's voice at the Conference.

Whilst there was disappointment in Africa over certain aspects of the PoA – for example, some states were concerned that no limits were imposed on transfers of weapons to non-state actors – the importance of encouraging implementation of the PoA was recognised, and resulted in an *African*

*Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships*, which took place in Pretoria, South Africa, in March 2002. Participants identified some differences in the needs and priorities of the different sub-regions, but also identified a set of priorities and requirements for urgent action that were common to them all. These included:

- The importance of establishing NFPs and/or national coordination agencies where they do not already exist;
- Establishing regional focal points to assist regional coordination and information exchange;
- The need to strengthen regulations on arms management, including strengthening and harmonising legislation to that effect;
- The need to engage in training and capacity-building programmes for law enforcement agencies on all aspects of the issue, but particularly border controls;
- Improving, where needed, the operational capacity for enforcement, including stockpile management, monitoring, destruction and border controls;
- Enhancing information exchange and cooperation mechanisms to prevent, combat and eradicate illicit small arms trafficking;
- Strengthening the ability of states to cooperate in identifying and tracing, in a timely and reliable manner, illicit SALW;
- Reducing availability and demand, through:
  - o Preventing, combating and eradicating illicit small arms production, possession and transfers,
  - o Emphasising the importance of public awareness and education,
  - o Developing effective collection and destruction mechanisms for both surplus and illicit arms, and
  - o Providing rehabilitation and reintegration assistance to demobilised soldiers, ex-combatants and, in particular, child soldiers; and
- Reducing the impact of arms availability on vulnerable groups.

In addition to this development at the regional level, at the sub-regional level much has been achieved in terms of developing and implementing small arms agreements, and progress at this level complements and reinforces implementation of the PoA. These sub-regional agreements vary in scope from politically binding statements to legally binding moratoria (see the sub-regional case studies below).

The need to encourage implementation of the Bamako Declaration, the PoA and the various sub-regional agreements has been recognised by the New Economic Partnership for Development (NEPAD) Sub-Committee of Peace and Security, which identified small arms proliferation as a priority area for action. At the African Union AU-NEPAD Consultation on Peace and Security in February 2003, a plan of action was developed, which, amongst other things, called for:

- Efficient and consolidated action for the prevention, combating and eradicating of the problem of the illicit proliferation, circulation and trafficking of SALW; and
- An African definition and action on disarmament, demobilisation, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations.

## NATIONAL AND REGIONAL NETWORKS ON SMALL ARMS IN AFRICA

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### **Eastern African Action Network on Small Arms (EAANSA)**

Forty-eight different civil society organisations from the Great Lakes region and the Horn of Africa, including Somalia and Seychelles, launched EAANSA on 27 March 2003. The network is committed to developing a concrete action plan for effective participation of civil society in the implementation of the Nairobi Declaration and the PoA. It met in May 2003 in Kampala to review the progress of EAANSA and to draw up a comprehensive action plan for the regional network.

For more information contact:

For Uganda - Richard Mugisha, People with Disabilities, [pwd@imul.com](mailto:pwd@imul.com)

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For Kenya - Jan Kamenju, Security Research and Information Centre (SRIC), [Sric@africaonline.co.ke](mailto:Sric@africaonline.co.ke)

For Mozambique - Albino Forquilha, [taeccm@isl.co.mz](mailto:taeccm@isl.co.mz)

### **Kenya Action Network on Small Arms (KANSA)**

On 26 March 2002, 35 representatives from 30 civil society organisations established KANSA to foster close NGO collaboration and enhance actions that facilitate information exchange, leading to informed dialogue and policy engagements with government on issues of SALW.

For more information contact Jan Kamenju, SRIC, [Sric@africaonline.co.ke](mailto:Sric@africaonline.co.ke)

### **Ugandan Action Network on Small Arms (UANSA)**

In August 2000, four NGOs in Uganda launched UANSA. This coalition has grown to include 62 civil society groups and become more representative of civil society in the country. The network acts as a forum for coordinating independent efforts to support and to challenge the Uganda government on small arms issues and on the implementation of the Nairobi Declaration.

For more information contact Richard Mugisha, People with Disabilities, [pwd@imul.com](mailto:pwd@imul.com)

### **West African Action Network on Small Arms (WAANSA)**

In May 2002, 27 organisations from ten countries in West Africa launched WAANSA to facilitate civil society activities in the campaign against the proliferation of small arms in West Africa. The network intends to serve as a forum for the exchange of information, views, experiences and strategies in combating the proliferation of small arms and light weapons in the region.

For more information contact:

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For Ghana: Afi Yakubu, Foundation for Security and Development in Africa (FOSDA), [fosad\\_africa@yahoo.com](mailto:fosad_africa@yahoo.com)

### Ghana Action Network on Small Arms (GHANSA)

In April 2002, GHANSA was launched to encourage the government to revise national legislation on small arms and to establish an active arms register. The network comprises ten civil society groups working on security and small arms, the United Nations Development Programme (UNDP), the National Commission on Culture, the Ghana News Agency and the Ministry of Justice.

In March 2003, GHANSA launched a national awareness campaign on SALW. The project targets the government and local communities in conflict-prone regions through the media, public forums, posters, training workshops, unions and schools and through lobbying of key government ministries and parliamentarians.

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## MAPPING THE SMALL ARMS PROBLEM IN AFRICA

SaferAfrica and Saferworld have assisted governments and civil society organisations in Southern and Eastern Africa in conducting comprehensive national arms assessments, or “mappings”, of the small arms problem in Tanzania, Mozambique, Uganda and Kenya. These mappings will lead to the establishment of National Action Plans, which will analyse the specific nature and extent of the small arms problem in each country, identify priority areas where action is required, and identify the local and external capacity to necessary implement plans effectively.

The mapping processes involve the collection of information on:

- The nature of the small arms problem in each country;
- Attitudes towards the impact of small arms on society; and
- The resources available to address the problems identified.

This information is collected using three primary research components:

- Civil society workshops – held in each region of the country and including NGOs, religious groups and community-based organisations;
- Law enforcement agency workshops – held in each region of the countries concerned, with key officials from police, customs, immigration, intelligence and local administration attending; and
- A population survey – collating at least 5,000 responses, examining the attitudes and experiences of the population with regard to small arms, which seeks to determine the true impact of small arms on society, from which combative strategies can be developed.

For more information contact:

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For Mozambique – Albino Forquilha, taeccm@isl.co.mz

For Uganda – Richard Mugisha, pwd@imul.com

Table 4: National Implementation  
in Sub-Saharan Africa

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Angola	Y	Y	Y										Y			
Botswana		Y	Y		•	•								being amended		
Burkina Faso		Y														
Burundi	Y	Y														
Cameroon		Y	Y	•	•	•	•						Y	•	•	•
Central African Republic																
Chad																
Côte d'Ivoire		Y														
Congo (Republic of)		Y														
Democratic Republic of Congo		Y	Y	•	•	•	•					Y	Y	•	•	•
Eritrea			Y	•	•	•							Y	•	•	•
Ethiopia		Y														
Gambia		Y														
Ghana	Y	Y	Y			•						Y	Y			
Guinea		Y														
Kenya	Y	Y	Y	•	•	•	•						Y	•	•	
Lesotho													Y	•	•	
Malawi		Y	Y		•	•							Y	•	•	
Mali	Y	Y	Y					Y	•	•			Y			
Mauritius		Y	Y			•							Y	•	•	
Mozambique	Y	Y	Y		•	•							Y	•	•	•
Namibia	Y	Y	Y		•	•							Y	•	•	
Niger																
Nigeria	Y	Y	Y	•	•	•	•	Y		•		Y	Y			
Rwanda	Y	Y	Y		•	•	•	Y	•	•		Y	Y		•	•
Senegal		Y														
Seychelles		Y	Y	•	•	•	•						Y	•	•	
Sierra Leone																
South Africa	(4)	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Sudan		Y	Y					Y	•	•		Y	Y			
Swaziland		Y	Y	•	•	•							Y	•	•	•
Tanzania	Y	Y	Y	•	•	•	•	Y	•	•	•		Y(5)	•	•	•
Uganda	Y	Y	(5)									Y	Y			
Zambia		Y	Y	•	•		•						Y	•	•	
Zimbabwe			Y		•	•							Y	•	•	

**KEY:**

Pr = Production  
 I = Import  
 E = Export  
 Tr = Transit  
 D = Diversion risk  
 R = Retransfer notification

EUC = End-user certificates  
 M = Manufacture  
 St = Stockpiling  
 P = Possession  
 T = Trade  
 S = Surplus  
 C = Collected & Confiscated

DDR = Disarmament, demobilisation, reintegration  
 VWCP = Voluntary weapons collection program  
 F = Financial  
 T = Technical

	Stockpile management				Destruction				Disarmament and weapons collection			Financial or Technical Assistance				
	T		Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other		Provision		Receipt		
							S	C				F	T	F	T	
			(1)						Y	•	(2)	Y			•	•
being amended																
	•	Y	•	•					Y		other	Y			•	
									Y	(3)						
					Y	•			Y	•		Y			•	•
	•	Y			Y	•			Y	•		Y			•	•
	•															
		Y		•	Y		•		Y		VWCP					
	•	Y		•	Y		•		Y		Amnesty & forcible	Y			•	•
	•				Y	•						Y			•	•
	•	Y										Y				•
		Y	•	•	Y		•		Y	•	other	Y			•	
	•															
	•	Y			Y		•					Y				•
	•											Y			•	•
					Y		•		Y		VWCP	Y			•	
	•	Y	•	•	Y	•	•	•	Y		forcible					•
	•				Y		•									
					Y		•		Y	•	CACD	Y			•	•
	•	Y	•	•	Y	•	•	•				Y	•	•	•	
		Y	•		Y			•								
	•								Y		VWCP					
	•	Y	•	•					Y		VWCP	Y			•	•
		Y	•	•					Y		Amnesty & forcible	Y				•
	•	Y		•	Y		•		Y		Amnesty & buyback	Y				•
	•								Y		amnesty					

(1) Review planned  
 (2) VWCP Under consideration  
 (3) DDR/VWCP Planned  
 (4) Being established  
 (5) Being Reviewed

## IMPLEMENTATION IN SOUTHERN AFRICA

### General overview

The wide availability of SALW in Southern Africa escalates conflicts and violent crime, undermines peace agreements, hinders development and good governance, and threatens human rights. A large proportion of the weapons in circulation in the sub-region were transferred there during the Cold War, but others originate from within Southern Africa itself.

South Africa in particular has developed a sizeable arms production industry, the development of which was aided by the licensed production in South Africa of small arms for a Belgian-based company, FN Herstal, since the 1960s. Recognition within Southern Africa of the scale of the small arms problem and the urgent need for action to tackle it has, however, risen significantly in recent years, and there has been an encouraging level of coordinated action across the sub-region, primarily within the framework of SADC.<sup>11</sup>

The SADC governments played an active and influential role at the 2001 UN Small Arms Conference and its associated PrepComs, and have since, in August 2001, signed the SADC Protocol on Firearms, Ammunition and Other Related Materials (SADC Protocol), which provides a useful model for other regions when considering PoA implementation. Among other issues, the SADC Protocol sets out minimum standards for national legislation and also commits states to moving towards the harmonisation of firearms legislation across the region.

