

which was adopted in April 1999. However, the draft legislation has yet to pass into law and is widely expected to remain within the legislature until after the National Assembly elections planned for 27 July 2003.

- Cambodia has continued to develop its weapons collection and destruction programmes since they began in 1998 with a city-wide collection programme in Phnom Penh, based on a buy-back strategy. This initial approach was subsequently changed to focus on roadside confiscation and voluntary surrender. There is no clear policy in Cambodia on destruction of all collected weapons. However, from 1999 until January 2003, over 104,970 weapons were destroyed – often funded and supported by EU-ASAC.

Weapons collection and safe storage

As well as the collection and destruction of illicit weapons, it was clear for some time that there was a need in Cambodia to enhance safe storage facilities and procedures for legal weapons held by police and armed forces. Years of war and a subsequent lack of funding had left the Cambodian armed forces with huge numbers of weapons and explosives held in insecure conditions. Such conditions encourage theft, illicit sales and illegal ownership and use. Government, civil society and donors were clear about the importance of preventing weapons from being transferred from legal to illicit ownership through pilferage from existing stocks and of the need to establish systems to make misuse by security forces more difficult and easier to trace.

So, with assistance, the government developed programmes to establish safe storage and registration of weapons, which were divided into two broad categories: Weapons Registration and Safe Storage in the Ministry of National Defence; and Weapons Registration and Safe Storage for the National Police.

Weapons Registration and Safe Storage in the Ministry of National Defence

Essentially, Cambodia is divided into six military regions. In 2001, in conjunction with the EU, four new weapons storage depots were built in the 2nd Military Region of Kampong Cham, a unique computer registration system was installed and 16 personnel were trained in its use. By the end of 2001, 13,500 weapons had been successfully registered and were in storage. All weapons in this military region, both stored in the depots and in use by the armed forces, were registered on a computerised database. In 2002, a similar programme was established and implemented in the 5th Military Region of Battambang, with a storage capacity for 24,000 weapons. As part of this process, two storage depots were built in Battambang and one each in Pailin and Banteay Meanchey. All weapons registered in these areas were recorded in the same centralised database. In addition, eight storage depots containing SALW in Phnom Penh were renovated at the end of 2002 and the weapons registered.

The Japanese Assistance Team for Small Arms Management in Cambodia (JSAC), in cooperation with the Cambodian government, has agreed plans to implement a similar project in the north-western part of Cambodia. JSAC is now working with EU-ASAC to help the Royal Government of Cambodia with this programme. The programme is scheduled to start in August 2003 after the completion of another EU-ASAC programme in July and will take approximately six months to complete. The registration system will use the same hardware and software that was used in the 2nd and 5th Military Regions, Kampong Cham and Battambang.

Longer-term planning is under way to complete this safe storage and registration programme by implementing projects in the 1st and 3rd Military Regions and completing the work in and around Phnom Penh. However, no donors have yet been found for these projects extending beyond the end of 2003, endangering the viability of the programme.

The Cambodian Ministry of National Defence has now adopted the policy that all military SALW that are not registered during the implementation of the Safe Storage project in each military region will be destroyed following completion of the project.

Weapons Registration and Safe Storage for the National Police

In cooperation with the EU, lockable racks for police service weapons were placed in 110 police posts in Phnom Penh at the end of 2002. This was an experimental project. Similar racks are presently being placed in all police posts in two other provinces and this will be completed by August 2003. Storage depots for the weapons held by the national and the provincial police headquarters of the two provinces and Phnom Penh are presently under construction. All weapons, both those issued to police on duty in the police posts and those stored in the depots, will be registered in a centralised computer database. On 20 March 2003, an agreement was signed by the Commissioner General of the National Police and the Programme Manager of EU-ASAC to mark the start of the project. Registration of the weapons is scheduled to begin in July and the whole pilot project is planned to end by September 2003. Depending on the results of this phase and the availability of future funding, it is possible that the project will be extended to other provinces in future.

Learning points

- Whilst there has been significant progress since 2001 in relation to issues of registration and safe storage, there is still much to do to achieve project goals and to meet the expectations of the government, civil society and donors. For instance, there are still many areas in which both the military and police warehouses have poor registration procedures, and the levels of control and management of existing arms is poor. The experience of Cambodia reinforces the importance of the development and maintenance of effective stockpile and surplus management procedures.

THE WORKING GROUP FOR WEAPONS REDUCTION IN CAMBODIA

The Working Group of Weapons Reduction partnered with local NGOs in Cambodia to establish a Weapons Law Working Group (on the invitation of the Ministry of the Interior) to act as a focal point and joint force to work specifically on the *Weapons Draft Law* set up late in 2000. The working group submitted their proposed recommendation on the draft to the Ministry of the Interior on 27 December 2000.

The invaluable contribution of NGOs to the *Weapons Draft Law* resulted in a new *Law on Weapons and Explosives*, which was approved by the Council of Ministers on 17 May 2002 and submitted to the National Assembly on 10 October 2002.

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IMPLEMENTATION AND LICENSING PROCEDURES IN THE PHILIPPINES

General overview

Since the 2001 UN Conference on Small Arms, the government of the Philippines has taken some positive steps to implement its PoA commitments. These have included joining a number of UN member states in observance of the Small Arms Destruction Day, making some progress on the development of a marking and tracing scheme, and in July 2002, co-hosting with Canada and Japan a regional conference on the implementation of the UN PoA, which was held in Manila.

