

- Due to a lack of transparency and, consequently, bad reporting – particularly at the regional level – the efforts of government and government-civil society partnerships in Brazil are not always recognised. Enhanced transparency is important in order to be able to fully assess the impact of these and future efforts.

## VIVA RIO IN BRAZIL

Viva Rio campaigns to reform permissive and inefficient legislation on arms controls, seeking to end the civilian use of firearms in Brazil. It also aims to put pressure on the Brazilian Congress to combat the strong influence and well-funded lobbying of the gun industry, so that the ban on civil use of firearms can pass at the national level.

For more information contact Antonio Rangel Bandeira, [rangel@vivario.org.br](mailto:rangel@vivario.org.br), [www.vivario.org.br](http://www.vivario.org.br) or [www.desarme.org](http://www.desarme.org)

### IMPLEMENTATION IN CENTRAL AMERICA

In Central America, illicit small arms trafficking – often involving weapons that remained following the end of civil wars that have taken place across the region in recent years – is closely linked with narcotics trafficking. Poorly paid customs and public security officials foster corruption that enables the illegal trade in small arms to flourish, facilitating the growth in gangs, which pose a threat to the security of citizens across the region. In response to the inadequate provision of public security by police authorities, the private security industry is growing, fuelling demand for legal firearms. Concurrently, due to lax controls and legal frameworks, private security weapons are often diverted to illegal markets or misused by off-duty security agents.

#### The Central American Integration System (SICA)

SICA is the Central-American inter-governmental body responsible for integration within the region on political and judicial matters. The *Framework Treaty for Democratic Security in Central America* (Framework Treaty) and the *Central American Project on Illicit Trafficking of SALW* (Central American Project) – which is still under development – fall under its jurisdiction.

The implementation of the Framework Treaty has proceeded slowly, due to the absence of effective operative procedures. However, the Central American Project, which includes calls for the modernisation of existing legislation and the creation of national SALW commissions, potentially strengthens certain aspects of the Framework Treaty. The amendments to legislation related to SALW in the Americas since the 2001 UN Small Arms Conference reflect national legislative and political dynamics and implementation of CIFTA rather than a conscious effort to comply with the PoA. Due to the legal commitments in CIFTA, the agreement has, unlike the PoA, been a priority for the national governments.

Follow-up to the 2001 UN Small Arms Conference has included the development of a matrix that outlines the commitments contained in the different OAS and UN agreements, assigns them to the relevant parties and categorises them as either national or regional responsibilities. SICA's Security Commission has adopted this matrix as part of its policy.

In addition to the activities of national governments and NGOs, several international organisations have

been active in implementing small arms control in the sub-region, including the UNDP, the Inter-American Defence Board (IADB) and SICA.

Activities since the agreement of the PoA include the following:

- The UNDP recently expanded its work on strengthening small arms control mechanisms in El Salvador. It is also developing a project for security sector reform and small arms control in Honduras, with the possibility of further expansion to Guatemala and Nicaragua.
- As of 1 July 2003, the UNDP will have established a regional office for strengthening small arms control within Central America, based in El Salvador, to support the existing country programmes and to promote sub-regional cooperation.
- Guatemala ratified CIFTA in 2003, which leaves Honduras as the only country in Central America that has not ratified the Convention.
- The UNDP and the National Secretariat of Security in Honduras have begun to destroy weapons in public ceremonies and to build public awareness through various campaigns.
- In March 2003, the governments of Costa Rica and Panama met with several NGO members of IANSA to discuss bilateral cooperation, information exchange and greater harmonisation of national legislation.
- In May 2003, Central American and European parliamentarians met in Panama City to discuss the implementation of the PoA. In a positive development, the Panamanian legislature is moving toward making illegal weapons possession a criminal rather than civil matter.

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

Central America has one of the most vibrant and active NGO communities participating in IANSA. The Arias Foundation for Peace and Human Progress, based in Costa Rica, has been involved with security and demilitarisation issues for more than a decade. Since the establishment of IANSA in 1999, new NGOs have engaged with the small arms issue in Guatemala, Honduras, Nicaragua, El Salvador and Panama. At present, the Arias Foundation is leading a project to develop the capacity of Central American NGOs on small arms issues, while the sub-regional IANSA network for Central America, which also includes the Arias Foundation, has completed a comparative study of Central American arms legislation and the relationship between arms and gender.

#### **WEAPONS COLLECTION, STOCKPILE MANAGEMENT AND TRANSPARENCY IN MEXICO**

Mexico's geopolitical location, between North America and the rest of Latin America and the Caribbean, has made it vulnerable to becoming a transit point for weapons in the region. The disparity between Mexican and US State and Federal law facilitates the movement of illicit weapons from the US to South America. It is estimated that 80 per cent of illegal firearms found in the country originated in the US. In recent years, the illegal proliferation of SALW has increased, contributing to the incidence of crimes such as robbery and kidnapping. Current concerns reflect the fact that violence related to firearms mostly occurs in urban areas and is often linked to other types of criminal activities, particularly those related to narcotics. In rural areas, armed violence is often related to inter-community conflict and forms part of a traditional way of protecting economic property, following disputes over resources such as land and water. The damage caused by the proliferation of SALW has led to renewed efforts to control their circulation and introduce collection and destruction programmes where possible.

#### **Implementation of the Programme of Action**

Following the 2001 UN Small Arms Conference, there has been increased activity by both the Mexican government and Mexican civil society relating to the implementation of the PoA. In light of the PoA,

Mexico has reviewed and reinforced the existing regulatory framework on SALW and is currently discussing new proposals relating to the prevention of illicit small arms. Mexico was one of the original proponents of CIFTA, and one of the first countries to ratify it and since then, activities relating to the regulation of small arms have increased significantly. It would appear that the measures Mexico has taken to implement the PoA reflect the steps taken by the government to adopt and implement CIFTA. Mexico is a participant in the UN Expert Group on Marking and Tracing, and in 2002, Mexico participated in an initiative led by Switzerland and France to produce a political agreement dealing with marking and tracing. In addition, Mexico has ratified the UN Firearms Protocol.

### **Weapons collection programmes and stock management**

Since the adoption of the PoA, participation by government authorities in civil-society-led activities, such as weapons collections, educational activities and public policies related to security, have increased notably. In 2002, as part of an effort to push for gun disarmament and for the reduction of small arms in circulation, civil society groups coordinated with federal, state and municipal authorities, including the Secretariat of National Defence (SEDENA) and the Department for Public Security (SSP). Certain initiatives have led to the participation of state schools in an ongoing coordinated effort, which has resulted in the collection and destruction of over 4,000 small arms in the states of Tamaulipas, Sinaloa, Jalisco, Chihuahua and Morelos, as well as in the Federal District of Mexico. In some cases, these initiatives have been carried out as exchange programmes, where weapons are exchanged in return for meal vouchers, domestic appliances or credit notes.

SALW that have not been collected under specific weapons collection initiatives are registered in the federal arms register under the licence of the police body. The management of stocks falls under the jurisdiction of the existing Federal Law on Firearms and Explosives. Although Mexico has clear regulations regarding marking, tracing and registration of small arms, there are no legal provisions that explicitly require the marking of small arms stocks. The national small arms register is considered an adequate method for controlling the management and security of national stocks of SALW. Surplus small arms that are not operational and that are not subject to criminal proceedings are generally destroyed.

### **Transparency and information exchange**

The level of federal, state and municipal coordination related to transparency has also increased since July 2001, and this in turn has enabled the problems associated with SALW to be publicised more widely. At the national level, authorities responsible for security and defence have worked to release information on laws, regulations and procedures through bulletins, statistics and Internet pages. In 2002, the National Public Security Programme was published.

On the regional level, since agreement of the PoA, Mexico has continued its information exchange efforts through the Consultative Committee of CIFTA, the monitoring body for overseeing compliance with the provisions of the convention. Mexico has provided both official and unofficial information on SALW issues to the Committee and was one of the first countries to reply to the official CIFTA questionnaire. Mexico has inter-institutional coordination plans to undertake information exchanges with neighbouring countries regarding the tracing of weapons, as well as dealing with applications concerning marking, tracing, national registers, and judicial and customs information on illegal arms. In addition, Mexico is part of a bilateral information exchange programme with the government of the United States. Through the Drug Control Planning Centre (CENDRO), Mexico can officially request information on SALW related issues from the ATF. Regional coordination efforts have allowed justice officers, the armed forces and the navy to exchange information about criminal organisations, trafficking routes and other activities related to the illicit trade of small arms.

### Learning points

- The development of existing regulations relating to the marking, tracing and registration of SALW is a good first step – but for this to be fully comprehensive, legal provisions relating to the marking of SALW stocks should be reviewed and amended where necessary.
- Work to date to review the legal framework relating to SALW has been very positive; however, it is important that this continues and that the momentum generated by this process is maintained.
- The role of civil society in the process of developing and implementing destruction programmes has been beneficial to their success. This partnership between authorities, civil society and affected communities should be further developed to enhance success in similar programmes in the future.

## MARKING, STOCKPILE MANAGEMENT AND END-USER CERTIFICATES IN EL SALVADOR

### General overview

The trafficking and the abuse of SALW in the region have significantly affected El Salvador. Hundreds of thousands, if not millions, of weapons were distributed in El Salvador during its 12-year civil war (1980–92) and scholars conservatively estimate that there are at least 400,000 firearms still circulating in El Salvador, of which only approximately 173,000 are legally registered with the authorities. Today, one of the major challenges in the country is the SALW illegal market, which acts as a source of weapons internally, as well as for export to other Central American countries.

### Marking

The increasing problems associated with the development of the illegal market have focused attention on the illicit trade in SALW. El Salvador has mechanisms in place that pre-date the PoA, preventing the transfer and possession of unmarked or inadequately marked SALW. The National Civil Police (PNC) is the body that is authorised to confiscate unmarked or inadequately marked SALW. Confiscated SALW are sent to special deposits managed by the Ministry of National Defence. The Ministry's rules and procedures ensure that illegal and inadequately marked SALW are not retransferred, and special measures are taken to safeguard these types of weapons have been developed. According to officials, these measures take into account the risk of diversion of these weapons into illicit markets in line with the commitments adopted in the PoA. However, the rules and regulations within the ministry do not only apply to inappropriately marked SALW, but to all types of arms that have been confiscated.

### Stockpiles

Following the 2001 UN Small Arms Conference, the department in charge of stockpiling illegal SALW in the Ministry of National Defence has introduced measures aimed at strengthening and improving the existing security measures. To date, the PNC lacks an institutional revision mechanism on small arms stocks. Presently, there are no guidelines on methods for reviewing SALW stocks, and due to the lack of a generic system, units often operate very different proceedings. The only existing general procedure that applies to all police units in the country is a ballistic examination of every small arm and light weapon, which is undertaken by the Arms and Explosives Division (DAE).

Prior to the agreement of the PoA, the PNC established review procedures for the management and control of access to SALW stocks. Each police unit has a stock of arms that falls under the responsibility of the commander of the unit and a person responsible for their storage. All units have a small-arms control book, which is used to monitor the type of arms used and registers the people using arms on a daily basis. The armed forces control and manage their stock of SALW through a system that is operated

by the General Inspectorate of the Armed Forces. The inspectorate undertakes inventories and maintains registers and a computerised system that includes detailed information on arms allocated to each military unit, along with a detailed description of the arm. The inventory procedures in the armed forces vary according to the hierarchy of the military units. For instance, arms allocated to a squadron are revised on a daily basis, arms used in platoon each week and arms in a brigade each month.

### **End-user certificates**

End-user certificates for all SALW imports in El Salvador are issued by the Ministry of National Defence, which also maintains a detailed register of all national SALW purchasers. Although El Salvador has been significantly affected by the illicit trafficking of SALW in Central America, no efforts to review the legislation and norms on retransfer have occurred since the adoption of the PoA, despite the fact that an existing loophole in current legislation prevents the authorities taking any legal action against companies who fail to notify the original exporting state when retransferring SALW that previously have been imported.

### **Government-NGO cooperation**

Shortly after the 2001 UN Small Arms Conference, the UNDP launched a project to tackle the problems of violence in El Salvador. The proliferation of small arms constitutes one of the programme's components, which focuses on strengthening the SALW control mechanisms in El Salvador. The project integrates efforts by the National Public Security Commission, the University Public Opinion Institute at the Central American University, the Latin American Faculty of Social Sciences, the National Judiciary Council and an NGO, Fundación de Estudios para la Aplicación del Derecho (FESPAD). It is one of the first projects of this scale in which government entities and civil society are working together to improve small arms controls. The achievements to date include a computerised PNC firearms and violence database to be used to support police interventions, various anti-violence campaigns in schools, and an ongoing firearms, explosives and ammunition legislation reform project. In 2003, the UNDP published a comprehensive, multidisciplinary report on the small arms situation in El Salvador. This project has been linked to the commitments outlined in the PoA and is considered a success in terms of cooperation between the country's civil society, the government and the international community.

### **Legislative review**

Since the 2001 UN Small Arms Conference,<sup>14</sup> separate reforms have been undertaken and 30 new articles have been added to the *Armament Law*. Amongst the most important changes were the increased criminalisation of violations of the law, with the establishment of a system for levying financial penalties; greater restrictions on the public places where individuals are permitted to carry firearms; the development of a psychological test for all those applying for a firearms license; and the categorisation of re-exporting arms, munitions or explosives imported from abroad to third countries without prior notification, as encouraged in CIFTA.

### **Learning points**

- The logistics system used by the armed forces to control and manage their stock of SALW could offer a valuable model for other countries endeavouring to keep track of weapons held by the military. The General Inspectorate of the Armed Forces operates the system and undertakes inventories, holds registers and operates a computerised system that includes details and descriptions of arms allocated to each unit.
- The review of security initiatives relating to SALW stocks has led to the implementation of a project designed to improve conditions. The introduction of bunkers in place of existing

storage solutions will improve safety and could act as a precedent for other countries looking for a simple yet effective solution.

### IMPLEMENTATION IN THE ANDES

Despite urgent problems related to the impact of small arms in Colombia and the fragile political, economic and social situations in the other Andean countries, there is no significant sub-regional framework in place to tackle small arms issues. All countries in the sub-region have during recent times been points of supply for arms *en route* to the Colombian guerrillas and paramilitaries and have also received refugees displaced by the ongoing conflict.

Sub-regional security issues are dealt with by the Andean Community Secretariat in Lima, Peru. The only visible multilateral actions taken on weapons proliferation issues to date are the incorporation of considerations to fight illicit arms trafficking as part of an Andean Anti-Drug Plan, and the control of conventional weapons, combating of illicit SALW transfers and coordination on security issues as part of the Andean Charter for Security and Peace.

- Since the 2001 UN Small Arms Conference, several initiatives have taken place at the local level in Colombia. For example, the mayor of Bogotá has implemented several gun buy-back programmes in the capital city; however, almost no systematic public information exists on the success or otherwise of this effort.
- The Peruvian government has started a campaign to inform the public that it will enforce new firearms legislation adopted in August 2002. When the law is operational, citizens will be required to register their firearms and surrender illegally held weapons. The new law calls for the destruction of all confiscated weapons and contemplates providing material incentives to those who turn in illegal weapons voluntarily. However, it does not stipulate what those incentives will be. The government has required that civil society organisations and NGOs assist in the implementation of the new legislation.

### 3.2.3. EUROPE

#### OVERVIEW OF PROGRESS IN EUROPE

Europe faces a series of important challenges relating to the supply, proliferation, availability, accumulation and misuse of SALW. As in many regions, SALW problems manifest themselves in different ways in different geographic areas. However, one feature that is common to most of Europe is that it is an important source of SALW, which are transferred widely both within and outside the region. The Small Arms Survey lists at least 23 countries in Europe as medium producers of SALW, with Russia regarded as a major producer.<sup>20</sup> The number of weapons in circulation following the end of the Cold War and, more recently, as a result of the intense conflicts in South East Europe and the South Caucasus presents significant obstacles to achieving stability in these parts of the region. This is compounded by the effects of organised crime and trafficking, which have exacerbated the proliferation of SALW and their impact on human security, development and economic growth.