### The SADC Protocol on Firearms, Ammunition and Other Related Materials

The process of drafting the SADC Protocol began in 1999, when the SADC Heads of State created the SADC Small Arms Committee with a mandate to oversee and follow a regional process for the control of illicit small arms trafficking and for the tightening of controls over firearms and ammunition. The committee delegated the drafting of the SADC Protocol to the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), which carried out extensive consultations with member states and the SADC Small Arms Committee. The resulting SADC Protocol is a document that reflects the priority needs of the states in Southern Africa. It includes standards relating to:

- The coordination of procedures for the import, export and transit of firearms shipments;
- The regulation and centralised registration of all civilian owned firearms in their territories;
- Controls over the manufacturing, possession and use of firearms and ammunition;
- Measures promoting legal uniformity and minimum standards relating to the manufacture, possession, import, export and transfer of firearms and ammunition;
- The standardised marking and identification of firearms at the time of manufacture, import or export;
- The regulation of firearms brokering;
- The destruction of confiscated and unlicensed firearms;
- Public awareness programmes;
- Transparency and information exchange; and
- The establishment of an infrastructure for effective law enforcement.

The SADC Protocol contains many provisions similar to those agreed as part of the PoA, and implementation of one complements that of the other. The SADC Protocol, unlike the PoA, however, also

<sup>11</sup> The members of SADC are Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

contains provisions relating to the civilian possession of arms, which states in Southern Africa have identified as one of the priority areas in which action must be taken. Another significant difference is that, whereas the UN PoA is only politically binding, the SADC Protocol will be legally binding once ratified by the required number of states.<sup>12</sup>

Since the signing of the SADC Protocol and the agreement of the PoA, the focus for addressing small arms issues in Southern Africa has shifted towards implementation, which, due to the extent of the small arms problem and the comprehensive nature of the SADC Protocol's provisions, will be challenging. SARPCCO is the institution responsible for implementation of small arms measures in the region,<sup>13</sup> and since the summer of 2001, it has met on several occasions to develop an action plan for implementation. This is a positive step, because SARPCCO has been centrally involved in regional efforts thus far to combat SALW proliferation and it is the police who will have to implement the bulk of the SADC Protocol's provisions. Key activities planned by SARPCCO include:

- The creation of NFPs in the region;
- The development of National Training Programmes on Joint Operations;
- The development of public awareness and education programmes;
- A review of national firearms legislation; and
- A review of central firearms registries, including the introduction and/or improvement of electronic databases.

### **The SADC-EU process**

A SADC-EU Working Group on Small Arms was created in November 1999 and is intended to support the implementation of arms control measures across Southern Africa. The Working Group has met on four occasions, twice formally and twice informally. The most recent meeting took place in November 2002 and discussed deepening SADC-EU cooperation on implementing the SADC Protocol. SADC representatives used this opportunity to present the action plan on implementing the protocol, which was developed by SARPCCO. Greater momentum is needed however, if this process is to realise its potential as a valuable supporting mechanism for the implementation of the SADC Protocol.

### **National implementation**

The extent to which implementation of the SADC Protocol and the PoA is progressing on the national level varies among states in the region and is determined by a number of factors, including the political situation and the will and capacity of the individual governments to act. Progress towards implementation has so far included:

- Developing a National Action Plan on small arms in Tanzania;
- Starting the process of developing a National Action Plan in Mozambique;
- Establishing NFPs to act as coordinating bodies on small arms issues in Angola, South Africa, Mozambique, Botswana, Namibia and Tanzania;
- Creating new firearms control legislation in South Africa and reviewing legislation in Botswana, Namibia and Tanzania;
- Holding national conferences in Namibia, Tanzania and Botswana to kick-start the process of implementation. Similar conferences are also planned in Mozambique and Zambia;

<sup>12</sup> As of May 2003, ratification by another four member states is required for the SADC Protocol to become legally binding.

<sup>13</sup> At the time, SADC mandated SARPCCO to become the implementing agency for the SADC Protocol as indicated in the SADC Annual Report of 2001, which said: "Currently SADC Member States are in the process of ratifying the Firearms Protocol. The Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) will be responsible for the implementation of the SADC policies on small arms and light weapons and SADC will continue to participate in the negotiations of the Convention on Trans-national Crime – the Vienna Process".

- Reviewing the Central Firearms Registries in South Africa and Tanzania; and
- Continuing the Operation Rachel weapons collection initiative in Mozambique.

### **The role of civil society**

One of the most encouraging developments in the SADC region in recent years has been the level of engagement by civil society groups on the issue of small arms. At both the national and community levels, the role of civil society is vital to the development of sustainable and effective efforts to tackle the human impact of small arms. Some examples of positive action in this area include:

- A public awareness campaign by Angola 2000 and SaferAfrica, the impact of which was publicly noted by the Angolan government;
- Gun Free South Africa's campaign to establish gun-free zones in schools (see page 47);
- A Community Safety and Firearms Pilot Project in Malawi (see below);
- The Christian Council of Mozambique's "Tools into Ploughshares" project, which collects and destroys guns and provides communities with tools and construction materials in return;
- A Saferworld and SaferAfrica study on existing firearms legislation in the SADC region; and
- A project by IANSA and the ISS to bring together small arms researchers from across Africa with the aim of developing a network of researchers who can coordinate their work and share available resources.

## CIVIL SOCIETY WORKING FOR SAFER COMMUNITIES IN MALAWI

In Malawi, a Community Safety and Firearms Control Pilot Project was established to work with local communities and police to address the problem of firearms proliferation. Activities included a training-of-trainers workshop scheme involving recruits from the Malawi Police Service, NGOs, and civil society and community representatives. This was supported by the production and dissemination of a *Community Safety Handbook*, posters and a film on community policing, entitled *Protecting our Lives*.

In addition, the Pilot Project has sponsored, funded and arranged a series of public broadcasts by the Malawi Broadcasting Corporation and Television Malawi to promote public awareness of the need to support professional policing to counter armed violence. The aim of this was to raise awareness amongst the general public in Malawi about the work of the police and the need for community support to counter violent crime and the spread of firearms. An evaluation of the Pilot Project showed that, following the broadcasts, there were changes in the attitude of both the police and local people in relation to the work of community policing.

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### **LEGISLATION AND CROSS-BORDER COOPERATION AND ASSISTANCE IN SOUTH AFRICA**

South Africa has a significant small arms production capacity and very high levels of murder and violent gun-related crime. There is an urgent need for action both to reduce weapons availability within South Africa and to control the flow of weapons across its borders. It is therefore encouraging that the government has taken several positive steps in these areas since the 2001 UN Small Arms Conference. However, there

is much that remains to be done, particularly in relation to controls on the cross-border movement of arms. South Africa was one of the driving forces behind the 2001 UN Small Arms Conference and has publicly affirmed its support for the PoA. Moves towards implementation since the Conference include the development of new legislation on domestic firearms control and on the export, marking and brokering of firearms, the establishment of a national point of contact for small arms and a comprehensive audit of all state-owned firearms. South Africa has also participated in regional initiatives such as the process to develop the SADC Protocol and has cooperated with the Mozambican government in the latest stage of the Operation Rachel weapons destruction programme.

### ***New Firearms Control Act***

Due to the high levels of gun-related crime within the country, one of the South African government's stated priorities on small arms is to tighten controls on the domestic possession of firearms, and to this end a *Firearms Control Act* has been developed and mechanisms are being established for its implementation. The *Firearms Control Act 2000* is being implemented gradually in order to allow for the creation of effective operating procedures, but is expected to be fully in place by the end of 2003. The Act is significant in the context of various international and regional agreements, including the SADC Protocol and the PoA. In short, the Act imposes a ban on the possession of certain weapons, limits the number of weapons that an individual can possess, and introduces more stringent criteria for licence applications – whereby applicants will be required to obtain a certificate of competency. In focusing on the civilian possession of small arms, the Act goes further than the PoA.

In order to enable the new licensing provisions to function efficiently, South Africa is undertaking a thorough overhaul of its firearms registration process and creating a Central Firearms Register. It is envisaged that this register will enable the police to trace the entire life-span of a firearm, from manufacture to export, deactivation or destruction. Consideration has been given to the possibility of introducing the system in neighbouring countries and to linking databases across the region of Southern Africa. The establishment of effective databases should be a priority in helping to ensure implementation of both the PoA and the SADC Protocol.

Steps have also been taken to improve management and record-keeping in relation to state-owned firearms, which include a comprehensive audit of all state-owned firearms and measures to improve storage facilities.

### ***National Conventional Arms Control Act***

Parallel to efforts to tighten domestic small arms controls, the South African government has also introduced legislation to regulate the transfer and transit of weapons across state borders. The *National Conventional Arms Control Act* was submitted to parliament by the National Conventional Arms Control Committee and was given presidential assent in February 2003. The first draft of what is now an Act was tabled in February 2000, and whilst the Act is widely seen as an improvement on the initial draft, the prolonged delay in its adoption has been criticised. One of the issues that delayed adoption was disagreement over whether the definition of 'conventional arms' in the Act should cover firearms and light weapons – early drafts contained a definition that did not do so, as the Department of Foreign Affairs argued that these categories of weapons would be covered in separate legislation. However, this was changed in a later draft, due to insistence by the parliamentary committee that the Act should cover all arms, and that arms control should be as centralised as possible. It is anticipated that the Act will function as a mechanism through which South Africa can move towards implementation of many of the provisions of the PoA. Relevant provisions of the Act include:

- Requirements that must be adhered to in order to export firearms;
- Guidelines and criteria that are to be taken into account when considering marketing, contracting and export permits; and
- Requirements for the registration of all persons involved in brokering and regulations on the transactions that brokers may perform.

The provision relating to arms brokering is particularly significant in the context of commitments on the same issue contained in the PoA. As Southern African states move towards the harmonisation of small arms legislation – as required by the SADC Protocol – it is possible that such a provision could also be adopted elsewhere.

### **Cross-border activities and technical assistance**

South Africa is engaged in the provision of technical assistance to other states on tackling small arms proliferation and misuse, for example, through the latest phase of Operation Rachel. Operation Rachel is an initiative whereby the South African and Mozambican police services cooperate to destroy caches of illicit SALW in Mozambique. It is seen by the South African government as a natural extension of its efforts to fight crime in urban South Africa, since there is evidence to suggest that many of the weapons used in South Africa have come to the country via Mozambique. The latest phase of this project, which was established in 1995, is particularly significant. This is because, due to ongoing technical assistance from the South African Police Service (SAPS), the information used in this latest stage of the project has been collected solely by the Mozambique Police Service (PRM). This collaboration between the two police forces has enabled the PRM to develop an indigenous capacity to carry out this work, demonstrating the value of bi-lateral cooperation and technical assistance between states. South Africa has also assisted the Kingdom of Lesotho with the destruction of its surplus small arms stock.

Work is progressing in South Africa to tackle the cross-border movement of small arms, as well as problems relating to civilian possession, but South Africa remains one of the world's most significant arms producers and exporters, and as long as this remains the case, it is likely that the small arms problem in South Africa and the surrounding region will remain.