However, progress in other areas has been limited. This is partly due to a lack of political will, but more directly due to the significant increase in the level of insurgency affecting different areas of the country. Government forces, often with international support, are engaged in fighting in several areas of the country, notably in Mindanao, Basilan and Sulu. The Philippines is seen by many observers to be a “second front” in the US led War Against Terrorism.⁵⁰ Certainly, since 2001, the country has seen a huge increase in the level of US military aid, which has recently included the transfer of 30,000 M-16 assault rifles.⁵¹ The different conflicts have had a significant impact on the stability of communities across whole regions of the country. For instance, since 2000, in central Mindanao alone, the conflict between the government and groups including the Moro Islamic Liberation Front has led to the displacement of at least 200,000 civilians.⁵²

While government forces are increasing their offensive capabilities (mainly with the support of the US), there is evidence to suggest that the armed groups too are acquiring more weapons. The communities where these armed conflicts are being fought are likewise acquiring weapons for security and defence purposes. In addition to this, the gun culture in the Philippines, where power and prestige is equated with weapons and where injustices and disputes are often settled through arms, has contributed to a situation where tackling the proliferation of SALW is both critical and extremely complex.

In the Philippines, there are some apparently very precise statistics relating to SALW ownership. For instance, during the last assessment, a total of 754,014 licensed and registered firearms was recorded nation-wide. Of these, about 519,014 were owned by individuals, while around 235,000 were registered for the use of private security agencies, company guards, and government and private corporations. There are also around 328,000 “loose” firearms in the country, according to Joey Lina, Secretary of the Department of Interior and Local Government.⁵³ More than half of this number are guns previously licensed that the owners have failed to renew on expiry.

It is important that these statistics are understood in context. The definition of “loose” firearms in the Philippines is confusing and should not be read as covering all illicit weapons. In effect, the description includes weapons that have been bought from a licensed dealer, but which have not been subsequently registered with the police. It does not, however, include weapons that are either manufactured, sold or entered the country illegally. Estimates of the numbers of illicit SALW in the Philippines vary, although the Small Arms Survey stated in 2002 that the number “is probably closer to 4.2 million”.⁵⁴

Over the past two years since the 2001 UN Conference on Small Arms, much of the positive action by the government of the Philippines has taken place at the policy level. This, as with all activity relating to policy

⁵⁰ Marco Garrido, “Philippines: Crazy about guns”, *Asia Times*, 23 January 2003.

⁵¹ Amnesty International, *Terror Trade Times*, 2002.⁵² Records from the Department of Social Welfare and Development, Philippine Government.

⁵³ “Loose” firearms are those weapons that (1) were reported lost; (2) were not registered or licensed after people were allowed to re-register their firearms under the 1990 Presidential Memorandum No. 6; (3) were estimated to be in possession of the armed rebel groups; and (4) the owners failed to renew the licenses of after they expired.

⁵⁴ Figure 2.3 “Approximate small arms distribution in the Philippines”, Small Arms Survey, 2002, p. 98.

guidance, research and monitoring of efforts to prevent, combat and eradicate illicit SALW has been undertaken by the Philippine Center for Transnational Crimes (PCTC) under the Office of the President. The PCTC has been designated by the government as the National Coordinating Agency for implementation of the Programme of Action at the national level. However, on matters relating to international cooperation, the United Nations and other International Organisations Division (UNIO) of the Department of Foreign Affairs acts as liaison with other states on matters pertaining to the PoA.⁵⁵ The Philippine National Police (PNP), through its Firearms and Explosives Division (FED) continues to be the primary implementing agency.⁵⁶

Ban on civilians carrying firearms

In a positive attempt to address gun crime and to tackle the culture of publicly carrying and displaying weapons, in January 2003, President Gloria Macapagal Arroyo issued a directive for a total ban on civilians carrying firearms outside their homes.⁵⁷ Philippine society suffers from a high level of incidental violent gun crime, often arising from, for instance, minor traffic altercations. In this light, the directive was widely praised by media and the public alike. This move initially revoked the standard procedure of issuing a Permit to Carry Firearms outside of Residence (PTCFOR) to civilians.⁵⁸

Licensing procedures

Efforts towards tackling public display and portability of weapons have been linked to attempts to tighten regulations regarding weapons licensing procedures. However, there are loopholes in the current national system of issuing both gun licenses and the subsequent PTCFOR. Senior Supt. Geary Barias, Police Director for the FED of the PNP, stated in March 2003 that loopholes in the present system included, for instance, allowing for “non-existent” applicants and “spuriously produced” documents such as drug test results. These tests are theoretically required before an application can be processed. However, weak operating procedures allow for licenses and permits to be issued without the applicant undergoing the required tests or appearing personally at the FED.

The suspension of the process of issuing PTCFOR's appears to be costing the FED millions of pesos. Prior to the decision, the FED was the primary revenue generator of the PNP, and in 2002, it collected P300 million (US\$6 million) from firearms licensing alone.⁵⁹ However, currently the FED is reviewing its existing system. Proposals include changing the system so that applicants should personally appear before the FED when making an application for a permit and not through proxies. It has also called on the Department of Health to closely monitor drug-testing and neuro-testing centres with a history of issuing fake certifications and circumventing the process of conducting real tests.