The absence of one clearly defined problem that is specific to the whole region perhaps helps to explain the absence of a single SALW instrument or initiative relating to Europe as a whole. Apart from the PoA, the most wide-reaching initiative in geographical terms is that covered by the Organisation for Security and Cooperation in Europe. Although the OSCE extends beyond Europe, encompassing Central Asia

<sup>20</sup> Small Arms Survey, 2002, p.20

and North America, the development of the OSCE Document on SALW is in some ways the most applicable regional-wide initiative in Europe on SALW issues.

A study in this section of the OSCE Document on SALW examines two aspects of progress made on the exchange of information and the development of best practice guides on various aspects of small arms policy and practice. The development of measures to address SALW-related issues through the OSCE in Europe, such as weapons collection programmes, is discussed in the different sub-regional overviews and through national case studies.

Most action on SALW issues in Europe since the 2001 UN Small Arms Conference has occurred through sub-regional instruments and initiatives such as the Stability Pact for South Eastern Europe, the EU Code of Conduct and the EU Joint Action, all of which are analysed in the following sections.

There are two regions that fall within the OSCE area where action on SALW is less developed: Central Asia, which is discussed in the Asia section of this report, and the South Caucasus. In the South Caucasus, there has been no systematic action on SALW issues at the regional level; however, there has been some work undertaken at the national level. In Georgia, for example, within the framework of a voluntary weapons collection programme, the OSCE and several donors have provided funding for projects, such as upgrading a joint Georgian and South Ossetian law enforcement centre and donating computers to a school, after parents had organised a voluntary weapons surrender. By early 2002, 210kg of explosives and more than 1,300 units of arms and ammunition had been collected in the area of Georgian-Ossetia. In Armenia, the Ministry of Foreign Affairs in conjunction with Saferworld and the Armenian NGO Cooperation and Democracy hosted a seminar in November 2002 to address the proliferation of SALW in the region. These tentative steps must be recognised and welcomed in light of the instability in parts of the region and the challenges posed by the at times overwhelming internal and interlinked problems of corruption, organised crime and illicit trafficking, including of SALW, that are substantial impediments to action.

### **Implementation of Initiatives and Legislation Related to the PoA**

In examining implementation of the PoA in Europe, it is clear that efforts at the regional, sub-regional and national levels have complemented, and in some cases exceeded, commitments agreed in the PoA. Some of the key activities and initiatives that have occurred at the regional and national levels include:

- Development of the EU Code of Conduct through, amongst other things, the compendium of agreed practices in the *Fourth Consolidated Annual Report on Implementation of the EU Code of Conduct* (see the case study on the EU page 82);
- Conferences on implementing the PoA, including the regional seminar on implementing the OSCE Document on SALW and the UN PoA in Bucharest on 24 February 2003 and the UN-OSCE Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe in Slovenia on 11–12 March 2003; a conference examining implementation of the PoA and export controls in Bonn in May 2003; and the Geneva Process, which since May 2002 has met nine times to share information on the implementation of the PoA;
- Bilateral initiatives on specific issues covered by the PoA, for example, the joint Swiss and French Marking and Tracing initiative; a joint French and Dutch initiative regarding ammunition stockpile security in the OSCE area; the UK Lancaster House Conference on Export Control Criteria; and a Swedish initiative on Strengthening Cooperation on Export Controls between the Nordic states, including Finland and Norway, and the Baltic states of Lithuania, Latvia and Estonia;
- Establishment of the South Eastern Europe Clearing-house for the Control of Small Arms and Light Weapons (SEESAC);

- Support for SALW projects in Central, Eastern and Southern Europe through the EU Joint Action on small arms; and
- The formation by NGOs from eight EU countries of a coalition and the launch on 27 January 2003 of an EU campaign, Controlling Arms Sales to Save Lives! (see page 88).

At least 40 countries in the region have now established national points of contact as required by the UN PoA. Fewer countries, however, have established national coordination agencies, which in some cases is arguably more important, considering the lack of coherence that exists in many governments across the different departments responsible for implementing aspects of the PoA.

Many states have laws and procedures governing the different aspects of SALW production, transfer and use, in line with PoA commitments. And in many cases, these go further than the PoA – particularly on, for instance, civilian possession and export controls. However, across Europe, as in other regions, the implementation and enforcement of legislation and related procedures is often sporadic. One of the major obstacles to effective implementation of the PoA is the lack of clear understanding by states of the commitments contained in the range of different instruments and processes. This is particularly the case in South Eastern Europe and Central and Eastern Europe, where states are contending with implementing several such initiatives, for instance, the EU Code of Conduct, the Stability Pact, the OSCE Small Arms Document and the PoA. Therefore, promoting awareness of states' obligations is important, and this is especially so in the context of the EU accession process, which requires candidate countries to fully implement the principles and provisions under the Code of Conduct and Joint Action as a condition of membership.

Individual EU states have been active in developing international and regional cooperation. For instance, in January 2003, several participated in an international conference aimed at facilitating discussions on export controls organised by the UK government at Lancaster House in London. Many EU states have provided significant financial and technical support to SALW-related programmes run by the UN, other international or regional organisations and NGOs. Member states have also funded individual projects directly on a bilateral basis, such as Sweden's contribution to the Peru-based UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. Within the region, the countries of South Eastern Europe have been beneficiaries of financial and technical assistance channelled in many cases through SEESAC.

The following section outlines progress taken at the sub-regional level to combat illicit SALW proliferation. It illustrates some of the major SALW control initiatives that have been developed since 2001, through examples drawn from countries across the region.

## THE GENEVA FORUM

Two Geneva-based NGOs have created a regular forum for discussion among governments, NGOs and UN agencies interested in the implementation of the PoA. Quaker United Nations Office (Geneva) and the Programme for Strategic and International Security Studies (IUHEI), along with the United Nations Institute for Disarmament Research (UNIDR) are the hosts of the Geneva Process on small arms.

Since May 2002, the Geneva Process has hosted nine open meetings for key stakeholders to exchange experiences of PoA implementation and highlight areas for potential cooperation. This initiative aims to facilitate national and regional implementation of the PoA and promote effective reporting to the First Biennial Meeting of States.

For more information contact Patrick Mc Carthy, Geneva Forum, mccarthy@unige.ch

## IMPLEMENTATION IN THE OSCE

### General overview

The process of implementing the OSCE Document on Small Arms and Light Weapons (OSCE Document), which was adopted in November 2000, and the PoA is complementary in several areas. On a structural level, work currently being undertaken within the framework of the OSCE Document to develop a series of best practice guides on various aspects of small arms policy and practice is complementary to several commitments contained in the PoA, including, for instance, those on brokering and procedures for stockpile management. On a project level, there are various examples of practical support provided through the OSCE that resonate with specific elements of the PoA – the OSCE-supported weapons collection programmes in Georgia being one such example.

The OSCE Document includes a set of norms, principles and measures to address the proliferation of SALW, it recognises the "excessive and destabilising accumulation of the uncontrolled spread of small arms"<sup>21</sup> and aims to improve regional security across the 55 participating states.<sup>22</sup> Since 2001, several regional seminars have addressed the implementation of the OSCE Document and the PoA simultaneously, most recently in Bucharest, Romania, in February 2003 and Ljubljana, Slovenia, in March 2003. These have focused on developing concrete measures to take forward the implementation of both initiatives within the OSCE area.

Relating the OSCE Document to the UN process has in many ways enhanced its status amongst member states. Whilst the OSCE Document is limited for several reasons, not least because, like the PoA, it is only politically binding, it does contain commitments on some areas of small arms policy that are more developed and arguably more progressive than the PoA. For example, the OSCE Document contains a clear acknowledgement that export controls on legal transfers are crucial to combating the illicit trade, and it outlines a set of agreed standards to be taken into account when licensing transfers of SALW. These criteria, which draw on earlier work by the Forum for Security Cooperation, amount to an agreed set of export criteria that include assessing exports against their potential impact on the human rights situation of the destination country and compliance with international obligations.

It has also been important for the regional commitments to appear relevant to the wider global process and so, through close cooperation, the OSCE is able to provide assistance to the UNDDA in carrying out implementation of the PoA. However, it is unclear how far such practical assistance has been developed. Integrating SALW activities into the organisation's wider work, including those on early warning and conflict prevention, to reflect Section V of the OSCE Document, has been difficult. This area is important and warrants particular attention to encourage the engagement and involvement of OSCE missions and field operations in PoA implementation.

### Reviewing the exchange of information

Since its adoption, implementation of the OSCE Document has focused particularly on efforts to increase transparency, mainly through the annual exchange of information among participating states. Following the first information exchange in June 2001, which revealed a significant variance in the quality

<sup>21</sup> OSCE, OSCE Document on Small Arms and Light Weapons, 24 November 2000.

<sup>22</sup> The OSCE region comprises states from Europe, Central Asia and North America, including Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia and Montenegro, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States of America and Uzbekistan.

and scope of the submissions by states, a series of recommendations were proposed to provide a basis for standardising reporting in subsequent years. The aim of this was to develop a system that would make information more comparable and therefore more useful as a tool for identifying common approaches and developing best practices. A "Model Answer" was developed and circulated to provide member states that were still to submit their first report with a basic structure. In addition, the Conflict Prevention Centre, based within the OSCE Secretariat, produced reporting templates on various issues, including transfers between OSCE states and stockpile management. While the majority of participating states have used these templates for their 2002 submissions, at present no systematic evaluation has been conducted to assess their effectiveness in enhancing the quality and scope of reporting.

The provision of information is essential for building trust and cooperation among states, as part of wider efforts to increase transparency and accountability. While many governments do not collect, maintain or exchange sufficient data even for their national control purposes, the OSCE information exchange makes an important contribution to stimulating the provision of quality information by states.

### **Developing best practices**

In February 2002, at a workshop in Vienna focused on implementation of the PoA, participating states agreed to identify and develop best practice guides on various aspects of small arms policy and practice that is operational at the national level, in order to advance common standards among all states. These areas include controls on arms brokering activities, procedures for stockpile management and security, and export and import policy. Publishing best practice guides can contribute to standardising policy and practice on SALW issues among states. They can assist with clarification on measures where wording is ambiguous and open to interpretation (whether inadvertent or deliberate). While the development of best practice guides can serve as a tool to enhance common standards, implementation and enforcement, as with the OSCE Document as a whole, is undertaken at the national level and is subject to the political will, commitment and capacity of individual states.

A number of countries have volunteered to prepare these guides, but at present there is no overwhelming consensus regarding their adoption, so at best they will serve as a useful tool. Nonetheless, it is important for states to apply best practices in order to advance the global process to combat the proliferation of SALW. The experience of the OSCE has shown that even without common agreement, the development of best practice guides is a useful contribution to moving forward the international debate and building norms on aspects of SALW issues that can shape the basis for relevant international legally-binding instruments.

## **IMPLEMENTATION IN THE EUROPEAN UNION**

### **General overview**

The EU is a major supplier region, and so addressing the proliferation of SALW relates primarily to developing and enforcing effective arms export controls. Since 2001, significant efforts have been undertaken at the national level and through other multilateral forums such as the Wassenaar Arrangement.<sup>23</sup> However, a major focus of arms control efforts by EU member states is strengthening the Code of Conduct on Arms Exports (which includes SALW). Arms brokering is currently high on the political agenda, following a European Council resolution in November 2001 and subsequent efforts to agree a common EU position on regulating brokers, which was agreed in April 2003. In other areas, the

<sup>23</sup> In December 2002, the participating states of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies adopted Best Practice Guidelines for Exports of Small Arms and Light Weapons; see Section 3.3 for more information.

EU has also made significant progress on advancing international cooperation and provision of assistance in accordance with Section III of the PoA, a large part of which has taken place through the Council of the European Union Joint Action on SALW.

The EU played an important role in negotiations during the 2001 UN Small Arms Conference, advocating concrete action combating the proliferation and misuse of SALW. The PoA did not reflect these endeavours; however, work has continued at the sub-regional level on some of the issues that EU states felt were not fully addressed or which were omitted from the PoA. SALW remain on the agenda for the EU and progress has been maintained, mainly through two key related instruments: the EU Code of Conduct on Arms Exports and the Council of the European Union Joint Action on SALW (commonly referred to as the European Council Joint Action on SALW).

### **EU Code of Conduct on Arms Exports**

The EU Code of Conduct on Arms Exports (Code of Conduct), adopted in 1998, sets out eight criteria that member states must take into account when making arms export licensing decisions (including those relating to SALW), and a set of operative provisions that mandate a number of procedures for its administration. Since 2001, progress on strengthening the Code of Conduct has continued in several current and emerging thematic areas, such as transparency and accountability, and arms brokering controls. The Code of Conduct has improved communication between states on these matters, and under its operative provisions, EU countries are required to exchange information on those applications for arms export licenses that are denied, and to consult where one member state is considering awarding a license that has already been refused by another. In 2002, member states decided to extend the denial notification mechanism to provide for some sharing of information with EU accession states that are due to join the EU in 2004.<sup>24</sup> Enlargement of the EU to include ten new states from Central and Eastern Europe presents a range of opportunities and challenges for strengthening and implementing the Code of Conduct. These are discussed in more detail in the sub-regional overview of Central and Eastern Europe (see page 93).

As a consequence of the Code of Conduct's evolving role and no doubt encouraged by the UN process, a number of EU governments, including Belgium, France, Germany and the UK, are engaged in reviewing aspects of their national arms control regimes. In October 2002, Belgium set a precedent by becoming the first country to incorporate the Code of Conduct into its domestic law. The EU Code Annual Review process has also led to member states addressing within the context of the Code of Conduct a number of issues untouched by the Code of Conduct itself. For example, in 2002, member states agreed a set of guidelines for controlling arms brokers and they have since commenced negotiations on a Common Position on arms brokering. Member states have also begun to address the issue of the overseas production of military goods under license – an area neglected during the initial drafting of the Code of Conduct and the negotiations on the PoA.

Also in 2002, member states agreed two sets of elements for inclusion in a certificate of final destination. The first set is a group of "core" elements that *should* be included, which focus on the supply of information by the purchaser, for example, with regard to the type, quantity and end-user of the goods. The second, "additional", set, which *might* be required, includes provisions that place limitations on use, for example, restrictions on re-export. It is to be hoped that the EU will in the near future include limitations of use in the core set of elements and include provisions for monitoring end-use, thereby addressing one of the primary channels for diversion of SALW into the illegal trade, due to inadequate and inappropriate monitoring of the intended destination of transfers.