### **Learning points**

South Africa's experience provides a range of interesting learning points for other states engaged in similar change processes. These are as follows:

- Legislative change is crucial to establishing a legal framework for effective implementation. South Africa has taken important steps towards developing new legal controls on civilian possession and use and on the export and brokering of weapons. However, legislation has to be enforceable and states must have the capacity – both technically and financially – to enforce legislation effectively.
- The development of a Central Firearms Register, as part of the provisions to operationalise the new legislation on civilian possession, is an important initiative. Plans to establish similar databases across the region are welcomed and work to undertake this should be prioritised.
- South Africa has an important role to play in the SADC region to support the development of SALW control initiatives. Cooperation on operational law enforcement with the Mozambique Police Service is very positive and demonstrates the importance of technical support and capacity-building at the enforcement level as a key element of international cooperation and assistance.

## GUN-FREE ZONES IN SOUTH AFRICAN SCHOOLS

In 2002, Gun Free South Africa (GFSA) cooperated with the SAPS to develop a pilot project to encourage and maintain firearm-free schools in South Africa. The project developed materials as well as a model to make schools in five areas in South Africa firearm-free and established a communications campaign so that people involved in the different pilot areas can learn from each other.

GFSA has also been lobbying the South African parliament to pass stricter firearms laws. This work led to the *Firearms Control Act*, which was signed into law by President Mbeki in 2002.

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### IMPLEMENTATION IN THE GREAT LAKES REGION AND THE HORN OF AFRICA

The Great Lakes region and the Horn of Africa have experienced a series of long and inter-related civil and inter-state wars in which SALW have contributed to gross violations of human rights, forced displacement of communities, and a breakdown in law and order and economic and social development. Small arms are also used to perpetrate increasingly high levels of crime in the region's cities and in conflicts over cattle and natural resources. Long, porous borders, weak governments, differing standards of firearms legislation and differing abilities to enforce legislation contribute to the proliferation and misuse of these weapons. Post-conflict societies in the region face the huge challenge of controlling small arms and carrying out effective DDR programmes. Recognition of the scale and impact of small arms proliferation and misuse is rising, however, and a number of positive steps have been taken towards tackling the problem.

#### Nairobi Declaration

In March 2000, the Ministers of Foreign Affairs from Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and the United Republic of Tanzania adopted the Nairobi Declaration on the Proliferation of Small Arms in the Great Lakes Region and the Horn of Africa (Nairobi Declaration). The declaration seeks to provide a broad approach to the challenges of small arms proliferation in the region and includes measures to:

- Strengthen and harmonise legislation governing the control of firearms;
- Strengthen the operational capacity of law enforcement agencies;
- Increase cross-border cooperation between law enforcement agencies;
- Collect and destroy weapons;
- Enhance the demobilisation and reintegration of ex-combatants;
- Improve police - community relations; and
- Enhance public education and awareness-raising.

The Nairobi Secretariat was established as a sub-regional body to coordinate and share information on the implementation of the Nairobi Declaration, and in November 2000 a coordinated Agenda for Action and an Implementation Plan were developed, which detailed the specific requirements for implementation. The Nairobi Secretariat is headed by a coordinator and has recently recruited two new members of staff and established its own independent office in Nairobi.

During the 2001 UN Small Arms Conference, the Nairobi Declaration was widely acknowledged as one of the most important and progressive sub-regional small arms initiatives. During the Conference, governments from the sub-region often worked together to agree joint statements, which were delivered by Kenya on their behalf. Many governments in the sub-region felt that the PoA fell short of their expectations, especially in relation to the issues of brokering, marking and tracing, civilian possession and transfers to non-state actors. However, it was welcomed as an important basis for future action and as implementation of the Nairobi Declaration continues, progress should be made in terms of the realisation of the PoA's provisions on both the regional and the national levels.

Initial implementation of the declaration however, was slow and so, on 7–8 August 2002, ministers and representatives of the States Parties to the Nairobi Declaration met in Nairobi for the *First Ministerial Review Conference on the Implementation of the Nairobi Declaration*. This conference served to reinvigorate the process of implementation, with ministers agreeing on the following priority actions:

- Urgently establishing and operationalising NFPs;
- Strengthening of the Nairobi Secretariat so that it is able to fulfil its coordinating role for the implementation of the declaration;
- The adoption by the Eastern Africa Police Chiefs Committee (EAPCCO) of the *Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons* for presentation to governments for signature (see below);
- Strengthening the capacity of law enforcement agencies by developing common training curricula and proposals for joint cross-border operations; and
- Developing national action plans to combat the proliferation of small arms, such as that already developed and being implemented in Tanzania (see page 49).

A further development in efforts to implement both the Nairobi Declaration and the PoA has been the establishment of the Friends of the Nairobi Declaration group. This group consists of a number of key donors, who will provide political and practical support to the Nairobi Secretariat, as well as financial assistance. The group was established in response to an appeal from a Kenyan representative at the 2001 UN Small Arms Conference and it met for the first time in August 2002. At this meeting, it was agreed that priority areas for action included recruitment of staff to the Nairobi Secretariat, the creation of NFPs to coordinate government policy and the development of National Action Plans.

#### **Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons**

One of the factors contributing to the proliferation and illicit trafficking of small arms in the Great Lakes region and Horn of Africa is the difference in standards of legislation across the region. In June 2001, in an effort to address this problem, EAPCCO agreed a Draft Regional Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons. This sets out minimum standards regarding manufacture, marking, import, export, transit and stockpiling, as well as provisions relating to weapons collection and destruction, police cooperation, information exchange and awareness-raising. The Protocol reflects the commitments of the PoA and provides a framework for countries in the region to adopt a coordinated approach to small arms control in a manner appropriate to the regional context. It illustrates recognition that efforts to regulate the flow of illicit weapons across state borders must be a priority for the region. Once the protocol is ratified, it will be legally binding and, if fully implemented, it will greatly enhance the ability of law enforcement officials to monitor and control the movement of small arms. It is anticipated that the protocol will be adopted at the EAPCCO Annual General Meeting in August 2003.

### National implementation

Examples of progress made so far towards implementation of the PoA and the Nairobi Declaration in the region include:

- Establishment of NFPs in Rwanda, Burundi, Kenya, Uganda, Tanzania and DRC. Of these, those in Kenya, Tanzania and Uganda are fully operational;
- Development of a National Action Plan in Tanzania and the hosting of a national conference on small arms as part of this development;
- Progress towards the development of National Action Plans in Kenya and Uganda;
- A weapons destruction programme in Kenya (see Kenya case study, page 52); and
- The establishment of a UNDP Small Arms Reduction Programme in the DRC.

Huge challenges remain, however, in terms of reducing the number of small arms in the region and their impact on human rights, economic and social development and law and order, particularly in and surrounding the Democratic Republic of Congo. Interventions in the DRC by, amongst others, Uganda, Zimbabwe, Rwanda, Angola and Namibia have contributed to the huge numbers of small arms in the country, and declarations and protocols on small arms can have only limited impact so long as such interventions continue. It is vital that the small arms issues are integrated into any peace process in the country and that DDR is made a priority.

It is vitally important that governments find the political will to implement the provisions contained in the Nairobi Declaration and the PoA and that they support each other in this endeavour. The EAPCCO Protocol is to be welcomed, as is the establishment of NFPs and progress towards the development of National Action Plans, but the focus must now be on ensuring their effective implementation, if they are to have a significant impact on the proliferation and misuse of small arms in the region.

### The role of civil society

As in Southern Africa, civil society groups in the Great Lakes region and Horn of Africa are playing an important role in building public awareness on small arms issues, in developing sustainable local programmes to tackle small arms, and in encouraging governments to implement sub-regional, regional and international agreements. Examples of positive action by civil society groups include:

- An initiative by the Kenya-based organisation Pastoralist Peace and Development, which has arranged meetings with warring clans in the region and facilitated the formation of cross-border peace communities to oversee peace-building and to re-establish control over the cross-border movement of arms;
- A survey by the Kenyan-based Security Research and Information Centre (SRIC) on firearms-related crime; and
- A programme of small arms work by the Ugandan Joint Christian Council, which included the establishment of cross-border peace committees, including members from religious-based organisations, traditional leaders and NGOs, along the Ugandan-Kenyan border.

### THE NATIONAL ACTION PLAN ON SMALL ARMS IN TANZANIA

Tanzania is a popular transit route for arms heading into and out of Africa's conflict zones in the Great Lakes region, including the brutal conflict in the DRC. The firearms discarded by post-colonial liberation movements, together with those diverted from the transit routes, have ended up being used for, among other things, protecting homesteads and livestock, poaching and committing violent crime.

As a result, the Tanzanian government recognised the need to follow both a national and a regional approach to tackle small arms problems and through the development of a National Action Plan on small arms has moved towards implementation of many aspects of the PoA. For instance, new firearms control legislation is being developed, technical assistance has been provided to NGOs, a Central Firearms Register is being established, and training and coordination meetings are being held with neighbouring countries.

### **National Action Plan**

In order to tackle the problem nationally, the United Republic of Tanzania embarked on a process to develop the National Plan of Action for Arms Management and Disarmament (NAP) at the end of 2001. This five-year NAP has been developed to address the growing problem of small arms in Tanzania and builds upon the commitments made by the government through a number of regional and international agreements, including the PoA, the Nairobi Declaration and the SADC Protocol. The Tanzanian plan was the first coordinated and comprehensive national approach to develop a practical and realistic plan of action based on a thorough assessment of the manifestation of the small arms problem – an approach that others have since begun to replicate.

The NAP, created in November 2001, emerged from a comprehensive and fully inclusive “mapping” of the small arms problem in Tanzania carried out between July and September 2001 at both governmental and non-governmental levels. This mapping included consultation with national government agencies to determine their view of the SALW problem in Tanzania and their capacity to take action; surveying 3,600 members of Tanzanian civil society on their perceptions of the problem at community level; and the hosting of workshops in each of 12 main provincial centres to determine the provincial capacity to address the small arms problem on the ground. Based on these findings, the NAP sets out a number of projects on issues such as police training, community-based weapons collection and destruction programmes, and a national education plan. Work has already begun to implement the NAP, highlighting the considerable commitment and will of the Tanzanian people to tackle the impact of small arms in their country.

To ensure that the NAP is successfully implemented, operational and decision-making structures have been modified and, where necessary, created:

- The National Defence and Security Committee, which deals with all matters of national security has had its remit extended to cover small arms control issues.
- Beneath this, an NFP on Firearms and Ammunition has been established and will be key to the implementation of the sub-regional agreements to which Tanzania is party.
- A National Committee on Arms Management and Disarmament has been established (which includes NGO representatives).
- Provincial Task Forces are responsible for preparing local government structures for the implementation of the plan.

The NAP is now in its second year of implementation and progress has so far included the following:

- The development of a new firearms control policy, which has received cabinet approval;
- The development of guidelines for undertaking a national review of firearms legislation, which have also been approved by the Cabinet;
- Training of the Provincial Task Forces and the NFP and the development of standard operating procedures for interaction between them;
- The development of guidelines for the creation of a Central Firearms Register;

- A national conference on small arms, which brought together civil society and government for the first time;
- Provision of training and technical assistance to NGOs – most noticeably the Centre for Peace and Economic Development (CEPEDE);
- An increase in staffing and an improvement of work conditions at the Arms Management and Disarmament Committee offices of the government in Dar Es Salaam; and
- Plans to carry out a relicensing programme in 2004, whereby new licenses will be required for the civilian possession of firearms.

The NAP activities have been achieved with the financial assistance of the government of the United Kingdom and the technical assistance of two NGOs, Saferworld and SaferAfrica.