In an attempt to remove from society the “loose” firearms in the Philippines, an Executive Order was issued by the President's Office, which offers an amnesty programme to owners of unlicensed guns. However, at the time of writing, the order is still awaiting the development of its operative provisions, which must be complete prior to implementation.

Learning points

The experience of implementing the PoA in the Philippines has been a difficult one. However, there have been some initial welcome steps taken by government, and the role of civil society continues to grow and to influence the process positively. As always, though, the difficulties and challenges as well as the

⁵⁵ Interview with Jhoanna Jarasa, UNIO Division, Department of Foreign Affairs, Manila.

⁵⁶ Interview with police Senior Inspector Jacqueline O. Puapo, Desk Officer, Firearms and Drug Trafficking, PCTC, Office of the President, 20 March 2003, Camp Crame; see also PCTC brochure.

⁵⁷ Vincent Cabreza et al., “Lina: Cops can accost anyone with ‘bulge’”, *Philippine Daily Inquirer*, 7 February 2003, p. A4.

⁵⁸ Owners of licensed weapons need to apply for a PTCFOR to enable them to carry their weapons outside their residences.

⁵⁹ T.J. Burgonio, “Tighter gun control to cost gov't P12.5M in license fees”, *Philippine Daily Inquirer*, 23 January 2003, p. A4.

successes that have characterised the first two years of implementation of the PoA are useful learning experiences for the Philippines, and for other states for the future.

- There have been several successful attempts to implement various PoA commitments. However these have often appeared disjointed, with contradictory statements and activities undertaken by different elements of government, jeopardising the chances of success. This demonstrates the fundamental importance of a cohesive and comprehensive national strategy focusing on all aspects of tackling the proliferation of SALW. This national strategy should be built on a thorough mapping of the problems associated with SALW proliferation, their causes and their consequences.
- To successfully address problems of SALW proliferation and misuse, it is first important to fully understand the nature of the problem. The current system in the Philippines for categorising “loose” weapons needs to be extended to try to estimate the numbers and distribution of illicit SALW, before effective responses can be developed.
- While efforts are under way to reform the ranks of the PNP to improve capacity and reduce corruption, resources and revenue for this process are very limited. The Philippines has recently received many millions of dollars of support in military training and equipment to prosecute conflicts with separatist groups in the country. It also needs donor support to ensure that the police and law enforcement agencies have the capacity to implement and enforce efforts to reduce SALW proliferation and misuse.
- In addition to implementing the commitments contained within the PoA, legal reforms are also required to ensure that those responsible for failing to implement new legislation, or who violate new legislation, do not enjoy *de facto* impunity from prosecution.

CIVIL SOCIETY ACTION IN THE PHILIPPINES

In 2002, The Philippines Action Network on Small Arms (PHILANSA) launched a public education and awareness campaign in three districts in the Philippines – Mindanao (Davao, Cagayan de Oro, Marawi, North Cotabato and Zamboanga), Visayas (Bacolod and Bohol) and Luzon (Cordillera and Metro-Manila). The project aims to generate community responses on the issue of SALW.

The network is currently producing documentary films, advocacy materials and a photo exhibition to raise awareness on the human cost of arms in society to help communities confront and respond to the issue.

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IMPLEMENTATION IN CENTRAL ASIA

Although the Central Asian republics are not large producers of SALW, the region is a major transit point and destination for illicit SALW and there is widespread ownership of weapons. The majority of SALW in Central Asia come from the stockpiles of the former Soviet military, with the conflict in Afghanistan providing a further significant source. The circulation of SALW has recently increased as a result of the conflict in Tajikistan, during which SALW were widely utilised. Increased weapons availability, porous borders and crime and corruption amongst law enforcement and border officials have facilitated the trafficking of illicit weapons to black markets in Russia, the Caucasus and Europe. Although Kazakhstan, Uzbekistan (with the exception of the Fergana Valley) and the Kyrgyz Republic (apart from some incursions by Islamist groups in the south in 1999) have so far avoided extensive internal armed conflict

such as that which recently affected Tajikistan, they are all plagued by internal problems such as economic underdevelopment, struggles for political influence, and inter-ethnic and ideological tensions, all of which are compounded by the high incidence of SALW in the region.

Since 11 September 2001 and the subsequent US-led engagement in neighbouring Afghanistan, the small arms issue has received increased attention in Central Asia. The vulnerability of Central Asia's borders had been made apparent by the various Afghan conflicts since the collapse of the Soviet Union in 1991. The newly independent states of Central Asia, with much less capacity than the Soviet-era republics, became increasingly subject to the inter-linked problems of drug and weapons trafficking. The incursions of extremist groupings, including Taliban and Islamic Movement of Uzbekistan (IMU) elements, into Kyrgyzstan, Uzbekistan and Tajikistan have highlighted this problem. Although the removal of the Taliban from power in Afghanistan may on the surface appear to contribute to alleviating the regional small arms problem, both government and civil society representatives consistently cite the persistence of the problem when questioned on this issue. Poverty and corruption continue to provide local allies for the gun-smugglers. While the threat from the Taliban and IMU may have diminished, a resurgence in the drugs trade may well exacerbate the small arms problem in Central Asia.