<sup>24</sup> The accession states are Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

Table 6: National Implementation in Europe

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
Albania			Y	•	•	•							Y	•	•	•
Andorra		Y														
Armenia		Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Austria		Y	Y		•	•	•	Y	•	•		Y				
Azerbaijan			Y		•	•							Y	•	•	
Belarus		Y	Y	•	•	•	•	Y		•		Y	Y	•	•	•
Belgium		Y	Y		•	•	•	Y				Y				
Bosnia-Herzegovina		Y	Y	•	•	•	•						Y	•	•	•
Bulgaria	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	
Croatia																
Czech Republic		Y	Y	•	•	•	•	Y			•	Y	Y	•	•	•
Denmark		Y	Y		•		•	Y	•	•		(2)				
Estonia		Y	Y		•	•	•	Y		•	•	Y				
Finland		Y	Y		•			Y	•	•		Y				
France		Y	Y	•	•	•	•	Y				Y	Y	•	•	
Georgia			Y		•	•	•	Y		•			Y		•	•
Germany		Y	Y	•	•	•	•	Y		•	•	Y	Y	•	•	
Greece		Y	Y		•	•	•	Y	•	•						
Holy See		Y														
Hungary	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Iceland		Y														
Ireland		Y	Y		•	•		Y	•			(2)	Y		•	
Italy	Y	Y	Y	•	•	•	•	Y		•		(2)	Y	•	•	•
Kosovo*	Y		(3)	•	•	•	•	(4)					Y	•	•	•
Latvia	Y	Y	Y	•	•	•	•	Y	•	•	•	(6)	Y	•	•	
Liechtenstein		Y														
Lithuania		Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Macedonia			Y		•	•							Y		•	
Malta		Y														
Moldova		Y	Y		•	•	•	Y		•	•		Y	•	•	
Monaco		Y														
Netherlands		Y	Y		•	•	•	Y	•			Y	Y		•	
Norway	Y	Y	Y	•	•	•	•	Y				Y	Y			
Poland	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•
Portugal		Y						Y	•	•						
Romania	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•
Russian Federation		Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•
Serbia/Monetengro		Y	Y	•	•	•	•	Y		•		Y	Y	•	•	•
San Marino		Y														
Slovakia		Y	Y	•	•	•	•	Y	•	•		Y				
Slovenia		Y	Y	•	•	•	•	Y	•	•	•	(8)	Y	•	•	•
Spain		Y	Y	•	•	•	•	Y		•		(9)	Y	•	•	•
Sweden	Y	Y	Y	•	•	•	•	Y	•	•		Y	Y	•	•	•
Switzerland		Y										Y				
Ukraine		Y	Y		•											
United Kingdom		Y	Y	•	•	•		Y	•	•		Y	Y		•	

\*Kosovo is an entity under interim international administration

**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		•			Y		VWCP, amnesty	Y			•	•
	•	Y		•						Y		VWCP, amnesty					
		Y			Y	•											
	•	Y		•	Y	•	•			Y		VWCP				•	•
											Y		•				
	•	Y		•	Y	•	•			Y		(1), amnesties					
	•	Y		•	Y	•	•				Y					•	
					Y		•			Y		amnesties, buybacks					
	•	Y		•						Y		VWCP	Y	•			
													Y	•			
													Y		•		
	•	Y			Y	•					Y		Y	•			
	•				Y		•			Y		VWCP	Y			•	
	•	Y	•	•	Y	•	•						Y	•	•		
													Y	•	•		
	•	Y	•	•													
													Y	•			
	•	Y		•	Y	•	•										
	•	(5)			Y		•			Y	•	amnesties	Y			•	•
	•	Y			Y		•										
	•	Y	•	•	Y		•			Y		amnesty					
											•	(7)					
	•	Y		•	Y	•	•			Y		amnesty/ registration					
	•	Y			Y	•							Y	•	•		
		Y											Y	•	•		
	•	Y	•	•	Y	•		•		Y		amnesty	Y	•	•	•	•
		Y		•	Y	•											
	•	Y		•	Y	•	•		•	Y	•	buyback					
	•	Y	•		Y	•	•	•	•	Y	•	amnesties	Y			•	•
	•	Y	•	•	Y	•	•		•	Y		amnesty/legalisation	Y				•
	•	Y						(10)					Y		•		
	•	Y		•	Y	•	•						Y	•	•		
													Y	•	•		
	•	Y	•	•	Y	•	•		•	Y	•	amnesties	Y	•	•		

- (1) Operation "Harvest" (ZETVA)
- (2) Being considered
- (3) UNMIK/KFOR
- (4) UNMIK
- (5) No stocks
- (6) Draft
- (7) Forthcoming VWCP /amnesty
- (8) Being reviewed
- (9) Being drafted
- (10) Unserviceable

It should be recognised, however, that potential for future progress on export controls within the EU will inevitably be complicated by the requirement for consensus to be reached among 25, rather than 15, members. Doubts are amplified by concerns over the capacity and the inclination of new member states to affect further change.

This concern for the future notwithstanding, the Code of Conduct is widely considered as among the most rigorous and dynamic export control instruments in the world. It sets relatively high common minimum standards governing arms transfers, and the annual review process has provided for ongoing development and improvements in implementation. It also exhorts "Member States [to] use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code",<sup>25</sup> and a number of member states have made it clear that they see the Code of Conduct as a potential basis for a wider international instrument. However, although the Code of Conduct has been useful in norm-building, some states from other regions may be suspicious of basing international controls on a "Northern" document. Regionally, its success has been largely contingent on the political will of member states and the progressive stance of key governments concerned by the humanitarian impact of SALW. In order to ensure that progress to date is firmly embedded in national practice, it is important that member states' national legislation includes at a minimum the obligations mandated by the Code of Conduct and the requisite annual reports.

#### **European Council Joint Action on Small Arms**

In December 1998, the EU Council of Ministers adopted a Joint Action on Small Arms (Joint Action) as part of global efforts to combat the destabilising accumulation and spread of SALW. This agreement, which builds on the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms adopted by the European Council in June 1997, and the Code of Conduct adopted in June 1998 (see above), takes a regional and incremental approach to the problem of SALW proliferation. The Joint Action was amended in 2002 to include SALW ammunition within its provisions.

The Joint Action aims to help further the international effort to combat the excessive and uncontrolled spread of small arms, through support for existing regional and international initiatives. EU member states agreed to develop a cooperative policy, aimed at:

- Combating and contributing to measures aimed at ending the destabilising accumulation and spread of small arms;
- Contributing to the reduction of existing accumulations to levels consistent with countries' legitimate security needs;
- Helping solve the problems associated with accumulations of weapons; and
- Making a multifaceted contribution to a range of control and reduction measures.

The European Council publishes an annual report on implementation of the Joint Action, which incorporates activities undertaken as part of the EU Programme on Combating Illicit Trafficking in Conventional Arms. The most recent report, published in December 2002, detailed a wide range of activities carried out by member states, which are relevant to commitments outlined in the PoA. These included:

- Support for arms collection and/or destruction programmes in Albania, Bosnia and Herzegovina, Cambodia, East Timor, Kosovo, Macedonia, Niger and Sierra Leone;
- Projects to build law enforcement capacity in Guatemala, Honduras, Kenya, Mozambique, Nicaragua and Romania;

<sup>25</sup> EU Code of Conduct for Conventional Arms Exports, Operative Provision 11.

- Support for soldier demobilisation and reintegration projects in Angola, Democratic Republic of Congo, Guinea-Bissau, Liberia, Sierra Leone and Uganda; and
- Financial support for civil society and NGOs working to address the problems caused by destabilising accumulations and the proliferation of SALW.

As the largest donor for SALW-related projects and programmes, the EU has provided significant assistance for the implementation of the PoA. The allocation of funds is based on producing tangible results and the need for targeted action. In reviewing lessons learnt from past assessments, the EU is now looking towards focusing on a limited number of large-scale projects.

Finally, though the PoA made no mention of SALW ammunition, the recognition by the amended Joint Action of the impact of SALW ammunition on conflict highlights the importance of the need to address this issue. Already this has been looked at through practical programmes to destroy SALW and ammunition. For example, in Serbia in April 2003, approximately 40,000 tons of small arms ammunition was destroyed.

#### **National implementation by EU member states**

Given the emphasis on the introduction of stricter export controls, examination of implementation of these sub-regional initiatives focuses on the introduction of new laws or the reform of existing legislation since 2001. These have contributed to strengthening arms trade controls, in particular with regards to arms brokering. Arms brokering has come to the fore in Europe due to the increasing recognition that a significant proportion of grey and illicit market weapons used in conflict zones are transferred by arms brokers, and as such, it is crucial that the activities of brokers are properly regulated. The range of national brokering regulations highlights the complex and technical nature of this issue and gives an indication of the degree to which governments are prepared to address it. Two case studies looking at progress in Germany and the UK to introduce specific controls on brokering are reviewed and the difference in approaches, rather than outcome, is examined. Germany already has some specific controls over brokering, whereas the UK is in the process of overhauling its arms legislation and has made a public commitment to extend extra-territorial controls to British brokers of SALW. Furthermore, these case studies demonstrate the scope of measures required nationally, regionally and internationally to curb the activities of unscrupulous arms brokers.

In other EU countries, Austria's national legislation on the import, export and transit of war material has been amended to cover the brokering of war material, and in Finland, a new motion to change the *Act on Export and Transit of Defence Material* to include arms brokering is being prepared.<sup>26</sup>

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

Civil society organisations have been central in monitoring implementation of the Code of Conduct and in putting pressure on governments to widen its scope and effectiveness. These activities have included the convening of a seminar in Madrid in May 2002 to examine the implementation of the Code of Conduct a year after the 2001 UN Small Arms Conference and the development of an EU campaign in 2003 that has focused in particular on the development by member states of effective controls on the activities of arms brokers.

---

<sup>26</sup> Information current as of 31 December 2002 and detailed in the *Second Annual Report on the Implementation of the EU Joint Action on Small Arms*, 12 July 2002.

Within the EU region, there have been significant interventions by civil society organisations in many countries to support the implementation of the PoA, at national and regional levels. The Geneva Forum, Biting the Bullet, the Small Arms Survey, Oxfam, Amnesty International, the Bonn International Centre for Conversion (BICC) and the Group de Recherche et d'Information sur la Paix et la Sécurité (GRIP), among many others, have engaged on a variety of levels, including through conducting research, advocacy, capacity-building, policy development and funding.

## THE EU CAMPAIGN: EUROPEAN NGOS CAMPAIGN TO CONTROL THE ARMS TRADE

On 27 January 2003, a coalition of non-governmental organisations from France, Germany, Austria, Netherlands, Italy, UK, Spain and Belgium launched a EU campaign entitled Controlling Arms Sales to Save Lives!

The aim of the campaign is to prevent transfers of arms when there is a clear risk that the likely recipients will use them to commit violations of human rights and international humanitarian law, and to establish tough controls on arms brokering and the export of licensed arms production. The campaign was launched by French World Cup-winning footballer Lillian Thuram, who has for several years campaigned against the proliferation and misuse of SALW.

For more information contact Holger Anders, IANSA European Information Officer, [europe@iansa.org](mailto:europe@iansa.org)

### LEGISLATIVE CHANGES AND INTERNATIONAL COOPERATION AND ASSISTANCE IN THE UNITED KINGDOM

#### General overview

The UK government played an active role in developing and promoting the PoA. Since 2001 it has taken many positive steps to prioritise SALW issues in both policy and practice. These have included: legislative changes; increased transparency on national SALW transfers; the launch of the 'Lancaster House' international initiative to promote implementation of the PoA through strengthening international controls on arms transfers; leading roles in strengthening guidelines for SALW transfers in the Wassenaar Arrangement, EU, OSCE and other bodies; support for and participation in a range of other regional, international and civil society initiatives and programmes; and the establishment of the Global Conflict Prevention Pool Small Arms and Light Weapons Programme, which has integrated the issue of small arms into conflict prevention policy and which provides assistance for several SALW projects around the world.

From the outset, the UK has made the provision of assistance to promote implementation of the PoA and related national and regional SALW initiatives a priority in its work. It has become one of the most significant donors in this area, and has also played a leading role in promoting wider international co-operation and donor assistance programmes, including efforts to integrate SALW concerns into development, humanitarian, and post-conflict assistance and other spheres of aid and international co-operation.

The paragraphs below discuss in more detail two of these elements of UK activity relating to the implementation of the PoA.

## Changes in legislation

In 2002, the *Export Control Act* was passed, marking a significant revision of the antiquated legislation that had governed arms export policy since 1939. The Act introduces new powers to control UK arms exports, and in particular, to regulate the activities of UK arms brokers and traffickers.

The UK is, according to the Small Arms Survey, a medium supplier of SALW. The UK government has a well-developed export control system. In recent years it has developed policies and guidelines to promote and ensure responsible restraint in its own decisions on whether to authorise SALW transfers, and it has also generally played a very constructive role in promoting similar restraint amongst its partners in the EU, Wassenaar Arrangement, OSCE and UN. Through the development and annual publication of a national report on arms transfers, the UK government has enhanced mechanisms for democratic accountability in arms transfers and related policies.

Nevertheless, issues relating to UK arms exports, including SALW transfers, remain controversial in the UK and beyond. There are real tensions raised by government policies to both promote and ensure responsible restraint and to maintain the UK as a major arms supplier. This continues to lead to controversial decisions, where there is apparent dissonance between licence authorisations and the government's conflict prevention work. For example, in July 2002 the UK Government used conflict prevention funds to provide the Nepalese Government with military equipment including explosive ordnance and military helicopters. Given that the conflict in Nepal had during this period escalated and been characterised by killings of civilians by both sides, this and a related but separate transfer in 2001 (not using conflict prevention funds) of 6780 assault rifles, is in tension with government commitments to human rights standards, conflict prevention, and sustainable development.<sup>27</sup>

There are admittedly real dilemmas involved in decisions on the risks associated with SALW transfers, and about whether to authorise such transfers to countries where there are risk of conflict or misuse. But it appears that the UK remains prone to give insufficient weight to the risks of such transfers. It is not, of course, alone in this. Overall, the UK's implementation of the PoA, and in particular of measures to strengthen SALW transfers and legislative changes that aim to prevent transfers by unscrupulous arms brokers to conflict regions, has been relatively positive.

The role of civil society in Britain has been pivotal in raising awareness about the weaknesses and loopholes in UK arms export legislation over recent years. A number of NGOs, including Amnesty International, Oxfam and Saferworld, have mobilised public opinion campaigning for tougher arms controls. As a measure of the impact of these efforts, in 2000, the then Secretary of State for the Department of Trade and Industry – one of the government departments responsible for arms exports – made a speech promising new legislation using the precise language and core message of the campaign: that you need a license to go fishing and get married but you don't need a license to broker weapons.

The UK Working Group on Arms – an alliance of organisations working towards a more ethical arms trade, which includes Amnesty International, the British American Security Information Council (BASIC), Christian Aid, International Alert, Oxfam and Saferworld, has advocated extensively for a strengthening of export legislation for the last seven years. It has provided evidence at Select Committee hearings, briefings for parliamentarians and lobbied for changes throughout the passage of the export control legislation through parliament.

<sup>27</sup> 'Publication of Government's Human Rights Report – Tougher action on arms export needed', *Saferworld Press Release*, 26 September 2002.

### Reviewing brokering controls

One of the positive aspects of the UK's implementation of PoA commitments has been the revision of legislation and the development of controls over arms brokering. The UK has taken positive legislative steps to respond to the problem of unscrupulous arms brokers transferring SALW to conflict regions and to states where there is a danger that they will be used to violate human rights. In accordance with the PoA, the supply of SALW through brokering and trafficking activities from the UK will, once the *Export Control Act* enters into force, be subject to tougher controls, and those engaged in illegal activities will face prosecution and imprisonment of up to ten years. Under the proposed regulations, the brokering by UK persons of transfers of torture equipment, long-range missiles and of all strategic goods to embargoed destinations will be controlled, regardless of where those persons carry out their activities. The provision of any support services, for example, transportation or insurance, will be similarly controlled. Thus, a wide range of brokering and other facilitating activities will be controlled by the new legislation.

Nevertheless, a number of loopholes exist. For example, in the secondary legislation (currently in draft form), which sets out in detail how the Government intends to exercise its new powers, the Government has decided to limit the extraterritorial application of the controls on arms brokers. Thus, in cases of the brokering of conventional weapons, including SALW, to non-embargoed destinations, a licence will be required only where at least part of the activity is carried out on UK territory. This suggests that brokers could organise shipments of SALW to non-embargoed destinations and evade regulations by working entirely from another country. Promotional or marketing activities will remain unregulated, as will arranging the transport or financing for such transfers. It is not yet known at what point promotion and marketing becomes brokering, and thus the "trigger point" for determining when a brokering licence is required is unclear.

The registration of arms brokers was recommended in the PoA. In the UK, the government currently favours applying a form of registration process based on the development of a list of brokers compiled from licence applications. There are a number of reasons why the government should ensure that this rapidly becomes a de-facto register of brokers. Such a register would, for example: help the government to gain a better understanding of the scale and nature of arms brokering; improve information collection and circulation within the UK; and facilitate information exchange mechanisms with other governments.

### Learning points

Measures contained in the PoA relating to regulating the activities of those engaged in SALW brokering are ambiguous, and while the application of controls at the national level would suffice if all UN member states introduce them, in the absence of this, regulations covering brokering must be applied more extensively. The UK has been one of the few states to conduct a review of its legislation and to introduce controls on brokering activities. This process is commendable, but the resultant controls could be strengthened.

- The UK government should apply full extra-territorial controls to any company or individual resident or registered in the UK, thereby preventing UK arms brokers from evading regulation and operating from countries with less adequate controls.
- The UK should require all arms brokers to register, and any agents involved in illegal activities should be prosecuted and prohibited from further brokering.