### **The involvement of civil society**

Tanzanian civil society groups have been involved as a central component in both the design and implementation of the Tanzanian NAP, which was described by the President of the 2001 UN Small Arms Conference as one that “demonstrates the productive relationship that could be developed between government and civil society”.<sup>14</sup>

In June 2002, representatives from 17 government agencies and 63 local NGOs, three international NGOs and seven foreign governments, as well as from the national and international media, met in Dar Es Salaam to discuss implementing the Tanzanian NAP. The meeting was called by the Tanzanian Arms Management and Disarmament Committee and organised by CEPEDE. The conference addressed the full scope of the Tanzanian NAP, and examined the roles that both the government and civil society can play in support of this plan. The participants welcomed the opportunity to meet on this level and the conference was a significant event, being the first occasion on which Tanzanian civil society and government had met on this scale. A key recommendation of the conference was to develop a national NGO network at the regional (provincial) and national levels to promote cooperation between business, NGOs and the government in the implementation of the NAP.

In order for civil society to further engage on the small arms issue, it is necessary for the government to ensure that it fulfils the capacity-building element of the NAP and makes strenuous efforts to inform civil society as to the nature of the small arms issue and how it can be integrated into other areas of their work. Such an outreach programme would be extremely valuable in terms of strengthening civil society structures in the country and increasing the number of civil society groups working to tackle the proliferation and misuse of small arms.

### **The potential for this initiative to be extended elsewhere**

The momentum that has been created with the development of the NAP looks set to continue gathering speed and support as more people become aware of the need to tackle small arms proliferation and misuse, and the resultant benefits that can come from adopting a comprehensive approach to tackling this problem. Following the successful development of the NAP, Saferworld and SaferAfrica have received requests from a number of other states in Southern and Eastern Africa for assistance in carrying out mappings and developing NAPs. Mozambique’s NFP has decided to create its own NAP, and Saferworld and SaferAfrica are currently preparing a national assessment with government and civil society in Mozambique in preparation for the development of the plan. Similar mappings have begun in Uganda and Kenya.

<sup>14</sup> Ambassador Camillo Reyes, *Executive Summary* by the organisers of the Conference on Small Arms and Light Weapons in Central America: Control and Regulation of Weapons Transfers in Implementation of the United Nations Programme of Action, Costa Rica, 3-5 December 2001.

### Learning points

In developing the NAP, the Tanzanian government has engaged in a ground-breaking initiative which provides a possible model that could help other countries to develop effective responses to the problems they face.

The NAP has:

- Identified the priority areas of need and how best to utilise existing resources and capabilities in tackling small arms;
- Strengthened the partnership between government and civil society and their capacity to work together to combat small arms proliferation;
- Established effective procedures for the implementation of the project; and
- Illustrated where local resources are available to address small arms problems and where further capacity-building is required.

## THE NATIONAL FOCAL POINT, WEAPONS DESTRUCTION AND THE NAIROBI SECRETARIAT IN KENYA

### General overview

In response to a request from former President Moi, the UN Secretary-General despatched a fact-finding mission to Kenya in August 2001, just after the 2001 UN Small Arms Conference. The request for this mission indicated a recognition of the scale of the impact of small arms and was a positive first step towards further action. The mission was mandated with assessing the extent of the small arms problem in the country and wider sub-region and its members met with the (now former) President, ministers, senior government officials and civil society groups. The mission found that “the proliferation of illegal small arms and light weapons poses a serious challenge to security and stability in Kenya, which serves as both a primary market for illegal weapons and as a corridor for the circulation of other such weapons to African countries”.<sup>15</sup>

Kenya is at the forefront of coordinated regional efforts to tighten controls over the movement of SALW. So far, many positive actions have been undertaken in the country, including the establishment of a small arms secretariat in Nairobi to coordinate follow-up activities to the Nairobi Declaration (see page 47 for details on the Nairobi Declaration) and the establishment of an NFP in May 2001. Following the 2001 UN Small Arms Conference, however, there was a clear reduction in the pace of implementing SALW reforms. However, since elections in December 2002, there are very positive signs of renewed momentum and the new government has already indicated its political will to address implementation further in relation to both the Nairobi Declaration and the PoA.

### The National Focal Point in Kenya

The NFP in Kenya, which in relation to the PoA acts as the coordinating body responsible for policy guidance, research and monitoring of efforts to stem the illicit trade in SALW, has developed differently to some other NFPs. The NFP in Kenya is interesting because it frames the issue of small arms in the broader context of development in Kenya and thus aims to adopt an approach to the proliferation of small arms that addresses underlying problems related to development and security. It is hoped that this broad strategy will enable the NFP to integrate relevant issues when developing a comprehensive NAP

<sup>15</sup> The Nairobi Secretariat on Small Arms, SaferAfrica, Saferworld and the SRIC, *Progress Newsletter*, May 2002.

to combat the problem of SALW in Kenya. Unlike other NFPs, which focus specifically on eradicating small arms, the Kenyan NFP aims to integrate small arms into a wider security agenda that covers issues such as conflict management and peace-building, access to justice, community-based policing, poverty eradication and rehabilitation programmes. Thus, one of the activities in which the NFP has been involved aims to sensitise the government and the Office of the President to issues relating to Pastoralist Communities. It is pushing for the creation of a Parliamentary Committee that will recommend to the government ways to establish conflict management and peace-building programmes that are sensitive to the needs and the situation of pastoralist regions. The NFP has also mainstreamed the issue of small arms by incorporating it into its recent poverty reduction strategy paper. The impetus for developing the NFP in this way came both from the government, who wished to increase levels of security, and from civil society organisations, a number of whom are represented on the NFP.<sup>16</sup>

### **The Development of a national action plan**

The NFP is currently beginning the process of developing an NAP, similar to that developed in Tanzania, to address the proliferation and misuse of small arms. A national assessment, or “mapping” of the small arms situation in Kenya commenced in June 2003 (see page 49 for details on the mapping process).

### **Weapons destruction**

One of the issues likely to be addressed in this NAP is the importance of conducting weapons destruction programmes, and as a first step towards this, the NFP coordinated the destruction of over 7,000 illicit small arms previously held in government stores. Some of these weapons had been confiscated from criminals and others had been handed over to the police voluntarily. In the first phase of this destruction programme, 1,000 weapons were destroyed in a public ceremony on 16 March 2003. The British High Commission in Kenya donated two gun-shredding machines and UNDP and Friends of the Nairobi Declaration provided technical assistance (see page xx for details on Friends of the Nairobi Declaration). This programme is a very positive sign of the NFP's willingness and ability to coordinate action on small arms and it is hoped that the development of the NAP will lead to further such activities.

### **The Nairobi Secretariat**

One positive action of the new government in Kenya has been to move the Nairobi Secretariat, which coordinates the actions of the ten member countries of the Nairobi Declaration in relation to the PoA, from the Kenyan Ministry of Foreign Affairs into its own designated offices (see page 47 for more on the Nairobi Declaration and Secretariat). This has created the space for the Secretariat to act more independently, and is a reflection of the political will of the government to move the process forward. Current work undertaken at the Secretariat includes consultations with NFPs across the region and the identification of training needs for law enforcement officials, in cooperation with the EAPCCO.

### **Community-based policing**

The Kenyan Police have identified as a key priority the need to reform and to build trust between police and local communities, as a means by which to enhance individual security, prevent crime and reduce the proliferation of small arms. Saferworld and SRIC, in association with the Kenya Institute of Administration (KIA), have been asked by the Kenyan Police to assist with the development of a pilot community-based policing project in two districts of Kenya. It is hoped that the project will be extended to the rest of the country. Key aspects of the project include developing a national community-based

<sup>16</sup> These organisations include the SRIC, the Africa Peace Forum (APFOR), the Kenyan Coalition Against Landmines (KCAL), the National Council of Churches (NCCK), Norwegian Church Aid (NCA), Saferworld and Oxfam.

policing policy, training and capacity-building of police and civil society organisations, and awareness-raising amongst the public and opinion formers about the project and the changes to policy approaches that it represents.

#### Learning points

The primary driving force of efforts to stem the proliferation and misuse of small arms in Kenya has been the NFP and there is much that others can learn from Kenya's example when establishing their own coordinating bodies on small arms.

- By adopting a holistic approach to the small arms issue, the NFP has provided a methodology to link efforts to control small arms with that of similar efforts, such as conflict management and peace-building. The creation of a structure that encompasses these various linked issues means that work, for example, on small arms and community-based policing, can be both coordinated and complementary.
- The inclusion of civil society groups within the structure of the NFP means that civil society can engage closely with the work of the NFP and provide guidance, knowledge and resources.

## NGO-GOVERNMENT PARTNERSHIP IN EASTERN AFRICA

A crucial element of the progress to implement the PoA in Eastern Africa has been the partnership between government and civil society. In Tanzania, where a NAP is in place, and in Uganda and Kenya, where such plans are currently being developed, civil society organisations have become an integral part of each country's respective NFP. These NFPs comprise government departments and key civil society organisations, and have been the driving force behind the development of NAPs. In Kenya, the Africa Peace Forum, the Kenya Coalition against Landmines (KCAL), Norwegian Church Aid, the National Christian Council of Kenya and SRIC are members of the NFP. In Uganda, there are four civil society groups represented on the NFP: the Centre for Conflict Resolution, Oxfam, People With Disabilities and the Uganda Joint Christian Council. The Mozambique Council of Churches and the Centre for Strategic Studies are represented on the NFP in Mozambique, while in Tanzania, the CEPED represent civil society on the Arms Management and Disarmament Committee (Tanzania's NFP). In each case, civil society groups have played a key role in the development of the NAPs. They have provided a crucial link to local communities and an important source of expertise, knowledge and capacity to assist government bodies.

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## IMPLEMENTATION IN WEST AFRICA

In a region that has experienced numerous intra-state conflicts in recent years, including those in Liberia, Sierra Leone and Cote d'Ivoire, the proliferation of SALW has posed a significant problem. One estimate suggests that out of the 639 million<sup>17</sup> SALW in circulation globally, around eight million are to be found in West Africa. These weapons originate from a variety of sources, including stockpiles remaining from the Cold War, more recent licit and illicit transfers of weapons, and also a small but nonetheless significant quantity of locally manufactured SALW. The consequences of this have been complex and varied and, in addition to exacerbating conflicts, have included mass displacement, gross human rights abuses, the common use of child soldiers, the militarisation of refugee camps, a rise in armed violence and criminality, and the undermining of the rule of law.

### ECOWAS Moratorium

In October 1998, in light of a growing desire to tackle the various problems associated with the proliferation of SALW in West Africa, a Regional Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons in West Africa (Moratorium) was signed in Abuja by the members of ECOWAS, initially for a period of three years. The Moratorium was extended in July 2001 and is now valid until October 2004, providing a valuable regional framework for the implementation of the PoA. The Moratorium is a political act of "confidence-building" and represents a significant example of regional cooperation on an issue that is particularly sensitive. It is not legally binding, but is instead a voluntary agreement whereby signatory states pledge to implement effective measures to tackle the problem of SALW proliferation in the region. It comprises three main core elements:

- The Moratorium Declaration;
- The Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development. This is a UNDP programme designed to provide technical and operational support for the practical development of the Moratorium, which was adopted in 1999; and
- The Code of Conduct, also adopted in 1999, which sets out the details of the Moratorium. Its main components include:
  - Establishing National Commissions in each member state,
  - Setting up structures within ECOWAS to support the Moratorium and to monitor the compliance of member states,
  - Preparation of reports by member states on the ordering or procurement of weapons, components and ammunitions covered by the Moratorium,
  - Development of a regional arms register and database,
  - Harmonisation of legislation,
  - Training of security personnel, and
  - Declaration of weapons and ammunition used for peace-keeping operations.