The OSCE and Central Asia

The potential for armed conflict in Central Asia and the proliferation and accumulation of SALW are closely linked. While the Central Asian republics have expressed concern over the growth in illicit trafficking of SALW in the region, efforts to address the problem and to sign up to international initiatives on controlling and combating SALW have been weak. Despite their Asian location, it is often useful to analyse the Central Asian republics in the context of the rest of the Commonwealth of Independent States (CIS). In addition, Central Asian cooperation with the OSCE has been quite positive and the OSCE has been the principal international actor dealing with SALW issues in the region. The preparation by the OSCE of a Best Practice Guide on Small Arms and Light Weapons, which deals with issues such as marking systems, stockpile management, DDR and brokering controls, will also greatly assist the Central Asian republics in responding to the PoA (for more information on the OSCE, see page 81 within the Europe section of this report).

- None of the Central Asian republics have signalled concrete support for the UN Firearms Protocol, the EU Code of Conduct, the EU Joint Action on SALW or the Wassenaar Arrangement.
- Tajikistan and Turkmenistan have signed the Ottawa Convention and all the republics have joined EPAC.
- The NATO Partnership for Peace (PfP) is one area in which the Central Asian republics have been more active. All the republics signed the PfP in 1994, with the exception of Tajikistan, which signed the agreement in 2002.
- All republics signed the OSCE Document on SALW in 2000 and the OSCE Criteria on Conventional Arms Transfers in 1993.
- Cooperation between the OSCE and the republics has resulted in several regional conferences and workshops focused on SALW issues in the region, particularly that of trafficking.
- In November 2001, the OSCE, with the cooperation of all five republics, organised a series of workshops on arms control, focusing in particular on control over manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The workshops were also designed to help the Central Asian republics with implementation of the OSCE Document on SALW.

The role of civil society

The role of civil society in all of the Central Asian republics with regards to SALW is very weak. The preservation of the Soviet attitude that defence information is secret and the responsibility of the state

means that even in societies where there is some civil society engagement, NGOs choose not to look at SALW issues. Further, there is a view that compared to many issues that are perceived as more pressing, such as poverty and drug smuggling, SALW issues are a low priority.

REGULATIONS, BORDER CONTROL, MARKING AND STOCKPILE MANAGEMENT IN KAZAKHSTAN

General overview

Kazakhstan is the largest state in former Soviet Central Asia and the only one with a SALW manufacturing capacity. The republic itself is probably the most politically stable in the region and, despite some ethnic tensions, it is also one of the most tolerant republics in terms of inter-ethnic relations. Corruption, especially at the lower levels of officialdom, continues to be a problem, as does a lack of transparency, and it is often difficult to establish solid facts about SALW issues within the republic. Strategically it borders Turkmenistan, Uzbekistan and the Kyrgyz Republic to the south, China to the east and Russia to the north. It therefore finds itself in a fairly unique – and in some cases, problematic – geostrategic position, especially as there are problems with militant Islamic fundamentalism in Turkmenistan, Uzbekistan and (to a much more limited extent) the Kyrgyz Republic, and there has also been a long-standing low-intensity conflict between separatist Islamic Uyghurs and the Han Chinese population in China's Xinjiang Province to the east. In the past, some Russian nationalist extremists have called for the merger of the majority ethnically Russian northern half of the country with the Russian Federation. It therefore has a foreign policy that attempts to stay very close to Russia, whilst also developing relations with its other neighbours and the USA. It is especially concerned to try and ensure that there is no overflow from neighbouring conflicts into its own territory. In May 2002, the OSCE Secretariat hosted a Regional Follow-Up Meeting on Combating Illicit Trafficking in Central Asia in Almaty, Kazakhstan. This conference dealt with a range of issues, including import and export controls, stockpile management and security, and the enhancing of border control and law enforcement.

Regulation of SALW manufacturing and arms exports

There are a number of concerns regarding SALW issues in Kazakhstan. While it was one of the first members of the CIS to introduce the regulation of arms exports, there have been questions raised over the effectiveness of this legislation. The laws governing the export of weapons were originally framed in 1996 and therefore predate the PoA. There does not appear to be a defined contact point regarding implementation of the PoA; however, the Ministry of Foreign Affairs shares responsibility for small arms exports with the Ministry of Trade and Industry's Defence Industry Committee and the Ministry of Defence. The export licensing procedure involves end-user certification and there is a list of countries to which arms exports are prohibited. The list accords with the UN sanctions list and contains most of those countries that are on the EU and US sanctions lists. Some observers, however, feel that while the Ministry of Foreign Affairs can comment on export licenses, the fact that the ultimate responsibility lies with the Defence Industry Committee, which answers to the Ministry of Trade and Industry, creates a potential clash of interest. However, other observers argue that allowing an officer who has a complete knowledge of all the issues and ultimate responsibility to make decisions has the potential to enhance regulation rather than detract from it.

The government of Kazakhstan has recently amalgamated most state-owned weapons producers into a single group, Kazakhstan Industries. This company includes Metallist, which is the only SALW producer in the country. It makes a variety of SALW, including rifles, hand guns, sub-machine guns and the HCB 12.7mm machine gun. What is unclear, though, is the market that it expects to enter. It has expressed an interest in exporting weapons and recently attended an international arms fair in Abu Dhabi. The government of Kazakhstan is keen to be seen as beyond reproach in its conduct with regard to

international law, including weapons exports. However, these good intentions can be damaged by more-junior officials who either undermine existing legislation or purposefully explore loopholes for their own private gain. It is important therefore that the government of Kazakhstan be encouraged to follow through its good intentions by closing existing loopholes and vigorously pursuing current legislation, in line with commitments outlined in the PoA and other initiatives such as the OSCE Document on Small Arms.