### International assistance and cooperation

Improving policy coherence across governments and enhancing (donor) assistance has characterised the UK's approach to promoting international assistance. In 2001, the UK established the Global Conflict Prevention Pool Small Arms and Light Weapons Programme (Global Pool), involving the Foreign and

Commonwealth Office (FCO), the Department for International Development (DFID) and the Ministry of Defence (MoD). The Global Pool was set up to support a range of initiatives tackling both the supply of and demand for SALW. In 2001, the government committed £19.5 million, based on a three-year strategy, to support the implementation of the PoA. Such financial assistance has supported the activities of civil society groups around the world, including, for instance, Vivo Rio, which works with the police in Brazil on weapons collection and destruction programmes (see page 73). Other small-arms-related projects and programmes funded from the Global Pool include supporting NGOs conducting policy research, analysis and advocacy on small arms issues, including IANSA, International Alert and Saferworld. It also supports a range of bilateral initiatives, including, in 2002, funding a large-scale programme to help ex-combatants return to civilian life in Sierra Leone. In March 2003, the British government donated two gun-shredding machines – nick-named "Euro-shredders" – to Kenya to assist in destroying illicit firearms (see page xx). More recently, DFID, in conjunction with the UNDP and UNDDA, has established a technical web resource, the Small Arms Reduction and Demobilization Specialist Roster (<http://www.smallarmscontrol.org>), which will help to match assignments with experts working on small arms issues such as government policy, weapons destruction and stockpile management. The UK has also provided financial assistance to other states for the development of national action plans for implementing the PoA. The recipients of such assistance include Bulgaria, Kenya, Mozambique, Tanzania and Uganda. These initiatives have established the UK as an important actor in the provision of international assistance.

### Learning points

Clearly, the contribution by the UK government has assisted the development of important projects and increased the role of civil society engaging on SALW issues. It is important that the UK should continue the current provision of financial and technical assistance, whilst also looking towards integrating such assistance into long-term strategies that would make available resources to sustain useful projects while minimising the potential for creating dependencies.

- The experience of the UK demonstrates that donor contributions can have a real and positive impact on a recipient country. All states with available resources should review the current status of their provision of assistance to identify potential projects or programmes for targeted assistance as part of their implementation of the PoA.

## GUN CONTROL IN THE UNITED KINGDOM

In the UK, community leaders and the police are cooperating to tackle the indiscriminate use and possession of guns in their communities. In September 2002, community leaders in the north London borough of Haringey called for residents to unite under an initiative called Not Another Drop – Haringey Peace Alliance, which will work in close partnership with Haringey police and council to fight crime. This scheme, which was started in Harlesden, London, in 2001, aims to get people working together to identify and resolve the problems associated with indiscriminate use of guns in the community.

In August 2002, London's black-on-black crime team ("Operation Trident") launched a new advertising campaign to try to reduce gun violence. The campaign included posters – "*Turn away from Guns and Drugs*"; "*Don't Let the Gunmen Prejudice our Children's Futures*" – and radio advertisements with music by a top UK garage group, NAP Syndicate.

## BROKERING LEGISLATION IN GERMANY

### General overview

In recent years, Germany has strengthened its arms legislation, adopted stricter criteria governing licensing of exports, and recently improved controls on arms brokering. On 1 April 2003, a new law tightening regulations relating to civilian possession entered into force and at present, an amendment to the *War Weapons Act* is under consideration, which will make tampering with official markings an offence. The destruction of surplus SALW continues after the scaling back of the armed forces in the 1990s, and while theoretically, surplus stocks can either be destroyed or transferred, it is becoming common practice in the German armed forces to destroy surplus SALW. Contending with the challenges of dismantling significant sections of the armed forces following the end of the Cold War has meant that Germany is well equipped to assist other countries dealing with the legacy of conflict. As a result, it has engaged in crisis prevention, small arms control and security sector reform programmes through its technical agency for cooperation, GTZ. And in April 2003, the city of Bonn hosted a major international conference on the implementation of the PoA, attended by governments and civil society organisations from around the world. However, one of the most interesting elements of change in Germany, which relates to implementation of the PoA, is its recent review of brokering legislation.

### Reviewing brokering legislation

Prior to 2001, Germany already had specific measures dealing with arms brokering. Under the *War Weapons Act*, brokering activities require a license from the German authorities for all physical transactions concerning war weapons located in Germany. Since an amendment to the Act in 2002, additional activities are now also subject to licensing, including the mediation of a contract on the acquisition or transfer of war weapons located outside German territory or the conclusion of a contract on the transfer of war weapons located outside German territory. Applications are judged on the same criteria that apply to arms exports from Germany.

However, this new provision only applies to deals concluded or brokered in Germany – there is no extra-territorial dimension – so while they are outside their country, German arms dealers can transfer arms from one foreign country to another, or broker such transfers, without applying for German government authorisation. For controls to apply, some aspect of the brokering deal must fall under German jurisdiction. This would include, for example, a meeting between the interested contract parties with the participation of the broker in question or using German telecommunication resources – telephone calls, facsimile emissions or letter mailings from Germany.

The government does not keep a formal register of licensed arms brokers, claiming that it knows who in Germany is engaged in legal arms brokering from license applications. Without a formal reporting requirement, monitoring brokering activities becomes difficult and without a register there is no formal recourse to disbar brokers, although the government may conceivably abstain from granting further licences to a broker. However, a license for brokering may be revoked at any time if, after granting the license, a reason for refusal becomes evident. Anyone engaged in brokering activities without the necessary license under the *War Weapons Act* faces imprisonment of between one and five years and in serious cases even up to ten years. There are problems relating to the implementation and enforcement of the legislation, which include problems associated with the level of transparency provided for in the legislation and its application. For instance, in Germany, exporters of military equipment are not legally obliged to disclose publicly whether a broker has been involved in a transaction.

### Learning points

- Since 2001, the adoption of further controls on brokering has been an important step forward, but the absence of extra-territoriality limits the effectiveness of these latest provisions. To some extent, Germany has already recognised the importance of controlling brokers beyond the national level through its work on the need for the adoption of EU-wide brokering controls, through the restructuring of the EU Code of Conduct. As such, similar principles should be incorporated nationally to regulate brokers both inside and outside Germany. These principles are an important element of the development of effective controls that should be adopted by all states.

## IMPLEMENTATION IN CENTRAL AND EASTERN EUROPE AND RUSSIA

### General overview

For several years, there has been increasing evidence to suggest that many illicitly held or traded weapons have been sourced from Central and Eastern Europe (CEE). Substantial quantities of weapons, particularly SALW, pass illicitly through the region, or are traded by brokers into regions of conflict and human rights crisis zones. As such, the countries of CEE are important both as a source and a transit route for transfers of SALW, which is exacerbated by the threat posed by organised crime and other forms of illicit trafficking.

Efforts aimed at addressing these problems have taken place through a number of regional and sub-regional organisations and initiatives including the OSCE Document on Small Arms and the Wassenaar Arrangement, as well as within those that have a remit to address problems of organised crime and illicit trafficking, for example, the Task Force on Organised Crime in the Baltic Sea region. However, for the countries of CEE, a main focus has been on expansion issues and particularly the accession to the EU of the first ten associate countries, due to take place in May 2004.

### EU Code of Conduct on Arms Exports

All candidate countries have endorsed the EU Code of Conduct and the EU Joint Action, in the case of the Code of Conduct, pledging their commitment to the risk-assessment-based export criteria on which it is based. Application of these criteria, however, is not systematic, considering the number of transfers that have been authorised to states where there is a risk that they will fuel human rights abuses and armed conflict. For example, according to the Czech Republic 2001 annual report, it sold machine guns to Sri Lanka – where both sides in the conflict that was ongoing at the time had a history of violent human rights abuses.

All EU candidate countries pledged their support to the Code of Conduct by aligning themselves with its principles several years ago. However, the standard of export control regimes in several of these countries falls short of these principles and, despite the fact that some accession countries have recently adopted comprehensive arms export control legislation, the regulatory framework in others remains weak and enforcement capacity in many remains poor. For these concerns to be adequately addressed, it is important that the EU engages with these states effectively to, inter alia, promote a clear understanding of the commitments under the Code of Conduct, encourages strict adherence to its principles and facilitates reform of national legislation and enforcement procedures.

### National implementation

There has been some positive progress made on reforming national legislation relevant to implementation of the PoA, notably in Slovakia, Bulgaria and the Czech Republic, and the political

momentum does exist for securing future changes. Bulgaria adopted legal reforms to introduce arms brokering controls and strengthen regulations to prevent the diversion of weapons to unauthorised destinations. However, it did not extend this law to cover the minimum export criteria as contained in the Code of Conduct, which it has pledged to follow.<sup>28</sup> This variance between acceptance of criteria and their application is not though confined to the accession countries. For example, since the 2001 UN Small Arms Conference, the UK and Belgian governments have transferred small arms to Nepal during the ongoing internal conflict characterised by serious human rights abuses by both sides.

Recently, Lithuania amended legislation on the import, transit and export of strategic goods and also approved a law controlling arms and ammunition to strengthen controls over SALW, taking into account the main principles of the PoA. In Latvia, a new law on the circulation of arms covering the export, import and transit of SALW entered into force in January 2003. And in light of the PoA and the OSCE Document on SALW, Hungary is currently reviewing its licensing system, which may involve the amendment of relevant legislation.

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

Across the countries of CEE, civil society organisation are engaging on SALW issues. In some countries, the 2001 UN Small Arms Conference acted as a catalyst for action, which has been sustained and developed since.

- In the Slovak Republic, an Arms Trade Working Group comprising five NGOs has been working on joint projects to improve the transparency and accountability of Slovak arms export controls.
- In Bulgaria, a Task Force coordinated by the Centre for the Study of Democracy is undertaking a national assessment of existing controls on the arms trade, including measures for combating SALW proliferation.
- Saferworld and the Lithuanian Centre for Human Rights organised a seminar, co-hosted by the Lithuanian Ministry of Foreign Affairs, in March 2002 on Combating Illicit Arms Trafficking in the Baltic Sea Region. Some 50 participants from ten countries, mostly from the Baltic Sea region, attended the international seminar to examine the arms transit trade and risks of diversion in the region.
- A Czech Working Group on arms has been established to enhance transparency in the Czech arms trade (see page 98 below).

## **STOCKPILE MANAGEMENT AND RECORD-KEEPING IN RUSSIA**

### **General overview**

As one of the worlds' largest producers and exporters of SALW, Russia faces enormous challenges in curbing the proliferation of SALW. In principle, Russian laws and regulations relating to SALW are fairly comprehensive, in line with many of the measures proposed in the PoA. Following the 2001 UN Small Arms Conference, there appear to have been several positive steps taken by the Russian government, which include a revision of legislation controlling SALW production, which was approved on 21 June 2002. At present, controls over production ensure that any violation by the manufacturer of the requirements and conditions under which the licence to produce SALW is granted may result in it being suspended. However, the lack of transparency relating to SALW issues in Russia makes it difficult to assess implementation and enforcement of this and other laws and regulations.

<sup>28</sup> Human Rights Watch, "Arms trade, human rights, and European Union enlargement: The record of candidate countries", Human Rights Watch Briefing Paper, 8 October 2002, p. 2.

Russia regularly destroys surplus or confiscated SALW, and in 2001, around 21,000 weapons were destroyed. However, the risk of diversion through the misappropriation of these weapons is a real danger, as recently highlighted by one incident in Southern Russia where confiscated arms registered as destroyed were resold to criminal groups.

### Reviewing stockpile management and accounting

Detailed measures relating to stockpile management are well established and include specific documentation on SALW accounting, which includes record-keeping on distribution and movement of SALW and a database of authorised personnel assigned SALW. While regular reviews and inspections take place, the sheer volume of illicit weapons in circulation raises doubts about the effectiveness of stockpile security and the efficiency of related accounting systems. Reports of theft and losses from storage facilities led the Ministry of Defence in 2002 to seek clarification from the Ministry of the Interior on the status of around 27,000 SALW. Enforcement also appears relatively weak, given that, in 2001, the Ministry of Defence registered up to 700 separate cases of SALW theft from stocks, but only 14 people were convicted and imprisoned. The socio-economic problems of the Russian military compound the difficulties of implementation and enforcement. This is particularly true when analysing the capacity of enforcement agencies to secure stocks, prevent diversion and enforce penalties. On a more positive note, according to the Ministry of the Interior, theft from weapons storage facilities between 2000 and 2001 decreased and efforts are being made to improve security of storage facilities and arsenals through the installation and upgrading of protection equipment.<sup>29</sup>

### Reviewing record-keeping

SALW record-keeping in Russia is extensive, accounting for production, holding and transfers of SALW. However, these records are classified and their effectiveness is difficult to monitor, due to the lack of transparency. At production facilities, special units are responsible for centralised control and accounting for SALW movements and there are monthly inspections of inventories. There is little information available to discern how well these regulations are being enforced, but considering the vast size of Russia and the number of companies involved in SALW production, enforcing these procedures must be extremely resource - and capacity-intensive and consequently it is unlikely that each facility is subject to rigorous scrutiny.

It is hoped that the introduction in 2002 of a computer data search system containing information on all weapons produced in 20 regions around the country will hopefully enable the Ministry of the Interior to track the movement of any SALW from manufacturer to end user. In 2002, the Ministry of the Interior also drafted a programme for the technical re-equipment of the system to account for and control SALW and ammunition. These efforts towards improving record-keeping and accountability are welcome steps, which the government should continue to develop and enhance.

### Learning points

The challenge for Russia, as with all UN member states, is to ensure effective implementation of the PoA. The risk of diversion into the illicit trade from stockpiles and storage facilities is an important factor in the proliferation of SALW, and in Russia, where stockpiles are huge and in some cases insecure, this presents an enormous challenge. More specifically, Russian agencies should undertake further work to ensure the effective management and security of stockpiles, including the provision of adequate accounting systems, in line with international standards of best practice.

<sup>29</sup> Alexandr Shklyar, Ministry of the Interior, Russian Federation, "SALW trafficking and organised crime: Making the links", in *National and International Norms, Principles and Measures for Controlling Small Arms Proliferation: The View from Russia*. Report from a seminar hosted by the Center for Policy Studies in Russia (PIR) and Saferworld, 6–7 December 2001.

## TRANSPARENCY IN THE CZECH REPUBLIC

### General overview

Since the 2001 UN Small Arms Conference, the Czech government has taken several positive steps to control the proliferation and misuse of SALW. For instance, on 1 January 2003, amendments came into effect to the *Firearms Act* governing civilian possession of arms and ammunition in order to harmonise existing legislation with that of the EU. As an associate EU state, it aligned itself with the EU Joint Action of 12 July 2002 aimed at combating the destabilising accumulation and spread of SALW. Efforts to streamline its legislation with that of the EU Code of Conduct and other EU-wide initiatives are welcome, particularly as these regional commitments are in some cases more progressive than those contained within the PoA. However, other efforts to strengthen legislation and improve implementation have been clouded by high profile cases that have highlighted the inadequacies of export controls – including the delivery of arms to Yemen in 2001 and alleged shipments of weapons to Iraq in 2002.

In terms of international cooperation and assistance for implementation of the PoA, the Czech Republic made a modest but welcome financial contribution of \$65,000 to the UNDDA Trusteeship Fund, which has partly funded education programmes to promote a culture of peace, conflict prevention and SALW destruction in, for instance, Albania, Cambodia, Niger and Peru. However, some of the most important steps taken by the Czech Republic relate to the development of transparency measures.

### Reviewing transparency

At the 2001 UN Small Arms Conference, the Czech government signalled its intent to contribute to the development of transparency by circulating the report, *The Czech Republic and SALW*, which acknowledged the country's role in the export and import of SALW and established transparency and information exchange as key priorities for Czech national policy. In conjunction with this pledge and in accordance with its commitment to abide by the operative provisions of the Code of Conduct, the Czech Republic has produced two annual reports on exports and imports of SALW (accessible on the Czech government website), which, although limited, represent a positive step forward to increase transparency and accountability.