### Implementation of the Moratorium and the UN Programme of Action

The majority of progress that has been made in West Africa in tackling the problem of SALW in general, and in implementing the PoA specifically, can be viewed in the context of the development and implementation of the Moratorium. This is reflected in the processes under way to harmonise legislation in the region, enhance the capacity of border controls and establish efficient national registration and arms control schemes. There has also been an extensive weapons collection and destruction campaign

<sup>17</sup> See Small Arms Survey, 2002.

across the region, resulting in the destruction of around 40,000 SALW. Furthermore, 11 out of the 15 ECOWAS states have established their National Commissions, in accordance with the requirements of the Moratorium, and these offer the potential to act as valuable national coordination agencies and points of contact, in line with the PoA. There are, however, currently some limitations on the effectiveness of a number of these commissions, as they are not yet fully operational.

### **Factors affecting implementation**

There are other factors specific to countries and/or the region that have shaped the context within which the efforts to tackle SALW proliferation have been framed. These include:

- The United Nations Regional Centre for Peace and Disarmament in Africa: In 1999 Togo signed the host-country agreement for this centre. Although the centre was officially inaugurated in 1986, this signing reflected the renewed importance of regional disarmament and provided an impetus for the implementation of the PoA in more recent years. The centre also acts as collection point for information on national holdings of small arms, which it releases to the UN.
- UN embargoes: These were imposed on Liberia and Sierra Leone in 1992 and 1997, respectively. The Liberia arms embargo, designed to curb arms trafficking via Liberia to the Revolutionary United Front (RUF) rebels in Sierra Leone, was further tightened in March 2001. However, there is significant evidence that these embargoes are being broken. One example of this is illustrated in a report for the UN Security Council that revealed details of weapons that had been shipped illegally to Liberia, comprising ammunition, small arms and helicopter spare parts from the Ukraine, Slovakia and Kyrgyzstan, respectively. All of the weapons were sold on the basis of counterfeit documents provided by arms brokers. End-user certificates were falsified to declare that the weapons were intended for another country, in most cases Guinea. In at least one case, a regional ally knowingly provided false cover for illegal arms shipments to Liberia. Allegations have also been made against Burkina Faso for assisting Liberia in breaking the embargoes, both in terms of importing weapons to Liberia and into Sierra Leone. Burkina Faso has also been threatened with international sanctions by the UN Security Council for its involvement in diamonds-for-arms trading with the RUF in Sierra Leone.
- In the Cote d'Ivoire, the continuing conflict has drawn many Liberians into the country to join the fighting. Furthermore the arrival of refugees (and allegedly fighters) at refugee camps in Ghana has heightened tensions (both within the camps and among the local population with regard to the camps' population) and led to raids on the camps in search of SALW. While no SALW have been found during these raids, there is no doubt that they are easily obtainable within the camps.

### **National implementation**

Progress in tackling the problem of the proliferation of SALW and, by extension, in implementing the UN PoA has varied in terms of scope and impact among the different ECOWAS member states. Some of the most valuable recent efforts have included the following:

- As a result of the horrific recent past in Sierra Leone, particular emphasis has been placed on weapons destruction and DDR activities. In 2001, the National Police of Sierra Leone launched an arms collection programme to retrieve illegal arms from the community. By May 2002, the Community Arms Collection and Destruction Programme (CACDP) had collected over 10,000 weapons. In addition, the disarmament and demobilisation of 48,000 ex-combatants was completed in January 2002, with more than 25,000 weapons and 935,00 rounds of ammunition surrendered. The main responsibility for DDR activities rests with the National Commission for

Disarmament, Demobilisation and Reintegration (NCDDR), a commission with cabinet status funded by the World Bank. The success of the work that has been undertaken in Sierra Leone has been attributed to both the police sensitisation programme organised in collaboration with the United Nations Mission in Sierra Leone (UNAMSIL) and the media, which have publicised the programme throughout the country.

- In the N'Guigmi region of Niger, the UNDP and the Programme of Coordination and Assistance on Security and Development (PCASED) launched an awareness-raising project in 2001, which has now progressed to the practical phase of weapons collections. It is hoped that by October 2003, 5,000 weapons will have been exchanged for development assistance.
- Benin and Nigeria have recently engaged in bilateral exercises to train customs officials and border guards.
- In Guinea, the National Commission for the Proliferation and Circulation of Light Weapons has commissioned a Liaison Office at Conakry national airport. The mission of the Liaison Office is to control or intercept illegal weapons fraudulently entering the country.
- Guinea, Liberia and Sierra Leone have focused attention on improving border controls, in an attempt to control the circulation of SALW. In September 2001, the defence and security ministers from the Mano River Union agreed to deploy joint patrols along their borders. The ministers further agreed on the sharing of intelligence on all security concerns.
- Ghana, Liberia, Guinea, Mali, Niger and Senegal have embarked on other initiatives that have focused on training, particularly of the military and police. In August and September 2001 the United Nations Department for Economic and Social Affairs (UNDESA) and PCASED coordinated two "training-of-trainers" workshops in Sierra Leone and Abidjan for military, police and other security forces in the control of small arms in Ghana, Liberia, Guinea, Mali, Niger and Senegal. Guinea has also established a training and awareness programme for its army.

Despite the political significance of the Moratorium and the activities that have taken place across the region to implement the PoA, there is still a substantial amount to be done in the region in order to achieve real progress. Implementation of the PoA and the Moratorium has been varied and even where compliance has occurred, for example, with the establishment of National Commissions, this is often more symbolic than practical. While some states have made a real effort to make progress, for others the internal security situation makes it very difficult to focus on such considerations. Furthermore, the role of ECOWAS and PCASED in supporting efforts has been hampered by a variety of factors, including funding and capacity restrictions. In terms of future considerations, it is clear that there is a fundamental need to establish greater security and stability within the region to facilitate real progress in tackling the problem of proliferation and misuse of small arms.

### **The role of civil society**

The extent of civil society activity within the region has varied from country to country, largely due to the different circumstances within them. However, in May 2002, at a conference in Accra, Ghana, the West Africa Action Network (WAANSA) on Small Arms was established. WAANSA's vision is of a region free from illicit small arms and their misuse. WAANSA aims to coordinate the activities of civil society organisations in a campaign against the illicit proliferation of small arms in the sub-region, and its main objectives are:

- To serve as a forum for the exchanging information, views, experiences and strategies to combat the proliferation of SALW in West Africa;
- To work to reduce demand for SALW in West Africa; and
- To be a source of solidarity among all those who work on small arms issues and may be affected as a result of their work, or who may be victims of small arms.

In addition to WAANSA, there are a number of national organisations working to establish civil society networks. For example the Ghana Action Network on Small Arms and Light Weapons (GHANSA) was established in March 2002, and in Senegal the Mouvement Contre les Armes Légères en Afrique de l'Ouest (Movement to Control Small Arms in West Africa – MALAO) seeks to work with communities in diminishing the circulation and use of small arms in West Africa (see page 55).

## **LAWS, REGULATIONS AND DESTRUCTION ACTIVITIES IN NIGERIA**

### **General overview**

The size, geostrategic location and oil wealth of Nigeria have all contributed to the country becoming a centre of illicit arms flows in West Africa. A general perception of insecurity among a population of over 100 million, almost half the entire population of West Africa, has created a ready market for illicit weapons. Indeed, it is estimated that of the seven million or so SALW that are believed to be in circulation in the region, approximately one million of these are to be found in Nigeria. The country also acts as a bridge to Central Africa and the zones of conflict there and this has led to weapons being smuggled into the region. The sheer size of Nigeria, its dominance in the region and its strategic importance all indicate how crucial it is that the country is able to engage in the development and implementation of initiatives to combat the proliferation of SALW – including the PoA.

The progress Nigeria has made in implementing the PoA should be seen in the context of the ECOWAS Moratorium, to which Nigeria is a signatory. In May 2001, The Federal Government of Nigeria inaugurated the National Committee of ECOWAS. The Committee is made up of officials from the Ministry of Defence, Ministry of Internal Affairs, Defence Industries Corporation of Nigeria (DICON), Nigeria Police, State Security Services, National Intelligence Agency and Nigerian Customs. The National Committee is the agency for dealing with other states on matters relating to the implementation of the PoA, although it was not specifically established for the purpose of PoA liaison.

### **Review of laws and regulations**

In September 2001, following the agreement of the PoA, there was a review of the laws and regulations governing small arms in Nigeria. This review was motivated by the fact that the main legal instrument addressing the production, import, export and transfer of SALW in Nigeria is the *Firearms Act* (1959). This prohibits production, import and export of SALW; however, enforcement of these laws is not always either adequate or effective.

One of the outcomes of the review was a decision that State Commissioners of Police could no longer grant licenses for all categories of firearms. Previously, they were empowered to grant licenses for double-barrelled guns for hunting purposes. Also, in a memo dated 21 September 2001, the President directed the Minister of Justice and the Attorney-General to draft a bill setting out more stringent firearms laws. The President's memo proposed a 10 year jail term, without an option of a financial penalty, for illegal possession of firearms. The proposal also includes a cash reward for information that leads to the arrest and prosecution of anyone in illegal possession of firearms. The need for this review and the establishment of more stringent legislative procedures is encapsulated by the fact that of the 12,000 people arrested in connection with arms trafficking or illegal possession between 1990 and 1999, less than 500 were successfully prosecuted.

### **Weapons collection and destruction activities**

As a direct response to the PoA, Nigeria introduced a policy of destroying all surplus and confiscated weapons. In July 2001, the Federal Government of Nigeria carried out its first destruction of arms and

ammunition seized by security agencies, consisting of 428 rifles, 494 imported pistols, 287 locally made pistols and 48 dane-guns (smooth-bore flintlock guns). The exercise was repeated in July 2002 and is planned again for July 2003.

There had also been some activity in terms of weapons collection activities prior to the PoA. Following its election in 1999, the Delta State government initiated a programme of collecting small arms, whereby cash, vocational training and job opportunities were offered to young people who surrendered their arms. However, the success of this initiative was limited, due to implementation problems. There have also been attempts to collect weapons in the aftermath of Nigeria's numerous ethno-religious conflicts, including the Sharia disturbances of 2000 and 2001, and the conflict between Kuteb and Chamba ethnic groups in Taraba State. No record is available of the number of weapons collected in any of these conflicts.

### **Learning points**

- It is important to strengthen government/civil society partnerships, which are currently still at their embryonic stages. Even though a National Committee on Small Arms was established in 2001, there is, so far, no official civil society membership of this committee.
- Given the previously poor record regarding the prosecution of those arrested in relation to arms trafficking and illegal possession, it is important that the momentum generated by the President's direction to develop more stringent legislation is not lost. There was a history of weapons collection/destruction programmes in Nigeria prior to the UN PoA, although the success of these varied. It is important that the government maintains these initiatives and does not focus only on the symbolic destructions carried out every July in line with the PoA.
- It is important to work to overcome the pervading perception in government that small arms work is the purview of the state security apparatus. Civil society advocacy is yielding slow progress in changing this attitude; however, evidence of progress is borne by the fact that there is now emerging official recognition of the role of civil society.