Border control and anti-terrorism

The principal concern of the government of Kazakhstan has been to combat terrorism and prevent the overspill of the problems related to Islamic fundamentalism in the Fergana valley into Kazakhstan. There have been a number of incursions by unidentified armed groups into southern Kazakhstan that are widely perceived to have been the actions of Islamic extremists based in Uzbekistan. This analysis has also accorded with the policies of a number of major international donors. The European Commission, US and Austria are all supporting border control and management initiatives. This relates to the fear that drugs and guns may feed fundamentalist movements across the region and locates regional SALW control in the context of the global war against terrorism.

Adequate marking and stockpile management

At the moment, it is not known what weapons Kazakhstan possesses in its stockpiles. An inventory was started in 2001, but it was never completed. Further, at the time of the inventory, there was a major fire in a large stockpile in Saryshagun, South Kazakhstan, which some observers have suggested was started deliberately in order to cover up the theft of weapons by corrupt officers and officials. While it seems likely that there has been leakage from Kazakhstan's stockpiles, it is not clear what the extent of the thefts has been, nor is the ultimate end point of any stolen weapons known.

Learning points

- The OSCE has been relatively successful in attempting to raise governmental awareness of SALW control mechanisms, demonstrating the important role that regional security organisations can play in national SALW control efforts.
- The lack of verifiable data regarding SALW stock holdings in Kazakhstan, combined with in some cases weak stockpile security, highlights the importance of the government conducting a thorough inventory of its current weapons stockpiles, which includes reconsidering stockpile security and exploring the possibility of a surplus weapons destruction programme.
- The current system of export licensing places executive decision-making power with the Ministry of Trade and Industry. In order to ensure that international political decisions are taken into account during the licensing procedure, it is important that other key government players, such as the Ministry of Foreign Affairs, are afforded a greater role in the process.

EXPORT CONTROLS, STOCKPILE MANAGEMENT AND THE ROLE OF THE OSCE IN TACKLING THE ILLICIT TRADE IN SALW IN THE KYRGYZ REPUBLIC

General overview

The principal concerns in the Kyrgyz Republic regarding small arms relate to international terrorism and the relative proximity of Afghanistan. The situation in the Kyrgyz Republic is difficult to assess, due in large part to a lack of transparency on SALW policy and practice. The PoA appears to have had little direct impact on domestic SALW policy in the region and international activity supporting SALW controls has been dominated by the OSCE and its related agreements.

Export control mechanisms

The country does not have a specifically designated body that deals with matters relating to the PoA, although a number of ministries and governmental bodies, including the National Security Council (within the Presidency), and the Department of International Law in the Ministry of Foreign Affairs have responsibilities in this area. The existing Kyrgyz *Law on Weapons* was adopted in June 1999 and has not been reviewed since the 2001 UN Conference on Small Arms. However, the *Rules on Management, Handling and Circulation of Civilian and Security of Weapons* were adopted following the 2001 UN Conference on Small Arms on 21 November 2001. These outline the conditions for licence requirement and, whilst this legislation does not provide provisions for government transparency or accountability, it does ensure tight governmental control over the movement of weapons. The existing law does not assess the risk of the diversion of weapons into the illegal sector nor does it contain a dimension relating to end-user certification. Similarly, the Kyrgyz Republic has no specific legislation governing arms brokering and related activities.

Stockpile management

The *Rules on Management, Handling and Circulation of Civilian and Security of Weapons* of November 2001 govern the management of SALW stockpiles held by the police, security services, private organisations and individuals. However, the military is specifically excluded from these regulations. While relevant ministries have their own internal regulations relating to stockpile management, in accordance with the national legislation, these regulations are not publicly accessible. In April 2002, a set of instructions on the work of the different organs of the Internal Affairs Ministry was outlined, with the objective of controlling stockpile management and the handling of SALW. While there is no evidence of theft or unauthorised transfer of SALW in the Kyrgyz Republic, the media has on a number of occasions made allegations that officers have stolen military stocks. These allegations have never been officially confirmed or denied. Information regarding the destruction of surplus weaponry held by the military is not publicly available. There has not been any form of weapons collection programme, although, as there has not been an internal armed conflict within the Kyrgyz Republic in recent years, it is perhaps unlikely that there are high numbers of illicit weapons in private hands.

The Role of the OSCE in tackling the illicit trade in SALW

The Kyrgyz Republic has received help from the OSCE regarding SALW control. In November 2001, the OSCE held a series of seminars with government officials on the illicit trafficking of SALW. In particular, they addressed control over the manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The seminar also addressed demand-side issues, such as regional instability and drugs trafficking. Experts from Croatia, Germany, Hungary, Norway, Poland and the Russian Federation conducted the seminar, which focused on the implementation of the OSCE Document on Small Arms. Subsequent to this, the OSCE organised the Bishkek International Conference on Enhancing Security and Stability in Central Asia in December 2001, which included representation from most OSCE member states. While the ministers referred to the issue of illicit trafficking of small arms directly in their Plan of Action, this was clearly not the focus of the conference. At the time, “terrorism” and the situation in Afghanistan were top priorities. Since then, the OSCE has organised at least one regional meeting in Central Asia. Following the November 2001 OSCE seminar and December 2001 Bishkek International Conference, the Kyrgyz Republic requested financial as well as further technical assistance. However, the exact details of funding are not publicly available.