In both cases, there have been significant time lapses between completion of the reports and publication. Concern over this delay (between the initial circulation among relevant government officials and external publication) prompted NGOs to raise doubts about the sincerity of the original pledge by the Ministry of Foreign Affairs to guarantee the public availability of the report. However, following pressure from civil society, the Czech Republic has made efforts to reduce the time lapse between internal and external publication.

The reports analyse Czech approaches to international negotiations and contain information on the number of exports and imports of SALW, including details on the category, quantity and destination of exports. At present, both reports record the weapon type and quantity separately from the export destination, which makes it difficult to assess the numbers of particular weapons types transferred to particular destinations. It would be more useful for all three pieces of information to be tabulated together to allow for better scrutiny. Unusually, compared to similar publications, the reports provide information on firearm permit and licence holders in the different police authorities, which is a useful contribution to efforts to document domestic possession.

The reports only contain information on exports and imports of so-called military weapons, whereas data on the export of sports and hunting weapons and components of weapons are not included. Under current legislation, in many instances it is the decision of the trading company whether the weapons sold are categorised as military or recreational, the latter requiring a different and more easily obtainable licence. A new amendment under consideration by parliament will establish stricter criteria for the description of the different weapons categories.

The 2001 report concludes by stating that it demonstrates a decline in small arms exports since 2000. It is difficult to ascertain whether this decline is the product of the new competencies in the *Firearms Act 2002* or whether it simply reflects a year of poor sales. To demonstrate that this is a result of more rigorous implementation of export controls and licensing procedures, the scope and depth of information provided would need to be more comprehensive. For instance, publishing information on licence application denials would indicate how rigorously the government had applied licensing criteria to applications.

Indicative of the government's efforts to develop better regulations and improved transparency relating to SALW, the release of the 2001 report was approved together with a major decision by the Czech government to ratify the UN Firearms Protocol and the introduction of proposals to revise legislation for the certification of firearms and ammunition and to oblige all producers to mark all new weapons. An investigatory committee was also established to ensure Czech firms are not involved in supplying terrorist groups. Its responsibility for conducting the review of arms trading licences enables it to monitor some licensed companies more closely – however, at present the lack of parliamentary scrutiny makes it difficult to assess how this translates into practice.

The Czech Republic has instigated other important developments aimed at increasing transparency, including the creation in November 2001 of an investigatory body to scrutinise arms trading licences. However, the limited scope of this commitment is demonstrated by the fact that the results of its investigations remain unpublished.

### Learning points

The experience of the Czech Republic demonstrates how implementation of regional initiatives, which go beyond the requirements of the PoA, provide a strong reference point for countries applying its broader commitments. This highlights the complementarity of regional and sub-regional processes to the implementation of the PoA, and indicates how these instruments can in some instances represent a more progressive framework within which to implement changes. In this case, efforts by the Czech government to implement EU initiatives relating to enhancing transparency on arms controls reflects a more developed level of activity than that required by the PoA.

- The Czech experience has demonstrated that transparency is a vital component of developing responsible arms production and export capacity, and that work towards improving the supply and quality of information to allow for proper scrutiny remains important. Delays in publishing annual reports suggest that this should become a statutory requirement that would help to prevent changes in political leadership affecting future implementation.
- The role of civil society has been shown to be an important part of the process of enhancing transparency. NGOs and wider civil society play an important role through monitoring and holding accountable those claiming to operate a responsible arms policy.

## WORKING FOR GREATER TRANSPARENCY IN THE CZECH REPUBLIC

Civil society organisations in the Czech Republic are working with the media, public and government to enhance transparency in the arms trade. In April 2003, NGOs led by the People in Need Foundation organised a panel discussion on arms export controls at the Fourth One World Film Festival in the capital, Prague.

Since this event, civil society groups have decided to establish a Czech Arms Working Group to coordinate work on arms issues. People in Need and the Czech branches of Transparency International and Amnesty International coordinate the group. With time, it is hoped that the group will engage a wide cross-section of the vibrant civil society active in the country. The working group aims to identify loopholes in Czech legislation and develop positive policy recommendations for change.

For more information contact Goska Wasilewska, [goska@saferworld.org.pl](mailto:goska@saferworld.org.pl)

### IMPLEMENTATION IN SOUTH EASTERN EUROPE

#### General overview

Most of the work undertaken in South Eastern Europe (SEE) relating to SALW issues has taken place within the context of the Stability Pact for South Eastern Europe (Stability Pact) and the Szeged Small Arms Process (SSAP). The PoA highlights the important role regional organisations can play in assisting with national implementation and in addressing regional concerns – and so in this context, action on SALW in SEE is relevant to PoA implementation. This is reinforced by the fact that the aim of the Stability Pact is to translate regional and international measures, including the PoA, into an implementation plan relevant to the specific challenges facing countries in SEE. The SSAP, which was established in 2000 as an informal forum for encouraging dialogue between governments, regional institutions and civil society, has played a complementary role.

#### Reviewing the Stability Pact's Regional Implementation Plan

The Stability Pact was adopted on 10 June 1999 in an effort to promote a comprehensive conflict-prevention and peace-building strategy following the prolonged period of conflict in the region. One of its key functions is to combat the proliferation of SALW, which is undertaken within this framework through a "Working Table" established to examine security issues.<sup>30</sup> Building on the momentum generated by existing processes, in November 2001, the Stability Pact adopted a Regional Implementation Plan Combating the Proliferation of SALW (RIP) in order to develop a coordinated regional approach to tackle the excessive and uncontrolled circulation of SALW.<sup>31</sup>

This plan provides a structure for advancing tangible projects through regional cooperation to reduce SALW in the region; however, as with the PoA, the onus on implementation is with national governments. Many of the thematic areas covered at the regional level by the RIP correspond with those contained in

<sup>30</sup> Stability Pact Working Table III, which is a sub-table on defence and security issues.

<sup>31</sup> The Stability Pact regional country partners are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania and Serbia and Montenegro. Others include EU member states and the European Commission, international organisations and institutions (for example, the UN, OSCE and IMF), as well as regional initiatives.

the PoA, including, for example, transparency and accountability and DDR. Other measures to be undertaken at the national level lack the level of guidance necessary for states to clearly interpret their obligations. For example, the plan recommends that "significant amounts of illicit and surplus SALW should be collected and destroyed", but does not indicate what constitutes "significant" or "surplus". The scope for interpretation presents several problems for the development of best practices and the standardisation of legislation and procedures across the region, which have the potential of creating irregularities in implementation of shared commitments. It also provides the scope for government to take minimal action, particularly in those areas that are more politically sensitive or where there is a lack of political will.

While there has been a profusion of SALW-related action in the region, including legislative reviews and destruction programmes, judging implementation of the RIP is difficult without a clear set of common measurement indicators. So, measuring how much structural change has taken place is quite difficult, although, at the moment, it is probably still too early to observe tangible results. Nonetheless, a combination of positive commitment from the SEE countries, significant input from regional and international organisations – particularly in building capacity to implement SALW programmes – and the role of civil society – have provided momentum to the RIP and contributed to the significant level of action that has been undertaken. The SSAP has played an important role in monitoring implementation of the RIP, in conducting research to develop and aid understanding of SALW problems in the region, and in mobilising political support for practical SALW initiatives, such as capacity-building for law enforcement officials.

### **The Role of the South East Europe Regional Clearing-House (SEESAC)**

One of the most concrete outcomes from the RIP was the establishment of the South East Europe Regional Clearing-House for the control of SALW (SEESAC) created under the auspices of the Stability Pact in partnership with the UNDP, which opened on 8 May 2002 in Belgrade. It has become the regional focal point, providing practical assistance to a variety of national and sub-regional SALW-related projects and programmes working towards implementing the RIP in the eight countries of the region.<sup>32</sup>

To ensure that SEESAC is relevant to the needs of the states that it supports, governments have established NFPs to form a Regional Steering Committee. This has proven valuable for building trust and confidence among governments and is important in securing long-term commitment from them.

Since its inception, SEESAC has assisted, supported and developed numerous activities working with governments and NGOs in the region. For example, SEESAC initiated in conjunction with the Southeast Europe Cooperative Initiative (SECI) border control and policing projects aimed at strengthening the capacity of governments to combat the trafficking of illicit SALW. SEESAC has funded a number of weapons collection and destruction projects, for example, smelting 3,859 weapons and 40,000 rounds of small arms ammunition in the wake of the Serbian Government's March 2003 amnesty for citizens possessing illegal arms. The SEESAC website was launched on 10 September 2002 as an important part of facilitating information exchange. Other areas of operation include legislative and regulatory measures, management information, public awareness and media training. The capacity to coordinate and facilitate efforts on several SALW-related issues has placed SEESAC at the forefront of regional efforts to combat the proliferation of SALW.

SEESAC faces a series of challenges, not least maintaining the political momentum that it has helped to stimulate at the state level. There is a concern that SALW-related issues could be pushed to the periphery, due to the significance of other competing priorities facing governments in the region. To reduce the risk of this happening, continued donor support through the provision of both technical and financial assistance is necessary to carry forward the progress already made. It is also important for SALW-related issues to be

<sup>32</sup> These are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, and Serbia and Montenegro.

integrated into other broader regional and national development programmes. Encouraging greater and more effective engagement of civil society in implementing SALW projects, sometimes through integrating these issues into existing work, is vital. At present, the SSAP supports SEESAC through the secondment of an NGO Coordinator, who works closely with relevant stakeholders to coordinate projects and facilitate information-sharing. The need to develop better exchange mechanisms in an effort to coordinate common efforts on SALW-related issues was agreed as part of the Szeged Call for Action, during a seminar organised in November 2002 at which the Szeged Small Arms NGO Network was established. This will allow NGOs working on SALW-related issues in the region to share information and experience, assist them in identifying partners and build their capacity to develop and implement SALW projects. Also, in order to build on the accomplishments of its first year and to address these challenges, SEESAC has now developed a strategy plan to be implemented from May 2003 onwards.

The range of initiatives undertaken within SEE since 2001 have helped foster a strong regional approach to tackling SALW issues, through cooperation between governments, civil society and international organisations. Over a relatively short period of time, there has been a significant level of activity that has contributed to tackling the proliferation and misuse of SALW in South East Europe.

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

Since 2001, civil society has increasingly been perceived by governments and international organisations as a valued partner in the development of responses to small arms problems. Civil society organisations, particularly NGOs, are involved on various levels in the implementation of SALW reforms in several countries in the region. Examples of NGO activity include the following:

- In Serbia and Montenegro, the Red Cross has for several years led public awareness campaigns on the dangers of SALW misuse (see below).
- In Macedonia, Montenegro and Kosovo, the UNDP is working with local civil society organisations to develop public awareness and education campaigns.
- Regionally, the SEE NGO network acts as an informal information-exchange mechanism and has been a valuable tool in developing NGO engagement across the region.

## PUBLIC CAMPAIGNING ON SALW IN SERBIA AND MONTENEGRO

In September 2001, the Yugoslav Red Cross<sup>31</sup> launched a national public campaign, “For Life – Without Weapons”, which aimed to raise awareness among the public about the dangers of SALW and to work with government to tackle their availability.

The campaign stimulated public discussion on SALW issues across the country and generated significant national media coverage. Prior to the campaign launch, the government had pledged the public destruction of a quantity of SALW, which it announced at the 2001 UN Conference on Small Arms. Following the campaign launch, the Red Cross, with the Serbian Ministry of Education, prepared and distributed to over 1,500 schools in Serbia short and clear messages about the danger of small arms, and in August 2002, several summer camps were held to deal with the different aspects of the SALW problem.

For more information contact Simon Rynn, NGO coordinator, SEESAC, [simon.rynn@undp.org](mailto:simon.rynn@undp.org)

<sup>31</sup> Since March 2003, the Yugoslav Red Cross has become the Serbian and Montenegrin Red Cross.

## WEAPONS COLLECTION AND DESTRUCTION IN SERBIA AND MONTENEGRO

### General Overview

Since 2001, progress in implementing the PoA in Serbia and Montenegro has been difficult, due in large part to the number of competing priorities facing government, and, in some cases, to a lack of systematic political engagement. However, the role of the UNDP (through SEESAC) and civil society in supporting government action is a positive example of implementation. Much of the action on SALW issues in Serbia is linked to SEESAC, which is based in Belgrade. SEESAC provides assistance to countries in South Eastern Europe on implementation of the Stability Pact Regional Implementation Plan for combating the proliferation of SALW, which builds on the commitments contained in the PoA and in other regional and international initiatives. As with many countries in the region, the challenges that Serbia faces are significant, and include a legacy of weapons proliferation from the Communist era, the impact of the conflicts that have affected the region since 1991, and problems relating to civilian possession of SALW and organised crime (legislation covering civilian possession is fairly comprehensive; however, there are significant challenges relating to implementation and enforcement).<sup>34</sup>

### Weapons collection and destruction

Since 2001, the government has made progress on developing weapons collection and destruction programmes in keeping with an announcement by the Government of Yugoslavia<sup>35</sup> at the 2001 UN Conference on Small Arms to carry out the first in a series of weapons destructions of a "sizeable quantity".<sup>36</sup>

In Serbia, weapons collection programmes have been established to tackle the large number of arms that remain in society following the end of recent conflicts. These are also part of national efforts to stem organised crime and trafficking. The most recent effort there was the sudden announcement of a 15-day national weapons and ammunition amnesty, starting on 25 March 2003. While this programme was not directly related to implementation of the PoA and was instead borne out of the imposition of martial law following the assassination of Prime Minister Zoran Djindjic, it has received widespread regional support. The successful aspects of this voluntary surrender have been attributed in part to a public awareness campaign involving NGOs and regional bodies – highlighting the important and effective role civil society can play in such schemes. Once the amnesty period started, several NGOs were approached by government to participate in related events, including the national student movement, OTPOR, which helped to disseminate leaflets, and the Balkan Youth Union, which organised a day of action dedicated to developing public awareness of and engagement in the campaign. Considering the sudden nature of the decision by the government to hold the weapons collection, and consequently the lack of preparation time, NGOs were instrumental in quickly raising the profile of the amnesty among the public.

The amnesty deadline was extended for the voluntary surrender of military or non-licensed weapons. During this period, 4,000 SALW were publicly destroyed in Smederevo, south-east of Belgrade, and 40,000 rounds of small arms ammunition were destroyed in Uzice in western Serbia, both of which contributed to developing and maintaining the momentum of the amnesty.

<sup>34</sup> The *Weapons and Ammunition Act*, last amended in December 1998, governs the acquisition, possession, keeping, carrying, sale, transport, repair and modification of weapons, parts of weapons and ammunition. The Act also applies to foreigners, either permanent or temporary residents. The 1996 *Law on Production and Circulation of Armaments and Military Hardware* governs production and circulation. This federal law will remain applicable despite the Federal Republic of Yugoslavia having ceased to exist.

<sup>35</sup> On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

<sup>36</sup> Statement by H.E. Stevan Nikcevic, Assistant Federal Minister for Internal Affairs of the Federal Republic of Yugoslavia to the 2001 UN Conference on Small Arms, July 2001.

Prior to this most recent period of activity, several other initiatives took place that are linked to the implementation of the PoA. For instance, in 2002, 50,000 small arms were destroyed in a project financed by the US and weapons collection in southern Serbia took place following the conflict in Kosovo.

Beyond the voluntary surrender, many stockpiled weapons awaiting destruction have been confiscated in different police and armed forces actions. While there is a clear policy on destroying all surplus and confiscated, seized or collected weapons, there is no clear understanding of what constitutes surplus. However, discussions on this issue are currently taking place, as part of the process of restructuring the police, armed forces and other entities authorised to carry weapons in an effort to reach a definitive position.

### Learning points

In large part, the collection and destruction programmes in the former Federal Republic of Yugoslavia – now the Republic of Serbia and Montenegro – have received the support of Belgrade-based SEESAC, for instance, through financial and technical assistance to develop the capacity of the Ministry of the Interior's relevant agencies responsible for destruction. SEESAC also designed and financed an information leaflet, two million of which were distributed throughout the national postal service during the amnesty, which is seen to have been invaluable in drawing public attention to the process. Such close cooperation has most probably provided legitimacy to these national efforts among the public and helped to prioritise the reduction of weapons in Serbia as fundamental to enhancing personal security and contributing to both national and regional stability.