### **LAWS, REGULATIONS AND TACKLING ILLICIT POSSESSION IN GHANA**

After over a decade of relative peace, Ghana has, in the last five years, experienced a substantial increase in firearms-related violence and criminal activity. Concerns have been raised about the impact that nearby conflicts, especially those in Liberia and Cote d'Ivoire, may have on national stability and on the potential for an influx of weapons. This has stimulated national consciousness of the threat posed to society by the unregulated flow of, and access to, SALW. In response to these concerns, civil society action has developed substantially, and in March 2002, the Ghana Action Network on Small Arms (GHANSA) was established. The purpose of this network is to link up national and regional actors, in order to facilitate the implementation of national, regional and international conventions on SALW.

With regard to the PoA, Ghana's progress must be seen in the context of the current small arms problem in the country and in light of the fact that Ghana is a signatory of the ECOWAS Moratorium. While progress has been made in tackling issues around SALW, much of which satisfies commitments set out in the PoA, this has not necessarily been specifically implemented in direct response to the PoA. However, the fact that Ghana has used the momentum created by the PoA to continue and expand its SALW control initiatives, particularly in relation to tackling the illegal possession of weapons and the legislative review that is under way, provides an interesting example of a country in the region that is determined to continue to make progress in tackling SALW issues.

### **Laws, regulations and administrative procedures**

Since the 2001 UN Small Arms Conference, a decision was taken to review the existing laws, regulations and administrative procedures in place designed to control the possession of and trafficking in SALW. In January 2003, the President of Ghana announced that a new draft law on small arms had been presented to the parliament to study. The reason for this was that the existing laws were drafted in 1962 and are simply not adequate to deal with the current situation or to reflect the commitments outlined in the PoA. Nor do they have the capacity to tackle such issues as the transfer of SALW, as such instances were not common problems 30 years ago. The outcome of this review is as yet unknown.

Ghana has been somewhat slow in tackling issues of licensing, retransfer and end-use certification, which are specific concerns highlighted in the PoA. The National Firearms Vocational Licensing Authority is charged with authenticating end use certificates and the Criminal Investigation Department (CID) of the police service works with the Interior Ministry in issuing licenses to small arms dealers. While the issue of end-user certificates is not so pertinent in Ghana's case, the issue of licensing and retransfer is of great significance in relation to attempts to monitor the possession of SALW more effectively. It is hoped that the new draft law may help strengthen action in this area, as well as standards and procedures for managing stockpile security and the activities of arms brokers.

In accordance with the PoA, Ghana does have an agency – the National Firearms Vocational Licensing Authority – which is responsible for the monitoring of the proliferation, trading and licensing of small arms in the country, although it existed prior to 2001. It also coordinates with neighbouring countries on matters of SALW. However there are problems of non-adherence to established procedures for the importation, storage, supervision and distribution of arms and ammunition, as well as the possession of unregistered arms. In fact, one of the major sources of small arms in Ghana is from state armouries, which are not well secured. Further support, in terms of policy guidance, research and monitoring arms control, is offered by the regional Programme for Coordination and Assistance for Security and Development, which was established as a follow-up to the ECOWAS Moratorium. The National Commission on the Proliferation of Small Arms, which was formally constituted in November 2002, acts as a liaison agency to coordinate activities with other states. Again, this was set up as a follow-up to the Moratorium.

### **Tackling illegal production and possession**

One of the major problems affecting the issue of SALW availability in Ghana is related to their manufacture by blacksmiths, in direct contravention of the ECOWAS Moratorium. While leakages from state armouries and the distribution of weapons during previous regimes have had an impact on the volume of weapons in circulation, a significant source currently results from the activities of blacksmiths. There have been warnings issued by the police Public Relations Directorate warning against the illegal production and possession of arms, but this seems to have had little impact. Recommendations to identify and monitor all blacksmiths within the country have been put forward, but as yet little concrete action has been taken. Instead, attention appears to have been concentrated more on tackling illegal possession of arms rather than their production.

Much of the progress made by Ghana in tackling illegal possession began prior to the 2001 UN Small Arms Conference. However the Conference added further impetus to these efforts. Since January 2001, Ghana has been very active in its attempt to prevent illicit possession of small arms. A joint police-military operation, which was instituted in 2001 to control the circulation of illicit weapons, is ongoing. In February 2001, the Ghanaian government announced a two-week moratorium for all those who were in possession of unlicensed weapons, encouraging them to surrender them to the police. The operation to

retrieve the weapons was code named, “Operation Etuo Ye Soum”, which translated literally means “inside the barrel of the gun is dark”. Efforts are also being made to streamline the activities of the National Firearms Registration Centre to improve the effective monitoring of illegal arms flows.

### Learning points

- The government is aware that a large proportion of the crime within the country is committed by owners of unlicensed weapons, but the police are not well enough equipped to monitor and control the illicit transfer of arms. As a result, the police rely on tip-offs from the public. Securing state armouries to prevent leakages of weapons would be a valuable first step in attempting to curb the proliferation of unlicensed weapons in Ghana.
- While it is illegal to produce weapons in Ghana without a license, it is well known that there is a thriving local manufacturing market, largely dominated by blacksmiths. As well as developing efforts to prevent illicit weapons entering the country, it is also important for the authorities to take steps to tackle local unlicensed production.
- The main actors working on moving the small arms issue forward in Ghana are often civil society organisations. The government, especially the Ministries of Defence, Justice and the Interior, have been responsive to the calls to control the arms problem and have attended various meetings held by NGOs. However, this link between government and civil society needs to be strengthened to increase the effectiveness of activities undertaken.

## ACTION BY THE FOUNDATION FOR SECURITY AND DEVELOPMENT IN GHANA

The Foundation for Security and Development (FOSDA) has been lobbying the Ghanaian government to put in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and local production of SALW in the country. In 2001, they presented a report on Small Arms Trade Routes, Local Manufacturing and the Sale of Small Arms in Ghana to the Ministry of Defense and Justice to assist in the development of the national security policy.

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### 3.2.2. THE AMERICAS

#### OVERVIEW OF THE PROGRESS IN THE AMERICAS

The Americas is the only continent to have significant land masses in both the Southern and Northern hemispheres. There are also significant economic and structural extremes between the wealthy Anglo-Saxon/Francophone north and the largely Latin south. SALW problems partially mirror this north/south division and are also strongly related to the problem of the illegal trafficking of narcotics. The regional institution that has the principal role in dealing with SALW issues across the entire region is the Organisation of American States (OAS); however, there are also a number of sub-regional organisations including the Central American Economic Integration System (SIECA), the North American Free Trade Association (NAFTA), the South American Common Market (MERCOSUR) and the Caribbean Community (CARICOM). The OAS region was the first in the world to develop a legally binding instrument to fight

illicit arms trafficking, with the adoption of the *Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, also referred to by its Spanish acronym CIFTA, in 1997. Additionally, the Inter-American Drug Abuse Control Commission (CICAD), an OAS entity, adopted the *Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition* in 1998, which constituted a voluntary set of guidelines designed to assist OAS member states to implement CIFTA. Both mechanisms, particularly CIFTA, were important in the development of the UN Firearms Protocol and as a point of reference in the PoA.

## OAS

In 2002, a coalition of like-minded OAS member states and NGOs led by Canada, Brazil and Costa Rica promoted the development of an Inter-American framework with the aim of preventing legal transfers of small arms to countries known to systematically abuse human rights. The language that was used to formulate such a framework was taken from the OSCE Document on Small Arms (see page 81), based on the assumption that the US and Canada were both signatories and would not oppose similar moves within the OAS context. However, the OSCE Document on Small Arms was signed prior to 11 September 2001, and the current US administration is generally more hostile towards multilateral arms control agreements than its predecessor.

## CIFTA

CIFTA is a legally binding instrument that covers a variety of issues, which are also covered by the PoA, including articles on marking of firearms; confiscation; stockpile security; export, import and transit licenses; strengthening of controls at export points; record-keeping; information exchange; cooperation; training; and technical and mutual legal assistance, among others.

Articles XX and XXI of CIFTA call for the establishment of a Consultative Committee to oversee its ratification and implementation, as well as the following:

- Promoting information exchange;
- Facilitating information exchange on domestic legislation and administrative procedures;
- Encouraging cooperation between national authorities;
- Promoting training, technical assistance and knowledge exchange; and
- Promoting measures to facilitate application of the Convention.

### *Official CIFTA questionnaire*

One of the key tools for documenting the implementation of CIFTA and other related matters is an official questionnaire that has been distributed to all member states. As of May 2003, 17 of 34 member states had replied to and deposited their questionnaire with the Consultative Committee. Official analysis of the questionnaires, which also gives a good indication of the implementation of the PoA, has pointed out that general progress has been made at the national level in the promulgation of laws that regulate the confiscation of firearms, as well as the adoption of national laws that deal with the security of firearms being transferred for import, export or transit. Areas identified where serious work is required to move toward fuller implementation of CIFTA and the PoA include:

- Delivery notification to exporting states;
- Bi-lateral cooperation on issues of illicit firearms trafficking;
- Marking at point of manufacture, export and import;
- Information exchange on authorised producers, dealers, importers and, whenever possible, carriers;
- Information exchange on routes of illicit trafficking;

- Information exchange on legislative practices; and
- Techniques to combat money laundering.

Only nine member states have identified national points of contact to promote cooperation and information exchange and just seven have identified NPCs for facilitating legal mutual assistance, required by Articles XIV and XVII of CIFTA respectively. This number can be compared with 16 national points of contact identified for the implementation of the PoA in the Americas.

The complementary CIFTA Cooperation Programme Proposal contains many of the elements mentioned above; however, two new elements deserve special attention:

1. Preparation of Model Legislation to Facilitate Full Implementation of the Convention: The Consultative Committee is proposing to draft additional model legislation to address areas not covered by CICAD's Model Regulations. Subjects identified for new draft model legislation include marking of firearms; record-keeping to trace illicitly manufactured firearms; confidentiality; information exchange on means, routes and techniques used in illicit trafficking; multilateral cooperation; and techniques for "controlled delivery".
2. Incorporation of pertinent aspects of the Hemispheric Plan of Action in the area of mutual legal and judicial cooperation in fighting transnational organised crime and terrorism: An information exchange network was created by the Ministers of Justice and Attorneys-General of the Americas in March 2002 in Trinidad and Tobago that deals with issues of organised crime and terrorism and also includes useful information concerning other areas related to mutual legal assistance in criminal matters. CIFTA has prioritised developing links to this structure as way of strengthening the implementation of convention articles relevant to mutual legal cooperation.

## CICAD

CICAD, via its responsibility for coordinating action on the adoption by OAS member states of *Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition*, adopted by the OAS in 1998, serves as a useful tool for implementing commitments contained in the PoA. These voluntary regulations are designed to help countries implement a number of provisions of CIFTA through the establishment of a system of controls over import, export and transshipment.