Learning points

- To develop a comprehensive understanding of the situation regarding SALW in the Kyrgyz Republic, it is important for more information on the issue to be made publicly available. In many examples contained in this report, the importance of civil society engagement in implementing the PoA is documented. In the Kyrgyz Republic – and elsewhere in Central Asia – there is very limited civil society engagement. Improved access to information is one factor that could facilitate the involvement of civil society in the process of change.
- Currently, the absence of any defined end-user certification process is a major gap in national export legislation and sets it at odds with PoA commitments on the issue. Experience demonstrates that an effective end-use certification process is crucial for exercising a responsible arms export policy.

IMPLEMENTATION IN NORTH EAST ASIA

A diverse range of problems related to illicit SALW exists within North East Asia, ranging from armed crime, including transnational crime, to separatism. No sub-regional initiatives to tackle any aspects of the illicit trade in SALW exist, and the information available on national implementation of the PoA in North East Asia is very limited. Four states in the region have created national points of contact – China, Japan, Mongolia and the Republic of Korea. However, of these states, only Japan and the Republic of Korea have submitted reports to the UNDDA, with Japan providing two reports for 2001 and one for 2002; and the Republic of Korea submitting a report for 2002. China has also made available some of its legislation related to SALW and this is discussed in greater depth in the case study below.

Japan has stringent laws and regulations on the production, export and import of arms, and restricts brokering activity. It has strong stockpile management procedures with thorough record-keeping and reviews of stocks carried out on a daily basis. Japan has also provided considerable assistance to other states in the areas of training, disarmament (DDR in Afghanistan and Sierra Leone), and capacity-building. It hosted a follow-up conference in Tokyo in January 2002 and a regional seminar, with the UNDDA, in Bali in February 2003.⁶⁰ At the time of writing, no information is available on other states in the region.

The Republic of Korea has controls over the production, export and import of SALW, with separate procedures for military and non-military SALW. Exports to destinations under UN arms embargoes are prohibited, and maximum restraints on transfers to regions of tension are applied. The Republic of Korea has strong stockpile management, security and record keeping systems managed through a computer programme, the Firearms Management System, through which monthly reviews of military stocks take place, in addition to annual on-site inspections. The Republic of Korea has a range of procedures in place for the destruction of surplus, confiscated and surrendered weapons, including annual destructions of the latter. Amnesty periods for the surrender of firearms are implemented on an annual basis.⁶¹

The role of civil society

The capacity of civil society to engage in North East Asia is limited. In Japan, however, civil society has been involved in awareness-raising and campaigning for a reduction in gun crimes (see the case study on NGOs in Japan, below). The need for cooperation and enhanced capacity for civil society engagement with SALW issues was discussed at the follow-up meeting hosted by Japan in January 2002.

⁶⁰ *National Report on the Implementation of the Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects for 2002*. Japan also submitted two reports to the UNDDA for 2001.

⁶¹ *Implementation of the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Report submitted by the Republic of Korea*.

CIVIL SOCIETY ACTION IN JAPAN

In 2002, the Hiroshima Firearm Measures Promotion Headquarters and Stop Gun Caravan jointly hosted a symposium with the Japanese National Police Agency on the Eradication of Firearms-Related Crimes at the International Convention Centre, Hiroshima, which was attended by over 1,300 people, including high school students.

A Symposium Declaration by the Hiroshima Municipal Kokutaji High School broadcasting team, students living in Hiroshima district and personnel from Guardian Angels called for the eradication of crimes involving firearms, through debates on the rights and wrongs of using guns. A play by the drama group Hiroshima Prefecture and Guardian Angels and a talk-show by actor Shin Takuma also highlighted the problem of firearm-related crimes.

For more information contact the National Police Agency or <http://www.guardianangels.or.jp/eng/> or <http://www.stopgun.org/>

DOMESTIC AND EXPORT CONTROLS IN CHINA

General overview

China frames the problem of illicit SALW within its own territory as one related to armed crime, transnational crime and “separatist” opposition groups. The Chinese government has consistently expressed support for the PoA and at the SALW regional Seminar in Bali, Indonesia, on 10–11 February 2003, the Chinese representative claimed that “China attaches importance to the POA and has taken concrete steps in implementing the relevant measures formulated in it.”⁶² Additionally, China has also recently signed the UN Firearms Protocol.⁶³ In relation to the PoA, China has designated a national point of contact, and has participated in the UN Experts Group on Tracing. In relation to marking and tracing, every small arm in China is given a unique marking containing information on the manufacturer, the year of production and a serial number. According to Wang Xiaolin, “[I]n order to implement the marking requirements in the PoA and in the Firearms Protocol, the authorities concerned in China are considering to improve its marking system appropriately”.⁶⁴

Although, as of 1 June 2003, China has not submitted a report on national implementation of the PoA to the UNDDA, it has made some of its legislation available. This includes domestic controls on illicit manufacture, possession and trade, and the laws and regulations that place controls over the production, export and transit of SALW.

Domestic controls

The 1996 *Law of the People’s Republic of China on the Control of Firearms* and the 1981 *Measures of the People’s Republic of China on the Control of Firearms* cover a wide range of controls on firearms, establishing controls over illicit possession, manufacture and trade of firearms within China. The controls on the possession and carrying of firearms are tight, and apply to all types of firearms, including hunting

⁶² Wang Xiaolin, *Export/Import Licensing System and Marking*, presented at SALW Regional Seminar, Plenary IV, Bali, Indonesia, 10–11 February 2003.