- Regarding the recent amnesty, the role of civil society enhanced the profile of the weapons surrender. Based on experiences from the region, cooperation between NGOs/civil society and government has shown to be crucial in effecting the success of weapons collection programmes.
- Concerns over the issue of what constitutes surplus weapons must be addressed to rectify confusion over the action that needs to be taken to deal with stockpiled weapons that do not match the requirements of the police or armed forces.
- Targeted donor assistance has an extremely important role to play in the organisation and implementation of weapons collection and destruction programmes. The role of SEESAC in the case of Serbia has been important in providing and focusing the role of assistance in the de-weaponisation process.

## DEVELOPING INTERNATIONAL COOPERATION IN ROMANIA

### General overview

Romanian efforts to curb SALW proliferation are linked to both the PoA and the OSCE SALW Document – both of which were reviewed at the Regional Seminar on the Implementation of the OSCE Small Arms and Light Weapons Document and the UN Programme of Action in All its Aspects held in Bucharest on 24 February 2003. Romania has focused significant attention on bi-lateral consultations and fostering international cooperation and assistance in implementing these and other processes. These have included, for instance, moves towards applying the OSCE Best Practice Guide on export legislation.<sup>37</sup>

Romania has begun to streamline its export control system among the relevant institutions using the TRACKER electronic system for managing licence and control applications.<sup>38</sup> This is an important administrative step in enhancing internal coordination and coherence among those responsible for

<sup>37</sup> Romania indicated that it drew on the Best Practices Guide at the Bucharest Regional Seminar on 24 February 2003.

<sup>38</sup> Annex 1, Summary of Proceedings from the Regional Seminar on the Implementation of the OSCE Small Arms and Light Weapons Document and the UN Programme of Action in All its Aspects, Bucharest, 24 February 2003.

implementing and enforcing legislation and licensing procedures. The lack of access to information and transparency, though, makes it difficult to assess the effectiveness of implementation and enforcement of current legislation. However, in a positive move towards public transparency, on 28 September 2002, the National Agency for the Control of Strategic Exports and Prohibition of Chemical Weapons (ANCESIAC), the main body responsible for enforcing arm export controls, presented its first annual report on arms exports covering the period 2000–01. The report sets out the legislation governing arms exports and figures on licenses granted and deliveries of arms. Unfortunately, no detailed description is supplied on the types, quantities and end-users of military equipment exported or licensed, or information related to licensing denials. Therefore, whilst the report is a welcome move towards greater transparency, it fails to provide the levels of information necessary to form an objective assessment on how Romania is applying in practice its commitments at the national and international levels.

### **International cooperation**

Small arms trafficking and organised crime present major challenges to the countries of South Eastern Europe. Efforts to tackle these have centred on cooperation and information exchange among neighbouring countries, often through regional initiatives, for example, SECI, which aims to encourage cooperation among the countries of the region and facilitate European integration. Following the adoption of Romania's proposal for SECI to engage in efforts to counter cross-border crime, the Regional Centre for Combating Transborder Crime within SECI was established in November 2000 in Bucharest. Subsequently, a specialised Task Force composed of police and custom officers from SECI participating states was set up in 2002 to combat and prevent trafficking of SALW in SEE. However, whilst this is a positive step forward, the Task Force is at present only engaged in information exchange. To be more effective, there is a need for it to become more operationally focused by, for example, positively identifying smuggling patterns and targeting clandestine operations.

### **Learning points**

The outcome of Romanian efforts to promote international cooperation and bi-lateral consultations has encouraged an exchange of information that may contribute to the strengthening of Romanian laws and regulations relating to SALW, and enhance their implementation. The provision of technical assistance is of mutual benefit to the countries concerned, helping to shape best practices and emerging areas of consensus that will contribute to curbing the proliferation of SALW.

- Romania's experiences of promoting international cooperation suggest that states should be supported through technical and financial assistance to strengthen, *inter alia*, the effective implementation of legislation and regulations and the capacity for implementation and the support of programmes to reduce weapons.
- Furthermore, steps towards transparency through annual reporting are a valuable mechanism, allowing for public and parliamentary scrutiny. Romania should take the opportunity to put its annual report on a statutory footing, making publication in the future mandatory.

## COOPERATION BETWEEN CIVIL SOCIETY, GOVERNMENT AND INDUSTRY IN BULGARIA

The Centre for the Study of Democracy (CSD), a Sofia-based NGO, has made an important contribution to the development of a Bulgarian National Action Programme on Arms Export Control and Combating Small Arms Proliferation. The CSD coordinated the process of researching a report, which forms the basis of the programme, which was discussed at an international seminar in May 2003. The research included conducting in-depth interviews with current and former public officials and managers of SALW production companies. Efforts to develop a National Action Programme represent the first such comprehensive strategy for tackling small arms proliferation in SEE. It also represents the first time in Bulgaria that experts from government, civil society and industry have cooperated on the issue.

To find out more contact Boyko Todorov, Center for the Study of Democracy, [csd@online.bg](mailto:csd@online.bg)

### 3.2.4. THE MIDDLE EAST AND NORTH AFRICA (MENA)

#### OVERVIEW OF PROGRESS IN THE MIDDLE EAST AND NORTH AFRICA

A lack of detailed research, compounded by a lack of transparency on arms and security issues in general, makes it difficult to assess the extent of the small arms problem in the Middle East and North Africa region. The MENA region, including all Arab countries, Israel, Iran, Turkey and Sudan, was a major recipient of small arms during the Cold War and has since received large transfers of legal and illicit weapons. Though the Arab-Israeli conflict has been the nucleus of many problems in the region, and illicit transfers are often connected to support for non-state actors in that conflict, many countries in the region are engaged in border disputes with their neighbours. Religious, ethnic and national conflicts are widespread. Cross-border trafficking occurs between states for political reasons and arms are also retransferred to tribes or non-state actors to consolidate relations between sub-national actors and central governments.

#### Regional control measures

There has been no systematic progress to date towards establishing region-wide instruments for SALW control. There are several reasons for this, including the Arab-Israeli conflict. Small arms are the source of a major national security concern for Israel. The illicit transfer of weapons to Palestinian combatants is seen by Israel and others as exacerbating the conflict and reducing the chances for peace and, by extension, coordinated regional activity. Another barrier to progress in controlling SALW is that, for other actors in the conflict, small arms are considered the only means of defence against a modern state army. Thus there is significant variation in local understandings of SALW, which makes coordinated action extremely difficult.

As a result of these and other differences, the states of the MENA region have demonstrated limited engagement with the PoA, and few activities can be interpreted as a direct response to it. It is only recently that the proliferation of SALW has become a focus of concern in the MENA region, and a regional concept of the problem is yet to emerge.

#### National implementation of the PoA

Within the region, few activities at the government level, other than the designation of national points of contact, have been linked to implementation of the PoA.

- Algeria, Egypt, Jordan, Lebanon, Morocco, Oman and Syria have notified the UNDDA of a designated national point of contact for small arms matters. Of these, Algeria, Morocco, Oman and Syria have designated individuals with contact details provided. The others have relied instead on the designation of a pre-existing department or agency in the national government. The extent to which these agencies have the capacity or will to advance the PoA agenda is presently unclear.
- Turkey has declared that all SALW produced in the country after 30 June 2001 should be marked at the point of manufacture to enable each small arm to be traced. Turkey, also actively participated in the OSCE Information Exchange and has demonstrated a strong inclination to bring policy in line with that instrument – which shares many overlaps with the PoA.
- Though the matter was coincident to the PoA, and not a result of it, Sudan demobilised 909 child soldiers of the Sudan People's Liberation Army (SPLA) in Bahr al-Ghazal, southern Sudan, in December 2001 and January 2002. This was in addition to the demobilisation of 3,551 child soldiers in 2001. The PoA strongly emphasises the importance of DDR activities, and makes special note of the plight of child soldiers.
- According to unverified news reports, in September 2002, the United Arab Emirates was engaged in the process of drafting federal laws regarding ownership of firearms.
- Iran is the only Middle Eastern state to have provided a formal report to the UNDDA on the implementation of the PoA in 2002. None were provided in 2001.
- Despite reports of voluntary weapons collections since 2001, there are no known programmes that have been initiated by governments in the region.

Despite the useful steps taken by some governments — often at a fairly ad hoc level — there appears to be a real absence of systematic action to address small arms proliferation and misuse across the region. There are no doubt several reasons for this, and they include the current security environment and, on a more practical level, a lack of publicly accessible information regarding activities undertaken by states. The following illustrative examples of action at the national level have been selected to demonstrate some of the approaches taken by governments to tackle small arms problems from different perspectives. They focus on different aspects of SALW proliferation and misuse and demonstrate varying degrees of success and coordination in achieving positive change. However, they all have one common thread, and that is that in countries analysed across the region, accessing verifiable and qualitative information is problematic and this makes it difficult to judge the success or otherwise of the various initiatives undertaken by governments.

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

Civil society actors in the region have only recently begun to focus on small arms issues. However, civil society organisations in the MENA region have played a major role in raising awareness of the importance of combating and eradicating the illicit trade in SALW in the region. Since 2001, they have organised five major national and regional workshops related to various issues of SALW. In November 2002, civil society groups from Jordan, Yemen, Lebanon, Palestine, Egypt and Northern Sudan launched a MENA regional network on small arms. The network and interested governments have started a dialogue about the importance of establishing partnerships among themselves to tackle the illegal proliferation and misuse of SALW and address adequate laws, regulations and administrative procedures related to various aspects of SALW in the region. It is hoped that such partnerships will be developed and institutionalised.

Israel has active and refined national laws for matters of possession, export, import and storage of small arms, and there are numerous domestic NGOs in Israel who work on matters peripherally related to small arms, such as domestic abuse. However, Israel does not broadly cooperate with its neighbours, due to political and military tension, and no activities since July 2001 can be attributed to implementation or strengthening of the PoA.

Table 7: National Implementation in the Middle East and North 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
Algeria		Y														
Egypt		Y														
Iran	Y	Y	Y	•	•	•							Y		•	
Israel	Y	Y	Y	•	•	•	•					Y	Y	•	•	
Jordan		Y											Y	•		
Lebanon	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	•
Morocco		Y														
Oman		Y														
Qatar		Y														
Syrian Arab Republic		Y														
Turkey	Y	Y	Y	•	•	•	•	Y	•	•	•	Y	Y	•	•	
Yemen													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	other						
	•	Y	•	•											
	•			Y											
	•														

## **WEAPONS COLLECTION AND TRANSPARENCY IN JORDAN**

The problems related to SALW in Jordan are complex and closely linked to wider problems throughout the region. The violence between the Israelis and the Palestinians, and more recent tensions resulting from events in Iraq have increased the risk of public disturbance, illustrated by demonstrations in Jordan in refugee camps, university campuses and cities across the country. In addition, there has been a pattern of rioting in southern cities such as Ma'an, where there is a history of anti-government disturbances and Islamic activism. In a country whose geopolitical location has provoked internal tensions and where carrying weapons is deemed traditional in many areas, the proliferation of SALW could, potentially, have a very destabilising impact.

Jordan has perhaps the most active and independent civil society group working on SALW issues in the Middle East and has taken a lead in engaging with the international community, generating support and coordinating capacity on SALW work. Despite this, there is still a long way to go in terms of tackling SALW issues and implementing the PoA.

### **National implementation**

Jordan faces a number of challenges with regard to implementation of the PoA. On a relatively basic level, for instance, the government has yet to establish the agency responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW. However, there have been some positive efforts taken by the Jordanian government to address issues related to commitments contained in the PoA.

### **Weapons collection**

Jordan has one of the few disarmament processes implemented in the region since the PoA. This resulted from events in November 2002, when King Abdullah II sent tanks into the city of Ma'an in what was described as a pre-emptive strike against Islamic activists, as it was feared that they would spark widespread dissent should the US and UK initiate a war on Iraq. There was significant resistance, a number of people were killed and scores were injured. The reaction of the authorities to this violence, which was fuelled by the widespread availability of weapons in the city, was to declare Ma'an a "completely weapons-free" zone. All licenses that had previously been issued to citizens were declared null and void and the government began collecting arms. While many weapons were surrendered, it is doubtful whether either the collection policy or programme will really make Ma'an a weapons-free zone, given that the area is populated by people who are traditionally heavily armed.

With regard to SALW stocks and weapons destruction, very few details are known, as the government considers this to be classified information. As a result, civil society organisations do not have credible information on the standards and procedures relating to the management and security of the stocks of SALW held by authorised bodies, nor on the policies of destroying surplus, confiscated, seized or collected weapons.

### **Transparency**

Efforts on the part of the Government in relation to record-keeping, transparency and marking and tracing of SALW have not yet been adequately developed. Given that laws and regulations relating to SALW are not made publicly accessible, there is little knowledge regarding the extent to which they include measures to ensure that licensed manufacturers apply an appropriate and reliable marking on each SALW as an integral part of the production process.

### Learning points

There has been little concrete systematic action undertaken by the Jordanian government to implement commitments contained in the PoA or in other relevant international or multilateral initiatives. However, since 2001, Jordan has begun to experience changes in the way that SALW issues are perceived by government and by civil society.

- Jordan has benefited from the development of the PoA, as it has contributed to opening the policy agenda to discussion of small arms, and it has demonstrated that international multilateral support is available if required.
- Civil society actors are still not particularly empowered to engage on SALW matters, but organisations like the Jordanian Institute for Diplomacy and the Regional Human Security Center have demonstrated that regional centres can provide direct capacity-building support to the MENA region if provided with sufficient international support and national encouragement.
- The issue of culture and tradition plays a major part in fuelling demand for weapons, as illustrated by the events in Ma'an. Therefore, there is a real need to work at a community level with relevant actors to change social perceptions in relation to SALW, prior to engaging in, for instance, collection and demand reduction strategies.

### CONTROLS AND LEGISLATION IN YEMEN

Any positive attempt to address small arms in Yemen is primarily connected to the central government's interest in creating a modern nation-state with increasingly centralised power in the capital. At present, however, the stability of the country rests on a negotiated relationship between the tribes and the government, in which by some six-to-nine million small arms, light weapons, and even heavy weaponry play a significant part. Efforts are being undertaken to address strong traditions of weapons ownership among tribal groups, but such a change in social practices is difficult to organise and sustain. Previous short-term collection and destruction programmes have not altered the underlying relationship of Yemenis to their weapons.

In Yemen, gun ownership is very much a part of local culture and tradition. Though accidents are common, and relationships between security forces and tribal groups in various regions are often hostile, criminality in the country appears to be low, and the wide availability of weapons has not undermined traditional social structures. However, it is alleged that some regions in the country have links to international terrorism, and the government is increasingly interested in reducing the number of weapons accessible in these areas and bringing such links to an end.

#### National implementation of the Programme of Action

The Government of Yemen has yet to implement many aspects of the PoA. In some cases, it is likely that it lacks capacity – for instance, the Government is suspected of lacking the capacity to bring national laws, regulations, norms and practices on SALW in line with those of the international community. Indeed, little progress has been observed in light of the agreement of the PoA, although interest in engaging with the subject matter does seem to be increasing. There are also ongoing government efforts to combat the personal use of firearms; however, these predate the PoA and their impact has been rather minimal.

Although information on stocks of SALW in Yemen is limited and difficult to access, various reports from local and regional newspapers have suggested that there have been numerous incidents in the past few years of small explosions at arms depots and ammunition dumps, some of which are suspected of being linked to incidents of arson, used to cover the theft of military equipment.

Civil society engagement with SALW issues has been limited. However, there are several NGOs that have endeavoured to address the SALW problem in Yemen. Positive efforts include the development of a training and awareness programme, designed to educate people about the misuse of SALW.

### **SALW controls and legislation**

The Ministry of the Interior is the government body responsible for matters pertaining to the illicit SALW trade; however, there are no specific provisions in relation to SALW control. Rather, responsibility in this area falls under the broader topic of general security issues. Furthermore, the government has not designated a national point of contact to liaise with other organisations and governments on implementation of the PoA.