CICAD has a staff based at the OAS General Secretariat that provides it with continuity and the ability to implement more operational activities. For this reason, CICAD has been more successful in identifying National Points of Contact on the importation and exportation of firearms and ammunition than CIFTA. CICAD has detailed contact information for virtually all OAS member states in North America, Central America and the Caribbean.<sup>18</sup>

## IMPLEMENTATION IN NORTH AMERICA

While the United States defends the rights of its citizens to arm themselves and is wary of implementing controls that may impact upon this freedom, Canada has taken a leading role in tackling issues relating to SALW proliferation and misuse, and in particular has been supporting a ban on the transfer of military weapons to non-state actors. Canada has also maintained a close link with the EU through the EU-Canada Working Group on Small Arms and continues to share the principles outlined in the EU Code of Conduct, agreed in December 1998. The differing nature of controls has led to instances of smuggling

<sup>18</sup> The authors of this report have been unable to determine why OAS member states' contact information for South America is not included in this database.

Table 5 National Implementation  
in the Americas

Country	National		Laws and Procedures on Production, Export Import and Transit				National system of export and import licensing or authorisation				Brokering controls	Domestic legislation				
	National Coordination Agency	National Point of Contact		Pr	E	I	Tr		D	EUC		R		M	P	St
Antigua and Barbuda		Y														
Argentina		Y	Y		•	•	•		Y				Y		•	•
Barbados		Y											Y			
Belize			Y		•	•	•						Y	•		
Bolivia			Y		•	•	•						Y	•		
Brazil		Y	Y	•	•	•	•						Y	•	•	•
Canada	Y	Y	Y		•	•	•						Y	•		
Chile		Y	Y		•	•							Y	•	•	•
Colombia		Y	Y	•	•	•							Y	•	•	•
Costa Rica		Y	Y		•	•							Y	•	•	•
Ecuador		Y	Y		•	•							Y	•	•	
El Salvador			Y		•	•							Y	•		
Guatemala			Y		•	•							Y	•		
Guyana													Y	•		
Honduras			Y		•	•							Y	•		
Jamaica		Y	Y	•	•	•	•						Y	•	•	
Mexico	Y	Y	Y	•	•	•	•						Y	•	•	
Nicaragua			Y		•	•							Y	•		
Panama			Y			•										
Paraguay	Y	Y	Y	•	•	•							Y	•	•	•
Peru		Y	Y		•	•							Y	•	•	
Saint Kitts and Nevis		Y														
Trinidad and Tobago			Y		•	•	•						Y	•	•	
United States of America	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	
Uruguay			Y		•	•	•						(2)			
Venezuela		Y	Y			•							Y	•	•	•

KEY:  
 Pr = Production  
 I = Import  
 E = Export  
 Tr = Transit  
 D = Diversion risk  
 R = Retransfers

EUC = End-user certificates  
 M = Manufacture  
 St = Stockpiling  
 P = Possession  
 T = Trade  
 S = Surplus  
 C = Collected

DDR = Disarmament,  
 demobilisation,  
 reintegration  
 VWCP = Voluntary weapons  
 collection program  
 F = Financial  
 T = Technical

		Stockpile management			Destruction				Disarmament and weapons collection			Financial or Technical Assistance			
T		Review of Procedures	Regular reviews of stocks	S	C	Policy of Destroying All		DDR	other		Provision		Receipt		
						S	C				F	T	F	T	
•				Y	•				Y		VWCP	Y			
•	Y	•							Y		amnesty				
•				Y	•							Y			
•												Y	•	•	
•	Y			Y	•				Y		VWCP				
•	Y			Y								Y			
•	Y		•									Y			
•				Y											
•				Y	•										
•	Y		•	Y	•		•	Y			VWCP	Y	•		
•									Y		VWCP				
•	Y		•	(1)								(1)			
•				Y	•							Y			•
•	Y														
•	Y	•	•	Y	•	•			Y		buy-backs, other	Y	•	•	
•									Y		amnesty				

(1) Assistance requested  
 (2) Updated

across the Canadian border, which has been a cause of concern. However, in addition to accepting the UN PoA, both countries have signed up to a range of international initiatives and commitments, including the Wassenaar Agreement, and both are members of the OSCE, which has developed its *Document on Small Arms and Light Weapons*, outlining norms, principles and measures to be followed by member states. It is hoped that compliance with these commitments, combined with growing pressure to take action after various tragedies involving weapons in the US, will result in more stringent controls and effective implementation,

### **LEGISLATIVE REVIEWS, EXPORT CONTROLS AND DESTRUCTION PROGRAMMES IN THE USA**

It is estimated that in the United States there are 200 million firearms among a population of 260 million people. Around 500,000 firearms are stolen a year, which, by definition, enter the illegal market, and there is evidence that the leakage from legal to illegal markets is the principal source of firearms in domestic criminal activity. In addition, there is also a significant problem with the diversion from legal domestic American markets to illicit markets in Canada, the Caribbean and parts of Latin America, amongst others. In the wake of the 2001 UN Small Arms Conference, the US has undertaken a systematic review of its assistance programmes, laws related to SALW and their enforcement. However, the PoA has not resulted in new legislation or the development of new policies, as those that predate the PoA largely comply with the agreement. Since the adoption of the PoA, the US has continued to strengthen its destruction programmes and has structured technical and financial assistance for programmes related to SALW. Despite the problems that have been linked to the widespread domestic ownership of weapons, the US has done little since the PoA to review the internal situation, preferring to focus its attention on more international areas, such as end-use monitoring and support for international destruction programmes. It is also important to note that the US adopts a much narrower definition of SALW, using the term to refer exclusively to military weapons.

#### **Review of existing legislation and initiatives**

The US position on small arms has not undergone any dramatic changes since the 2001 UN Small Arms Conference. The US maintains some of the leading international standards and norms concerning arms exports (the *Arms Export Control Act*), end-use monitoring (the Blue Lantern and Golden Sentry programmes), and arms brokering (the 1996 *Amendment to the Arms Export Control Act*). The US has developed a matrix, *United States Support for the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, that highlights all US government action on small arms and how it fits into implementation of the PoA. This matrix has allowed the US to identify its strengths and areas of expertise, as well as its shortcomings, in implementation of the PoA. Moreover, since 2001, the US has reviewed its assistance programmes, laws and law enforcement related to SALW. In addition, the US has established a Point of Contact within the executive branch to act as a liaison for US government action in the multilateral arena.

This review following the PoA has enhanced existing initiatives and resulted in a new *Security Assistance Act* of 2003, which relates to small arms and provides for:

- The Congressional notification of export license approvals for firearms, controlled by the US Munitions List (USML), of \$1,000,000 or more;
- A report on end-use monitoring;
- An annual report on arms brokering;
- An annual report of investigations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on US-source weapons used in terrorist acts and international crime;
- An annual military assistance report on firearms controlled under the USML; and

- A statement of the aggregate dollar value and quantity of semi-automatic assault rifles that were licensed for export.

Despite this review, there are still considerable weaknesses, particularly with regard to domestic legislation. There is no single policy domestically, and some states have very permissive laws that make it easy to obtain permits to carry concealed handguns and where controls on rifles and shotguns are limited. In addition to this, while most states make checks on initial sales, there are no controls on sales between individuals, and gun shows are unregulated because the sales are by individuals. The US is also one of the few industrialised countries that does not require that firearms are stored, unloaded, in a secure container separate from ammunition.

### **Export controls, marking and tracing**

In light of the 2001 UN Small Arms Conference, the US has focused more on existing export controls and law enforcement programmes relating to SALW issues. However, most of the steps taken to ensure that SALW exports are safely and securely transferred as well as appropriately marked predate the PoA. All licensed importers and manufacturers are required to mark each firearm manufactured in or imported into the US with a serial number, the make, model and calibre or gauge of the firearm, and the name, city and state or foreign country of the manufacturer or importer. Confiscated firearms retained for official use are marked at the time of confiscation, if not already marked. Only “craft manufacture”, for use by hobbyists and not for any commercial sale, is exempt from regulations on marking and licensed manufacture.

Since 1968, there has been a federal law that prohibits the sale, manufacture and transfer of unmarked firearms by those licensed to engage in the business of importing, manufacturing or dealing in firearms, and evasion of marking and manufacturing laws and regulations is a criminal offence in the US. US legislation has, prior to the PoA, also attempted to ensure that arms exports are transferred to the appropriate end-user. The US has the Blue Lantern Program (State Department) and Golden Sentry programme (Department of Defense) to monitor end-use of defence articles. The Blue Lantern programme conducts end-user and pre-license checks on commercial SALW transfers. The Golden Sentry programme performs checks on military-to-military arms transfers. In addition, in the US, all retransfers are subject to the scrutiny of the US defence licensing authorisation process and all US defence exports are subject to retransfer approval. In the case of commercial sales, the license must indicate the ultimate end-use country. Moreover, by law, all US exporters and brokers of commodities covered by the USML must register with the Office of Defense Trade Controls and submit each transaction for government licensing approval. All US citizens, in the US or overseas, and foreign nationals operating within the US are subject to US brokering law.

### **Destruction programmes**

Since the 2001 UN Small Arms Conference, the US has increased the funding available for SALW destruction. In 2003, Congress authorised a budget of up to \$10 million for the destruction of SALW and other munitions. Nationally, weapons that are not identified as meeting other requirements during screening are sent to destruction sites. US military weapons that have come to the end of their usable life cycle are destroyed. The preferred method of disposal within the US is by melting at the US Army Rock Island Arsenal.

Internationally, the US has assisted with technical and financial assistance in 11 destruction programs in ten countries at a total cost of \$5.25 million and destroyed 290,253 SALW and 7,727,556 pieces of ammunition. The preferred method of destruction overseas under US -funded SALW destruction programmes is torch cutting. Shearing, crushing, deep water dumping or melting may be used when

they are deemed more cost effective and/or practicable and are authorised by the appropriate authority. The US began these destruction programmes in early 2000 to assist countries in destroying at-risk weapons stocks. However, more programmes have been initiated since the 2001 UN Small Arms Conference, assisted by the international momentum generated by the Conference.

The Department of Defence Re-utilization and Marketing Office (DRMO) accounts for destroyed SALW through an electronic database. Other surplus designated weapons are given away through the Excess Defence Articles (EDA) programme, others are provided through grants, and some are sold through government-to-government sales. Weapons seized in crimes, depending on jurisdiction, may be destroyed or securely stored pending legal action. Illicit weapons seized or confiscated by law enforcement authorities, subject to their use as evidence in criminal prosecutions, are frequently destroyed, though there is no national policy.

#### Learning points

- Recent experiences have demonstrated the importance of assistance for SALW destruction programmes of maintaining and developing capabilities for training in stockpile management and security.
- A further aim is to be able to facilitate more timely and complete reporting on US exports and imports and to report not just export authorisations but actual transfers. As part of this process, the US is implementing the Automated Export System (AES).
- Additionally, the US has recognised the need to work multilaterally and bilaterally to ensure the adoption of effective regulations governing arms exports and imports and controls over arms brokers, as well as seeking more effective implementation and enforcement of these laws, regulations and procedures.
- While the US has undertaken a systematic review of legislation, it is clear that there is a need to focus too on the domestic situation with regard to minimising the diversion of legally owned weapons to illicit markets, both internally and internationally.

## COALITION TO STOP GUN VIOLENCE IN THE USA

The Coalition to Stop Gun Violence (CSGV) is an alliance of 44 civic, professional and religious organisations and 100,000 individual members, engaged in a comprehensive campaign to reduce firearm death and injuries by closing illegal gun markets, improving America's national gun laws and strengthening law enforcement's capacity to prevent gun violence. This includes closing the gun-show loophole, criminal background checks for all gun sales, and handgun licensing and registration. It also includes increasing resources available to law enforcement agencies to stop illegal gun sales by irresponsible dealers and manufacturers and to trace crime guns through polices such as ballistic fingerprinting.