⁶³ ‘Beijing Signs Small Arms Protocol’, Agence France Press, 11 December 2002.

⁶⁴ Op-cit, Wang Xiaolin.

weapons and air-guns. The manufacture of all types of firearms must be licensed by the state and licenses for manufacture and permits for sales are valid for a period of three years before renewal is required. These laws also place controls on the storage of firearms at “enterprises that manufacture or sell firearms” with regular inspections by public security organs and thorough record-keeping required. Additionally, these laws make provision for the disposal of unserviceable arms. The units and individuals authorised to hold firearms are obliged to return unserviceable weapons to the public security organs that issued them, and these organs are permitted to seize any weapons surrendered to them. Following surrender, the weapons are supposed to be destroyed by the public security organs at the provincial level.

However, it is important to note that the provisions in these laws, including those related to the management, security and disposition of weapons, do not cover the arms held by the People’s Liberation Army, the Chinese People’s Armed Police Forces or the people’s militia. The weapons held by these forces are covered by separate regulations that have not been made publicly available.

Chinese export controls

The export of SALW is covered by the *Regulations of the People’s Republic of China on the Administration of Arms Export: Decree of the State Council and the Central Military Commission of the People’s Republic of China, No. 234* (Regulations), which entered into force in 1998 and which apply to exports of all conventional arms, including SALW and police equipment.

The main provisions of the Regulations have not been updated or significantly reviewed since the 2001 UN Conference on Small Arms. However, they were amended in October 2002 by adding an export control list as an annex “in order to strengthen the control over the export of conventional arms, including SALW”.⁶⁵ These include broad requirements of criteria and principles governing export authorisations and the outlines of procedures to be followed.

The Regulations require that all arms exports from China must be approved by the state and exporters must be licensed. While detailed information on the export criteria applied by China is not available, the Regulations emphasise three core principles that should be observed in exporting arms:

- 1) Conduciveness to the capability for just self-defence of the recipient country;
- 2) No injury to the peace, security and stability of the region concerned and the world as a whole; and
- 3) No interference in the internal affairs of the recipient country.

Following the statement of these principles, and in a measure significant for the PoA’s emphasis of “existing responsibilities under international law”, the Regulations also state that in cases, “[w]here an international treaty concluded or acceded to by the People’s Republic of China contains provisions different from these Regulations, the provisions of the international treaty shall prevail, except for the provisions on which reservations are made by the People’s Republic of China” (Article 6).

The PoA encourages the use of “Authenticated End-User Certificates”. In relation to such documentation, Article 15 of the Regulations requires that applications for approval of arms exports must include “the valid certification documents of the recipient country”. Additionally, Article 22 prohibits the counterfeiting, altering, obtaining through fraud, or illegal transfer of export documents, including export licenses and the certification document of the recipient country. However, there is no information available on what, if any, procedures are taken to authenticate end-user certificates.

⁶⁵ Ibid.

China does not appear to have specific legal provisions or regulatory structures relating to the activities of arms brokers. Some provisions of the Regulations could be interpreted as applying to some aspects of brokering activity, such as the requirement that all businesses engaged in exporting arms from China must be authorised to do so by the state, and that the state forbids individuals to engage in arms export activities. Additionally, arms trading companies are permitted to use the services of “an authorized procurement enterprise for export transactions of arms to act as an agent for export transportation of arms and related business matters”. When seen in the light of current understandings of the nature of arms brokering, however, these provisions only vaguely relate to some aspects of arms brokering and clearly do not tackle the primary activities of arms brokers. Significantly, there are no provisions in the Regulations that explicitly deal with the brokering of arms deals as a third party in which the arms originate from another country.

Learning points

- While China is to be commended for providing the UNDDA with copies of some relevant legislation, there is a real lack of transparency, particularly in relation to export criteria and stockpile management, and a lack of reporting on arms exports. This situation should be improved in order to facilitate a comprehensive assessment of China’s progress in implementing the PoA.
- In particular, given that China is a major SALW producer and a significant exporter of these arms, some further elaboration of the export criteria applied to the assessment of export applications is important to assess their ability to prevent transfers of weapons to destinations where they might be used to contravene international human rights or humanitarian law or where they might be diverted into the illicit SALW trade.

3.2.6. OCEANIA AND THE PACIFIC

OVERVIEW OF PROGRESS IN OCEANIA AND THE PACIFIC⁶⁶

The primary regional initiative related to SALW in the Oceania-Pacific region is the Nadi Framework, which aims to produce model legislation on SALW. This framework, produced by the South Pacific Chiefs of Police Conference (SPCPC) and the Oceania Customs Organization (OCO) in the document *Towards a Common Approach to Weapons Control* of March 2000, traces its origins to a 1996 meeting of the Forum Regional Security Committee (FRSC) of the Pacific Island Forum (PIF), which led to the production in 1998 of the Honiara Initiative: Agreement in Principle on Illicit Manufacturing and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials (Honiara Initiative). The October 2000 PIF meeting approved the development of model legislation to facilitate the implementation of the principles enshrined in the Honiara Initiative and the Nadi Framework. In May 2001, the first draft of this legislation was produced. It was to be reviewed and revised in July 2001, but this was delayed in order to take account of any issues arising from the 2001 UN Conference on Small Arms. As of early 2003, the draft remained under review.