Yemeni laws and regulations concerning the export, import, transfer and production of SALW are synchronous with the PoA, and this has not been a priority, as the government maintains that it does not export or import SALW. The existing regulatory framework does not account for the risk of diversion into the illegal arms trade as outlined in the PoA and there is no system for notifying the country of origin prior to retransfers taking place. Laws and regulations specific to the brokering of arms in Yemen are still to be developed. The illegal manufacture, possession, stockpiling and trade of illicit SALW is prohibited under domestic law.

On a positive note, the Yemeni government is reforming current SALW practices in relation to the civilian possession of firearms. Under Article 9 of the existing Yemeni law on weapons, citizens actually possess the right to acquire firearms and do not require a license. There is no restriction on the number of weapons or amount of ammunition any one person may possess. Previously, the law prohibited people from brandishing firearms in cities and required people who possessed firearms in cities to obtain a licence. In a positive move, in April 2002, the Yemeni government introduced a new law banning civilians from carrying weapons in cities. However, the ban, enforced by the Interior Ministry, does not apply to rural areas, and it quickly proved unpopular with tribal leaders, who felt it was undermining their authority. Following the ban, the Cabinet called on parliament to take further action and to approve a draft law on arms possession.

### **Learning points**

Despite fairly minimal efforts to implement the commitments contained within the PoA, the experience of attempts over the recent years by the government in Yemen to address SALW problems presents some interesting learning points:

- The Yemeni experience has demonstrated that initiatives tackling the illegal possession of SALW amongst civilians are more effective when they take into account local traditions and value systems. In this case, firearms are valued as status symbols and seen as essential to protect tribal and family honour.
- Collection programmes and stricter laws, while possibly helpful in the short term, have been complicated by the easy replacement of confiscated weapons, and by the absence of changes to security sector tactics in confronting tribal groups. Yemen's experiences have shown how intimately security sector reform and new legislation need to work together.
- Implementation of the PoA will require efforts on behalf of the central government to increase transparency, record-keeping and public access to information regarding SALW in Yemen.

## LEGISLATION, DDR AND STOCKPILE MANAGEMENT IN LEBANON

Lebanon's devastating civil war, which lasted some 15 years, had a profound impact on the SALW-related problems experienced in the country, both during and since the end of the war, with SALW being widely dispersed throughout the country. In addition to the security problems particular to the wider region, Lebanon has specific problems with trans-shipments of SALW, possession by non-state actors and border control problems. Lebanon's porous borders, the existence of established arms procurement networks and ineffective policing have significantly contributed to the smuggling of arms into the country. The central government exercises little control over these processes.

### General implementation of the Programme of Action

Lebanon's progress in implementing the PoA has been mixed. However, Lebanon has appointed a national point of contact, the Central Security Council, with responsibility for overseeing security issues and for policy guidance and monitoring efforts pertaining to SALW.

### Legislation

Although there are extensive regulations, laws and administrative procedures on the production, export, transfer, transit and import of SALW, it is not certain whether these are stringent enough to comply with the requirements contained in the PoA. While the national legislation has not been reviewed in light of the PoA, the regulations and administrative procedures have been examined, although it is not yet clear what the result of this has been.

An important area in which current regulations and laws have not been reviewed is domestic measures relating to illicit SALW. While Lebanon's legal and judicial system has the capacity to prosecute those identified as being engaged in the illegal manufacture, stockpile, trade and possession of SALW, these laws were not subject to review after the 2001 UN Conference on Small Arms and there are concerns that they do not exercise adequate control. There is also concern that efficient prosecution is not as widespread as it should be. In addition, although there are national laws governing arms brokering, it is not clear whether these are adequate in terms of the commitments outlined in the PoA.

Transparency regarding the regulatory infrastructure is lacking in certain respects. While there is public access to the rules and regulations on exports, imports, marking and tracing of SALW, the laws and information on stockpile management and weapons collection and destruction are not publicly accessible.

### DDR, destruction programmes and stockpile management

Lebanon has yet to develop relevant policies or procedures for the destruction of surplus, collected or seized weapons. Although Lebanon has a programme for DDR that includes provisions for the collection, storage and control of heavy arms, there is no such programme specifically targeting SALW.

There are detailed standards and procedures outlining management and security measures that should be taken into account for all SALW stocks held by police forces, the military and other authorised bodies. Procedures on stockpile management are regularly reviewed, as are the stocks themselves, and there are no official reports of problems regarding the management of stocks.

### Learning points

Lebanon's experiences of attempting to address specific SALW problems indicate the following:

- Even though the state has existing legislation that broadly covers areas of concern with regard to SALW, efforts could be enhanced if a widespread review of this legislation were undertaken in the light of the PoA, to fully map the divergence between existing legislation, international commitments and implementation and enforcement.
- There is a clear need to increase transparency with regard to the regulatory infrastructure and mechanics of exercising SALW control, particularly as regards information relating to stockpile management, weapons collection and destruction. This would enable the public to gain a clearer picture of the situation and would enable civil society to more effectively target their work.
- Civil society actors exist in the country and are keen to engage with their government. The lack of civil society focus on small arms issues is not proof of a lack of national will or expertise to address the problems, but rather may be due to the absence of state support. Links between the government and civil society actors working on SALW issues should be developed and strengthened wherever possible.

## MIDDLE EAST AND NORTH AFRICA (MENA) SMALL ARMS NETWORK

Civil society organisations in the MENA region have played a major role in raising the awareness of the importance of combating and eradicating the Illicit Trade in SALW in the region. Since 2001, they have organised five major national and regional workshops related to various issues of SALW.

In November 2002, civil society groups from Jordan, Yemen, Lebanon, Egypt and Sudan launched a network on small arms. The network working with interested governments has started a dialogue about the importance of establishing partnerships to tackle the illegal proliferation and misuse of SALW. The partnerships will also address the need for adequate laws, regulation and administrative procedures related to various aspects of SALW in the region. It is hoped that such partnerships will be further developed and institutionalised in the region.

For more information – contact <http://www.id.gov.jo> or <http://www.afsc.org>

### 3.2.5. ASIA

#### OVERVIEW OF PROGRESS IN ASIA

Efforts aimed at tackling the proliferation and misuse of small arms in Asia have differed widely, both in scope and impact, from country to country. Within the region, there are some examples of very positive action taken by states at a national level (for instance, in Cambodia and Sri Lanka), and many cases where it is very difficult to detect any tangible response to the challenges outlined in the PoA. At a regional and sub-regional level, though, there has been very little coordinated action. There is no regional organisation with Asia-wide responsibilities for small arms issues, sub-regional initiatives focused on combating SALW trafficking are rare – and, in cases where they do exist, they are rather ineffective.

Asia currently lacks the kind of political and legislative frameworks that have been developed in, for example, Africa and Europe, which act as a basis for collective responses to small arms problems and as frameworks through which to pursue implementation of the PoA. This is in part a reflection of the vast size of the continent and the level of historical, political, social and economic diversity within Asia. It also reflects a lack of political will on the part of governments to address SALW proliferation and misuse – although the attendance by representatives from 20 countries from the Asia Pacific region at a Regional Seminar on the Implementation of the Programme of Action in February 2003 was a very positive sign.

So, implementation at the regional/sub-regional level since 2001 has been very disappointing. There have, however, been positive steps taken nationally to implement specific PoA commitments, which include, for instance, the establishment of national points of contact in at least 13 countries – Bangladesh, Cambodia, China, India, Indonesia, Japan, the Republic of Korea, Malaysia, Mongolia, Pakistan, the Philippines, Singapore, Sri Lanka and Thailand.

Another encouraging development since the 2001 UN Conference on Small Arms has been the development of civil society networks such as PHILANSA (the Philippines branch of IANSA) and the South Asia Small Arms Network (SASA-Net), and their important role in pushing for further action on small arms is likely to be crucial. South Asia Partnership International, which is part of SASA-Net, has been particularly active and influential in highlighting the impact of SALW proliferation and misuse in South Asia.

### **IMPLEMENTATION IN SOUTH ASIA**

In South Asia, where nuclear threats and the build-up of nuclear weapons were the major source of concern in the 1990s, there is now growing awareness of the menace of SALW proliferation and its impact on peace, development and human security. The growing small arms problem in the region is linked to high levels of insecurity, driven by internal and cross-border conflicts and underpinned by deep-rooted poverty and structural underdevelopment. There is a real need for concerted and sustained action by governments and civil society to tackle the proliferation and misuse of SALW, and the PoA has the potential to act as a useful framework through which to pursue this.

Since the 2001 UN Conference on Small Arms, there has, however, been no coordinated regional action taken by governments aimed at implementing the PoA in South Asia. Despite some efforts targeted at encouraging action and information-sharing on terrorism-related issues, the South Asian Association for Regional Cooperation (SAARC), the regional body covering Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka has not been involved in any discussions or activities relating specifically to SALW. SAARC is seen by many to have very limited capacity to address small arms and, in recent times, the organisation in general appears to have performed a fairly peripheral role on security issues in the region. In fact, partly as a result of continuing regional tensions in the region, the last meeting of SAARC, initially planned for January 2003, was postponed.

There have been efforts to engage in regional dialogue – most notably through a Bangladeshi initiative supported by the Canadian and UK governments for a regional conference on implementation that was proposed on several occasions throughout 2002, and the participation of India, Pakistan and Sri Lanka in the regional seminar on SALW for the wider Asia Pacific region that took place in February 2003. However the case for regional cooperation to prevent illicit small arms proliferation is strong. For instance, Pakistan is experiencing a renewed influx of small arms following the conflict in Afghanistan; smuggling networks operate in the region to supply weapons to insurgent groups in Nepal and north-western India, and the LTTE movement attempting to establish a Tamil homeland in Sri Lanka has over several years developed a sophisticated procurement network that used Thailand, amongst other states, as an important source of small arms and conventional weapons.

Table 8: National Implementation in Asia

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			
Afghanistan																	
Bangladesh		Y	Y	•	•	•						Y	•	•			
Cambodia	Y	Y	Y	•	•	•	•					Y	•	•	•		
China		Y	Y	•	•	•	•	Y		•		Y	•	•	•		
India	Y	Y	Y	•	•	•	•	Y	•	•		Y	•	•	•		
Indonesia		Y	Y	•	•	•						Y	•	•	•		
Japan	Y	Y	Y	•	•	•						Y	Y	•	•		
Kazakhstan			Y		•			Y		•							
Kyrgyz Republic												Y		•			
Laos			Y	•	•	•						Y	•	•	•		
Malaysia		Y	Y	•	•	•	•					Y	Y	•	•	•	
Mongolia		Y															
Myanmar			Y	•	•	•	•										
Nepal			Y	•	•	•	•					Y	•	•			
Pakistan	Y	Y	Y	•	•	•	•					Y	Y	•	•	•	
Philippines	Y	Y	Y	•	•	•	•					Y	•	•	•		
Republic of Korea		Y	Y	•	•	•		Y		•		Y	•				
Singapore		Y	Y	•	•	•						Y	•	•			
Sri Lanka	Y	Y	Y	•	•	•	•					Y	•	•			
Thailand	Y	Y	Y	•	•	•	•					Y	•	•	•		
Vietnam			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	•	weapons for development	Y			•	
•									•						
•	Y	•		Y		•		Y	•	VWCP, confiscation	Y			•	•
•	Y		•							confiscation					
•	Y	•	•					Y	•						
•															
•	Y		•								Y	•	•		
•															
•	Y		•												
•										other					
•															
•															
•	Y		•	Y	•			Y		de-weaponization program, amnesty					
•	Y		•	Y		•		Y		other	Y			•	
•	Y		•	(1)				Y		annual amnesties					
•															
•	(2)			Y				Y		amnesty	Y				•
•				(3)											
•															

(1) Procedures in place for destruction of surplus, confiscated, and surrendered weapons  
 (2) Under consideration  
 (3) Destroyed mines

### National implementation

Although regionally there has been little coordinated activity, there are examples of attempts to implement the PoA at the national level. Positive efforts include:

- The de-weaponisation campaign in Pakistan (see the following case study);
- The involvement of India on the UN Panel of Experts on Marking and Tracing;
- The establishment of NFPs in Bangladesh, India, Pakistan and Sri Lanka;
- The establishment of a national commission in Sri Lanka and India;
- The provision by India and Bangladesh of reports to the UNDDA on progress towards implementation of the PoA in advance of the 2003 Biennial Meeting of States.

However, despite these important steps, it appears that progress nationally has not been systematic across or within the countries that comprise South Asia.

### Legislation

In most countries in the region, there is legislation that is relevant to illicit small arms proliferation. However, in some cases, this dates back many decades, and in all cases this has not been reviewed fully since 2001. Bangladesh, India, Pakistan and Sri Lanka have a common legislative history as regards the manufacture, sale, ownership, import and export of arms. The *Arms Act* of 1878, applicable to the whole of what was then British India has been amended in each of the relevant states – however, elements of it are still applicable over 120 years later. Some states, and India is a good example, have a strong legislative framework covering SALW as a component of controls on the broader category of conventional weapons. The Indian *Arms Act* of 1959, for instance, and the associated *Arms Rules* of 1962 provide the legislative basis for the manufacture, sale, transfer, transport, export and import of arms and ammunition and provide a penal code for violation of these acts.

There are also more recent examples of legislative change in several states in the region targeted at tackling specific aspects of small arms proliferation. For example, in India on 11 September 2001, the government declared its intention to legalise the activities of defence agents. It stated that this change, which allows Indian nationals to work as agents for foreign defence companies, provided that they are approved through a system of licensing, was part of a process of increasing transparency in the defence industry. In Pakistan, as part of the de-weaponisation campaign, the government announced plans to make carrying weapons in public an offence – a strategy similar to that proposed but not enacted in the Philippines in South East Asia in 2003.

In 2003, South Asia Partnership International produced a *Comparative Study of Small Arms Legislation in Bangladesh, India, Nepal, Pakistan and Sri Lanka*, which investigated appropriate legislative developments in the states of South Asia. It suggests that the *Arms Act* of 1878 and subsequent amendments, combined with new legislation developed at the national level, provide a fairly proscriptive legislative framework on aspects of addressing small arms problems. However, in the case of, for instance, India and Pakistan, whilst it is clear in the legislation that exports may only take place when licenses have been granted, there is no available information on the criteria that are used to judge the merit of a particular licence application. At the very least, this indicates a need to increase transparency in the export licensing process – through the publication of an annual report on arms exports that is provided for in law. Similarly, there are several areas that are not covered in legislation – which have fairly recently become pertinent to states in South Asia and include, for instance, licensing the activities of arms brokers (Pakistan and Bangladesh), procedures for destruction of confiscated as well as surplus weapons (all states) and the import of weapons by foreign private security companies (Sri Lanka). There is a need to re-examine the content and scope of legislation, but there is also an urgent need to enhance the capacity of implementing agencies to enforce the commitments and guidelines that already

exist – both at national and international levels. International assistance is required, financially and technically to address all aspects of tackling illicit SALW proliferation – from more effective border controls to the development of DDR and weapons collection programmes where appropriate. However, in some countries in the region there is also a need for government to address implementation of the PoA more rigorously. The lack of concerted action in South Asia is due in large part to the very complex and difficult security situation in the region. However, there are other regions of the world that have recently experienced situations of armed conflict and that suffer from high levels of illicit civilian possession and armed violence but which have experienced more systematic progress since 2001.

### **Opportunities for future action**

Developments in the security situation in South Asia present several opportunities for action in the near future. The decision to resume diplomatic links between Pakistan and India in May 2003 was extremely important and could yet prove to be a crucial step in resolving the single biggest obstacle to cooperation in the region. The ongoing peace process in Sri Lanka and the moves towards peace in Nepal have the potential to act as catalysts for tackling small arms problems in the context of a wider programme of post-conflict reconstruction and development, and the increasing involvement of NGOs provides excellent opportunities for the engagement of a wider civil society in the process of tackling the proliferation and misuse of small arms in South Asia.