The CSGV engages in a vigorous and strategic programme of lobbying the US Congress and state legislatures to adequately address the menace of small arms. The Educational Fund to End Handgun Violence (EFEHV) distributes research on handgun violence, firearms marketing and production, and firearms design. The CSGV has launched educational media, public awareness and youth campaigns in the states of Virginia, Maryland, California and Wisconsin.

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## IMPLEMENTATION IN LATIN AMERICA AND THE CARIBBEAN

### Overview

SALW play a significant role in Latin America, both in terms of their role in internal warfare and as a contributing factor in the increasing pattern of armed criminal violence. Civil wars and military dictatorships over a number of years have encouraged the development of a culture of violence, which has led to a situation where SALW circulate through all levels of society. Traditionally, the military and police were the primary groups using SALW. However, now many non-state actors such as guerrilla groups, drug cartels, private militia forces and criminal gangs also possess SALW. These developments have contributed to the establishment of private security companies and the acquisition of SALW for self-defence by individuals. The increasing presence of drug traffickers in the region has in many cases intimately interlinked the illegal trade of SALW with the business of narcotics smuggling.

The Regional Disarmament Centre for Latin America and the Caribbean has played a leading role in the region both prior to and following the adoption of the PoA. Practical actions that support the implementation of the PoA (and simultaneously CIFTA) include the 2003 Lima Challenge for Arms Destruction and Stockpile Management. UNLiREC has obtained financial and technical assistance for supporting activities by national and local governments, as well as NGOs seeking to destroy confiscated, collected or surplus small arms. In July and August 2002, UNLiREC participated in destruction events in Rio de Janeiro, Brazil, and in Mendoza, Argentina, and initiated dialogue with Paraguayan government authorities. UNLiREC's assistance has also resulted in a project to improve government weapons storage facilities in the province of Mendoza, Argentina. UNLiREC and the UNDP's Bureau for Crisis Prevention and Recovery (BCPR) are currently discussing how they can develop coordination for future weapons collection and destruction activities in Latin America.

In addition, UNLiREC and CICAD have continued their collaboration through the development of electronic databases for keeping records of firearms, the control of international transfers for individual countries, and a secure web-based electronic information system among OAS countries.

UNLiREC is also involved in a parliamentary exchange on SALW between Central American and European MPs involved in activities related to the implementation of small arms controls. In terms of civil society engagement, UNLiREC is facilitating a project intended to develop the capacity of NGOs across the region in how to better engage on small arms issues.

### IMPLEMENTATION IN THE CARIBBEAN COMMUNITY (CARICOM)

Most Caribbean states view the problems of SALW as something closely interlinked with the trafficking of drugs and other contraband goods. Criminal organisations involved in drug trafficking use SALW to conduct their illegal activities, and in recent years it is clear that security has been compromised by the activities of heavily armed criminal groups and a growing organised crime sector, which has significant links to narcotics smuggling.

CARICOM, the primary sub-regional organisation in the Caribbean, which has 15 members and 15 affiliates, is addressing the issue of illegal firearms as a joint security concern. However, the primary context of arms control is dealt with in relation to drug trafficking, and the organisation lacks a clear sub-regional programme for implementing the PoA. However, there have been some positive activities at the national level following the 2001 UN Small Arms Conference:

- Barbados established an anti-gun enforcement unit in July 2002.
- In Trinidad and Tobago in March 2002, the Ministers of Justice and Attorneys-General of the

Americas created an information network that deals with issues of organised crime, terrorism and mutual legal assistance in criminal matters.

- Haiti has undertaken training of its National Police, and the UNDP and partners aim to develop a programme to strengthen small arms control mechanisms in the country.
- Trinidad and Tobago have prioritised record-keeping, tracing and control of firearms. Regular legislative assessments and reviews are currently being undertaken in order to strengthen measures targeting the illicit trafficking of small arms.

### **The role of civil society**

With the notable exception of the Women's Institute for Alternative Development (WINAD) in Trinidad, NGO engagement on SALW in the Caribbean is limited. WINAD is really the only NGO in the Caribbean that is actively involved on SALW. In March 2002, WINAD organised and hosted a national meeting for civil society and government security agencies on the illicit use of small arms. The lack of a regional small arms dialogue led to the establishment of a steering group that will take forward regional meetings in future in order to push SALW further up the political agenda. WINAD also co-hosted a regional meeting with the Caribbean Association for Feminist Research (CAFRA), which brought together NGOs from Grenada, Guyana, Haiti, Jamaica, Bahamas and the Dominican Republic in October 2002 to develop a Caribbean women's position on the illegal use of small arms in the region.

## **IMPLEMENTATION IN THE MERCOSUR REGION**

Within the MERCOSUR region (Argentina, Brazil, Paraguay and Uruguay, plus associate members Bolivia and Chile) there is significant firearms production capacity for both military and civilian markets (in Brazil and Argentina) and a large black market (operating primarily out of Paraguay). Armed conflict is not a significant factor in the sub-region; rather, armed violence manifests itself in urban and youth crime and rural land conflicts and has recently become increasingly prevalent in violence resulting from the collapse of the financial systems in several MERCOSUR states.

### **Security Information System (SISME)**

States within the MERCOSUR region have designed a joint mechanism to exchange information on SALW, and have also developed a Security Information System (SISME) that would act as a register for information on firearms, explosives and other related materials. However to date, neither the mechanism nor the SISME is operational. The aim is to produce the following:

- Register(s) of individuals and legal entities that buy, sell, exchange, import, export and distribute firearms;
- Register(s) of ports of shipment and importation, including intermediary points; and
- National registers of individual and institutional firearms owners.

### **National implementation**

There have been several very positive steps taken by states in the region, including the following:

- Uruguay has reformed its national legislation on firearms following the 2001 UN Small Arms Conference.
- In early September 2002, discussions were initiated within the national legislature in Argentina on proposals to control illegal production and sales and on implementing a national weapons collection programme.

- Argentina has established a national arms register that maintains a website in English and Spanish,<sup>19</sup> which is probably the most comprehensive information resource provided to the public in the region regarding national arms laws, registered weapons (including police and private security holdings) categorised nationally and by province (excluding military holdings), dealers, firing ranges, imports and exports.
- In September 2002, in Buenos Aires, more than 3,000 firearms were destroyed in a public ceremony.
- Since the 2001 UN Small Arms Conference, the Paraguayan government has become more active in multilateral discussions and openly recognises the manifestation of the SALW problem in the country. It has requested assistance in obtaining resources for surplus and confiscated weapons destruction from UNLiREC
- Bolivia has also requested assistance from UNLiREC to enhance stockpile management.

### **The role of civil society**

Following the 2001 UN Small Arms Conference, Viva Rio, the most active NGO in the region, supported the creation of a network of NGOs in MERCOSUR and the production of an online journal on arms control and disarmament issues in Spanish and Portuguese. The Argentinean NGO Espacios para el Progreso has helped with the implementation of various components of the PoA at the sub-national level in the province of Mendoza, where legal reform, public-awareness-raising, weapons collection and destruction, and improvements to stockpile management have taken place, despite the national political and economic crisis.

## **MARKING AND STOCKPILING, TRANSPARENCY AND COOPERATION IN BRAZIL**

### **General overview**

In Brazil, the problems of SALW are manifested in patterns of rising general crime and extra-judicial crime linked to drug and arms trafficking and smuggling. The diversion of SALW to criminal gangs, traffickers, private militias and other non-state actors that engage in extortion, kidnapping and drug trafficking (often operating from the slums) are serious threats to civilian security. Efforts to ensure safe stockpiling and adequate marking of SALW to prevent the diffusion of these weapons to the illegal markets have proved to be a particular challenge in the implementation of the PoA.

### **Marking and stockpiling**

Brazil is the second largest firearms producing country in the Americas and produces several types of machine guns and sub-machine guns for both domestic use and export. National legislation in Brazil states that licensed manufacturers in Brazil are required to mark SALW. Each weapon, regardless of size, type and kind, should be marked with a serial number and the name of the country and the manufacturing company. This regulation existed prior to the PoA and has not been reviewed since the 2001 UN Conference on Small Arms. The possession of unmarked or inadequately marked weapons is not an issue that is specifically addressed in legislation; however, the illegal possession of any firearm is punishable under the National Penal Code. Brazil has not adopted any specific measures in line with the PoA to prevent the manufacture of unmarked or inadequately marked SALW. In terms of stockpiling, the Brazilian state has not introduced any effective mechanisms for safe management of stocks and therefore there is a real risk of SALW being diffused into illicit ownership. Similarly, there are no standards regarding stock management and security, which reinforces the risk of diffused SALW. Seized and

<sup>19</sup> <http://www.renar.gov.ar>.

collected firearms are sent to the military police in the relevant state, where they are dealt with accordingly to laws that vary from state to state. The process is similar for reviewing stocks. The military authority in each state is responsible for determining what to do with seized and stockpiled weapons, for example, whether or not they should be destroyed or incorporated into existing military inventories. The weapons stocks are controlled by a combination of police and the military, and generally there is very little public access to information regarding stocks. Recent attempts have been made to improve transparency and openness through a collaboration between a Brazilian NGO, Viva Rio, and the Rio de Janeiro State Legislative Division of Arms and Explosives (DFAE).

### **Transparency and information exchange**

In line with the requirements of the PoA, Brazil has made public all the legislation and administrative procedures regarding firearms issues. Beyond publication in the *Official Magazine*, legislation in Brazil is accessible on the Internet. The Presidency of the Republic maintains an interactive website (<http://www.planalto.gov.br>) that can be searched for relevant documentation. However, transparency and information exchange at the regional level is still relatively weak. There have been very few efforts to exchange information and resources on SALW, and Brazil's system of reporting information to international and regional organisations on SALW confiscation, destruction, stockpiling, illegal trading and exporting is weak. SISME, the MERCOSUR integrated system of information, is not yet operational. On the international level, Brazil has since the 2001 UN Conference on Small Arms aligned itself with the governments of Canada and Costa Rica to push forward an agreement that prevents arms transfers to countries that systematically abuse human rights.

### **State-NGO cooperation**

Brazil is an example of a country where the government and civil society work closely on SALW issues and on the implementation of the PoA. Viva Rio, in cooperation with the government in Rio de Janeiro State, has successfully influenced national and international small arms policies, which suggests that the most effective small arms control actions can emerge from the sub-national level. Over recent years, civil society groups, including Viva Rio, have been involved in:

- A campaign that produced more than one million signatures in support of a law prohibiting civilian firearms possession;
- Stimulating discussion in the Supreme Court on state and national laws prohibiting civilian possession of firearms;
- Securing the release of information regarding 100,000 confiscated firearms held in Rio de Janeiro police warehouses;
- The destruction of tens of thousand of weapons, and;
- A detailed research project that identified the sources of most guns used in crime in Rio de Janeiro and later linked the principal problem to Brazilian guns exported to Paraguay and then reintroduced illicitly to Rio.

Research and lobbying have brought about an embargo on all weapons exports from Brazil to Paraguay – a move reciprocated by the US.

### **Learning points**

- The crucial role that civil society in Brazil has played in bridging the gap between the state and local communities has contributed significantly to the development of several innovative and sustainable initiatives.