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

There are signs that a more coordinated and effective approach to implementing the commitments in the PoA is possible in the future. One important element in the process of change is the engagement of civil society – and in South Asia it is clear that civil society in several countries in the region is starting to organise more effectively on small arms issues. In early 2003, NGOs and individuals from across the region met in Colombo, Sri Lanka, to develop a strategy for engaging those working on related issues and to identify priorities for future work on small arms. A key outcome of the meeting was the establishment of the South Asia Small Arms Network (SASA-Net) to coordinate civil society work across the region (see the SASA-Net case study below). Much of the initial work to engage civil society was coordinated by South Asia Partnership with support from IANSA. South Asia Partnership took a leading role in the organisation of the South Asia Peoples Summit that took place in Islamabad in early 2003. The summit, which was initially planned to take place in parallel with the SAARC Summit, featured the impact of small arms as one of its key agenda items.

## THE SOUTH ASIA SMALL ARMS NETWORK

In February 2003, SASA-Net was formed at a meeting in Colombo, Sri Lanka, which was attended by over 30 civil society organisations from Bangladesh, Bhutan, India, the Maldives, Nepal and Pakistan. The network is focused on placing the problem of SALW firmly on the political and public agenda through publicising the human impact of small arms misuse in South Asia; advocating for states to implement their PoA commitments and, as a first step, to appoint NFPs; and calling for and participating in efforts to reform the security sector in countries across the region. Since February 2003, participants have been organising national consultations to broaden the scope of civil society organisations working on small arms issues and to develop strategies to achieve the changes identified.

For more information contact James Arputharaj, [sapi@eureka.lk](mailto:sapi@eureka.lk)

## DE-WEAPONISATION IN PAKISTAN

### General overview

Pakistan has for many years suffered from extremely high levels of small arms proliferation. There is no reliable figure relating to the numbers of either illicit or legally held weapons in the country. However, rough estimates are in the millions with two million licensed firearms recorded by the 1998 census and estimates of at least 18 million more being held illegally.<sup>39</sup> Since the end of the US-led military campaign in neighbouring Afghanistan, there are reports that Pakistan is experiencing a renewed influx of weapons, which, added to the already uncertain security environment, has heightened the dangers associated with the proliferation of SALW in the country.

Since the 2001 UN Conference on Small Arms, the government of Pakistan has found it difficult to implement the commitments contained in the resulting PoA. This is in large part due to the change in the security situation following 11 September 2001. There have, however, been several positive steps taken towards effective implementation, including the extension of the government's de-weaponisation campaign.

### De-weaponisation campaign

In February 2000, the military government led by General Musharraf announced its intention to launch a campaign to "de-weaponise" Pakistan. Interior Minister Lt-General Moinuddin Haider, responsible for the campaign, stated at its launch, "We know what image of Pakistan we want. We want to see Pakistan being a weapons free state, a civilised state".<sup>40</sup> The campaign was described in September 2000 as having three key elements:

- Firstly, an amnesty period during which unlicensed weapons would be collected on a voluntary basis;
- Secondly, an incentive scheme for those providing information leading to the recovery of unlicensed weapons; and
- Thirdly, a prohibition on issuing licenses for prohibited bore weapons.<sup>41</sup>

However, this campaign, launched with considerable energy by the government, was not the first such effort. During the 1990s, there were at least two other attempts – in 1991 and 1994 – that aimed to remove illicit small arms from civilian possession. Both, though, were widely interpreted as having been unsuccessful in their efforts to address the issues of civilian possession and open display of weapons, labelled by some in the media in Pakistan as the "Kalashnikov culture", and in terms of numbers of weapons that were collected whilst they were operational.

The campaign culminated in June 2001, just prior to the 2001 UN Conference on Small Arms, in a nationwide gun amnesty. The amnesty, which lasted for two weeks, collected 88,759 weapons and 200,461 pieces of ammunition, and was widely interpreted as a disappointment, both by the government and by civil society groups.<sup>42</sup>

Following the conclusion of the 2001 UN Conference on Small Arms, efforts to establish a successful de-weaponisation campaign continued, although with a lower public profile. On 7 September 2001, Interior Minister Haider restated his belief in aims of the campaign, saying, "Many of the people told me that

<sup>39</sup> Fahren Bohkari, "Bhutto calls for the destruction of small arms in Afghanistan", New York: Eminent Persons Group, 2001 quoted in Small Arms Survey 2002, p. 100.

<sup>40</sup> Kathy Gannon, "Government seeks to disarm Pakistanis", *Washington Post*, 2 March 2000.

<sup>41</sup> "Task force proposes arms census", *The News International*, 19 September 2000.

<sup>42</sup> Informal interview with representative from NGO, March 2003.

turning the country into an illegal weapons-free state was an impossible task. But I say that although it may be difficult it is not impossible".<sup>43</sup> However, for all the public pronouncements issued by the government and others, many elements of the campaign have ceased to be operational. Now, two years after the amnesty period ended, analysing the success of the campaign provides an interesting insight into the approach taken by the government of Pakistan.

The campaign, which was provided for in law by the *Surrender of Illegal Arms Act* of 1991, aimed to achieve change through seven distinct but linked elements:

1. Banning the public display of weapons;
2. Not issuing new licenses for prohibited weapons;
3. Collecting data on licenses;
4. Buying back weapons from civilians;
5. Seizing illegally held weapons;
6. Bringing some illegal manufacturing within the law; and
7. Imposing a quota system on weapons production.

By the end of April 2003, detectable progress had been made in the first five of these areas. However, the final two elements, which had most significance in the North West Frontier and Balochistan Provinces – both of which are governed locally with little influence from the central government of Pakistan – were not implemented.

The first element of the strategy, making it illegal for weapons to be carried in public places, is the only part that is still being pursued actively by the authorities. This was core to the campaign, as it aimed to tackle directly the culture of publicly displaying weapons. The second element was initially successful; however, in March 2003, the prohibition on issuing new licenses was revoked when the government decided to lift the ban on issuing licenses for non-prohibited weapons specifications. It has been suggested by some observers in Pakistan that this change in policy occurred in congruence with political change in the country, in the sense that civilian governments sometimes view the issuing of licenses as a political tool, required to develop and maintain relationships with influential members of their constituencies.

The third element, the process of collecting data on licenses, was attempted as a key part of the amnesty process. As with the voluntary surrender, this was not particularly successful. For the most part, this was due to a lack of confidence amongst owners that the government promise of immunity from prosecution would be kept. It was also due to a combination of a more general lack of trust in the police not to harass those surrendering weapons and a lack of confidence in the ability of police to provide the security that owners perceived they drew from possession. The amnesty did not facilitate the levels of surrendered weapons that were desired, and the majority were .12 calibre guns and pistols. Disappointingly, very few semi-automatic and automatic weapons were collected. In a major step backwards, in March 2002, it was reported that the authorities had recommended that many of the weapons that had previously been surrendered be returned to their owners. The justification for this move was that these weapons had been handed in during the amnesty by people who were licensed to own them due to "a fear of police raids", rather than because they were illegally owned.

Between July 2001, when the amnesty period ended, and 14 March 2003, the government, through the police, operated a policy of seizing illegally held weapons. However, the implementation of this policy has been criticised for being disorganised and badly managed. By the middle of March 2003, a total of 146,421 weapons had been seized, along with 1,401,205 pieces of ammunition. It appears that this did not represent a major success, as the total number is roughly the same as Ministry of Interior figures for annual seizures

<sup>43</sup> Babar Dogar, "Pakistan minister on need to recover illegal arms, end sectarian conflicts", *The Nation*, 8 September 2001.

prior to the post-2001 campaign – officials estimate that about 54,000 weapons had been seized annually. With the benefit of hindsight, it is possible to identify the weaknesses in the development and implementation of the de-weaponisation campaign. In general terms, whilst the government efforts to reduce ownership of illicit weapons raised the profile of the problem in Pakistan at the international level, it has not made significant inroads either into the actual levels of illicit ownership in the country or into the gun culture that appears to be so deeply embedded. However, the external circumstances in which the government has attempted to implement and enforce its proposed changes have been and continue to be extremely difficult. In this light, efforts by the government should be welcomed and credit is due to those who attempted to provide positive leadership and to those who were involved in implementation.

### **Learning points**

Lessons that can be drawn from the experience of de-weaponisation in Pakistan include the following:

- The importance of developing comprehensive strategies prior to launch, which include in-built monitoring systems to measure progress at fixed points during the campaign. For example, in Pakistan, despite the possibility that police would collude with illegal manufacturers to obtain obsolete weapons that could then be presented as seizure in order to earn credit from management, no mechanism was built into the process to assess patterns of seizure – which would have indicated if there were problems.
- There was no attempt prior to the campaign to map the extent of the problem of illegal production and ownership and thus it was very difficult to design appropriate responses. Detailed mapping of the problems associated with SALW proliferation is crucial in selecting the appropriate counter-measures. This should be one of the first steps that states take when developing de-weaponisation programmes.
- The campaign was driven for several years by the former Interior Minister, Moinuddin Haider, and was seen very much as his personal project. When he left his post, the campaign was seen to suffer from a lack of leadership and ownership. It is crucial that similar campaigns are owned by those responsible for implementing and enforcing them.
- Despite the campaign allowing for a period of amnesty, there was a general lack of trust in the objectivity of the authorities and in the ability and desire of the police to provide the protection that owners perceived they got from possession. There is a need in all de-weaponisation programmes to ensure that collection of weapons is linked to trust-building measures between communities and government – often requiring significant security sector reform.

### **IMPLEMENTATION IN SOUTH EAST ASIA**

The proliferation of SALW has received relatively little attention in many parts of South East Asia. This appears to be the case despite the widespread use of such weapons by insurgency groups, in for instance Indonesia and the Philippines, and the widely perceived link between small arms and drug trafficking. Many of the weapons in South East Asia originate from the wars of the 1960s and 1970s, but it is also thought that weapons are currently being transferred into the region from China and Russia via states including Vietnam. Weapons are transferred by sea as well as land and a major problem in South East Asia, which contributes to the proliferation of SALW, is the lack of controls at ports and the lack of coordination between customs and security officials.

#### **Small-arms-related activities within ASEAN**

The primary framework through which coordinated action on small arms to address the PoA commitments could occur in the region is the Association of South East Asian States (ASEAN). However,

so far, SALW as an issue has not featured prominently on the ASEAN agenda and, where it has been addressed, it has been largely subsumed within a wider programme to combat transnational crime. The work programme for the 1999 *ASEAN Plan of Action to Combat Transnational Crime*, which was agreed in Kuala Lumpur in May 2002, includes a number of “Action Lines” under the heading “Arms Smuggling”<sup>44</sup> These relate to the first steps towards goals in the following areas:

- Information exchange among ASEAN member countries and officials on national laws and on international and regional arms smuggling activities, including the creation of a repository of laws and the creation of NFPs, and conducting “typology studies to determine trends and modus operandi of arms smuggling in the ASEAN region”;<sup>45</sup>
- Legal matters, in particular, working towards the harmonisation of marking systems in line with the UN Firearms Protocol;
- Law enforcement matters, including enhanced intelligence exchange and cooperation between ASEAN members and also with Europol and Interpol;
- Development of regional training programmes, beginning with a compilation of national training programmes; and
- Institutional capacity-building, including establishing a database on illicit trafficking of arms and explosives and establishing procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles, to facilitate tracing.

While not explicitly drawing on the PoA, these commitments share a lot of common ground with it. Indeed, the final action line listed in the work programme was to “[e]ncourage individual countries to implement, where practicable, the programme of action of the 2001 UN Conference”.<sup>46</sup> However, no information is available on the current state of implementation of these measures at the regional level.

Recently, the issue of SALW smuggling has been referred to in the *2002 Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues*,<sup>47</sup> and the *ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism* of January 2003.<sup>48</sup>

### Regional Seminar on Implementation

Outside the framework of ASEAN, and reflecting a greater recognition of the importance of small arms issues in their own right, the Philippine government hosted a *Regional Seminar on Implementing the Programme of Action on Small Arms and Light Weapons* in Manila in July 2002. This seminar, which was attended by delegates from the ASEAN member states and others, including China, Japan and the USA, was a very positive development, as it indicated recognition of the need for coordinated action across South East Asia and beyond. The summary report of the seminar notes that “developing regional arrangements to deal with the problems of the illicit trade in small arms and light weapons is crucial” and recommends that consideration be given to the development of an “ASEAN instrument against the illicit manufacturing of, and trafficking in firearms, explosives and other related materials”.<sup>49</sup> The report also outlines recommendations and proposals to be taken into account by ASEAN members. In line with the PoA, amongst these proposals is a recommendation that each country establish a point of contact and a national coordination agency on small arms issues.

<sup>44</sup> Work Programme on Terrorism to Implement the ASEAN Plan of Action to Combat Transnational Crime, Kuala Lumpur, 17 May 2002.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, 6th ASEAN-China Summit, Phnomh Penh, Cambodia, 4 November 2002.

<sup>48</sup> Joint Declaration on Cooperation to Combat Terrorism of the 14th ASEAN-EU Ministerial Meeting, Brussels, 27–28 January 2003.

<sup>49</sup> Co-Chairperson’s Summary Report, Regional Seminar on Implementing the UN Programme of Action on Small Arms and Light Weapons, Manila, Philippines, 9–10 July 2002.

A follow-up seminar was planned to take place in Phnom Penh, Cambodia, in May 2003, entitled *Taking Stock: Implementing the UN Programme of Action on Small Arms in Southeast Asia*. Unfortunately, this was postponed, primarily due to the SARS outbreak, but it is hoped that it would be rescheduled shortly.

A lack of available information makes it difficult to measure the extent of implementation of the PoA at the national level, but it appears that progress has so far been limited. However, the establishment of national points of contact on small arms issues in the following countries is an encouraging sign: Cambodia, Indonesia, Malaysia, Philippines, Singapore and Thailand.

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

The level of civil society engagement in small arms issues in South East Asia has risen in recent years, and there are a number of positive actions and initiatives to note:

- Nonviolence International, based in Thailand, has developed a Small Arms and Light Weapons Action Programme in Southeast Asia. This programme aims to develop South East Asian regional movements to reduce the proliferation and misuse of small arms through the women's, youth, labour, religious, legal, health and development sectors, and to collect information on the current state of legal controls on the possession, trade and production of SALW in South East Asia.
- In the Philippines, a Philippine Action Network on Small Arms (PHILANSA) has been established (see the case study on page 127).
- The Working Group for Weapons Reduction (WGWR) in Cambodia has undertaken many small arms related activities, including the production of a thousand posters and leaflets to support community-based training workshops seeking to promote non-violent forms of conflict resolution (see the case study on page 124).

### **REVIEWING STOCKPILE MANAGEMENT IN CAMBODIA**

In recent years, there has been a series of major steps taken by the government, armed forces and civil society to reduce numbers and availability of illicit weapons in Cambodia. These have taken place in the context of attempts to manage existing stocks of SALW held by security forces, including the army, gendarmerie and national police. Since the PoA was agreed in 2001, these efforts, which have enjoyed varying levels of success, have included moves towards more effective legislation, collection programmes, stockpile management, weapons destruction and demobilisation of soldiers from the Royal Cambodian Armed Forces.

A combination of the activities of the Cambodian government, the involvement of the EU – through the establishment of EU-ASAC (European Union Assistance on Curbing Small Arms and Light Weapons in Cambodia) – and civil society, has over recent years led to Cambodia becoming a high profile case study for many analysing the different manifestations of the small arms problem in post-conflict societies.

Since 2001, there have been many positive steps towards implementation of the PoA:

- Cambodia has an NFP and has established a national commission, the *National Commission for Weapons Management and Reforms*, which is responsible for all work related to SALW collection, destruction and management.
- New, stricter legislation was approved by the Council of Ministers on 17 May 2002 and submitted by the Prime Minister to the National Assembly on 10 October 2002. When operational, this legislation will cover the production, use, export, import and stockpiling of SALW. It is intended that this would replace the existing body of legislation including Sub-Decree 38 on *Administering and Inspecting the Import, Production, Selling, Distribution and Handling all Types of Weapons*,