Broadly, the main features of the Nadi Framework are that:

- It establishes as a primary objective the need for applicants to have a “genuine reason” for possessing or using a weapon; and
- It seeks to establish strict requirements for the importation, possession and use of firearms.

In relation to the latter, it covers many of the issues raised in the PoA – though with a significantly broader scope in terms of weapons covered. Among these issues are control over export, import and trans-shipment

⁶⁶ Information contained in this section has been drawn from a variety of sources, in particular a recent assessment of small arms in the Pacific authored by Philip Alpers and Conor Twyford, “Small Arms in the Pacific”, Small Arms Survey Occasional Paper No. 8. Geneva: Small Arms Survey, March 2003; available at <http://www.smallarmssurvey.org/Opapers/Opaper8Pacific.pdf>.

of weapons; the strengthening of domestic legal measures related to illicit manufacture, possession, stockpiling and trade; marking and identification; and storage requirements. However, a number of other aspects, such as the destruction of seized, surplus and collected weapons and the implementation of DDR, are not included in the Nadi Framework.

Following the 2001 UN Conference on Small Arms, a regional meeting to examine issues relating to SALW was held in the region. In January 2003, the government of Japan, in cooperation with the government of Australia, hosted a seminar on Small Arms in the Pacific Island Countries. The seminar aimed to raise awareness of SALW-related problems in the region and reached an understanding that “the unique situation of the Pacific Island region calls for unique measures, in order to cope with problems such as the inadequate management of weapons storage which leads to the illegal circulation of weapons, and the difficulty of enforcing customs regulations at the border, all of which lead to the prevalent illicit trade in weapons”.⁶⁷

Establishment of national co-ordination agencies and points of contact, and reporting to UNDDA

Only New Zealand has designated a national coordination agency, in the Ministry of Foreign Affairs and Trade. However, five states in the region have established national points of contact: Australia, the Cook Islands, Fiji, New Zealand and Tuvalu. Australia has also formulated a specific Small Arms Policy in 1999, and since the PoA has submitted a report on national implementation to the UNDDA. Additionally, Australia has submitted national reports on the implementation of the PoA to the UNDDA for both 2001 and 2002. New Zealand submitted a report on national implementation for 2002.

For the purposes of this report, the region of Oceania/Pacific is not divided into sub-regions. However, there are key differences in implementation of various aspects of the PoA between Australia and New Zealand, and the Pacific Island States. Thus, the following outline of implementation of the PoA is divided along these lines.

IMPLEMENTATION IN AUSTRALIA AND NEW ZEALAND

Controls over export and import of SALW

The strongest controls over the export and import of SALW in the region are, not surprisingly, found in the two states with the greatest capacity to import and export SALW: Australia and New Zealand. Both have laws and procedures on all aspects of the international transfer of SALW, including production, export, import, transit and retransfer, with provision made for the use of authenticated end-user certificates and the notification of original exporting states in cases of retransfer. Both also maintain registers of strategic goods to ensure that all exports are consistent with a range of interests and obligations, including security and human rights considerations, and their military lists include both military and non-military firearms.

Although no states in the region have explicit controls over brokering activities, Australia’s 1978 *Crimes Act* has provisions related to some forms of brokering activities and it is currently considering brokering issues within the context of its obligations as a signatory of the UN Firearms Protocol.⁶⁸

⁶⁷ Ministry of Foreign Affairs of Japan, *Pacific Island Countries Regional Seminar on Small Arms*, Report, 22 January 2003; at <http://www.mofa.go.jp/announce/event/2003/1/0122.html>.

⁶⁸ Australian Government, *Implementation of the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: National Small Arms Report: Australia, 2002*; available at <http://disarmament.un.org/cab/docs/nationalreports/2002/australia.pdf>.

Domestic legislation and controls

In Australia, while the import of arms is covered by federal law, each state and territory has its own separate legislation on civilian ownership and use. In July 2002, the Australian Police ministers reached a new agreement to reduce illicit trade, which included a range of measures on possession. After the multiple shootings at Monash University, the Australian authorities announced in December 2002 that from 1 July 2003 there will be a state-by-state ban on up to 500 models of handguns, together with associated gun amnesties and government-funded buy-back schemes. This agreement also included measures on manufacturing, dealing and marking; in particular, it contained proposals for a uniform national firearms policy, including the reclassification of illegal gun manufacture as a serious crime.

New Zealand is the only state in the region that does not practise universal firearms registration for licensed civilian gun owners. Since 1983, virtually all firearms have been deregistered: thus a person with a license to possess firearms may own a number of arms of almost any type without having to register each weapon.⁶⁹ According to police sources, this has facilitated the sale of stolen firearms on the black market. In 1997, the Thorp *Review of Firearms Control in New Zealand* recommended that universal registration be reintroduced. However, the subsequent *Arms Amendment Bill (No. 2)* introduced in 1999 was recently abandoned, due to overwhelming opposition in the submissions received on it.⁷⁰

Stockpile management and security

Australia and New Zealand both have strong stockpile management and security procedures incorporating regular reviews of stocks. Additionally, in Australia, the firearms storage and allocation practices of the private security industry will soon be examined in a report for police ministers.⁷¹ Significantly, both Australia and New Zealand have provided assistance to the Pacific Island States in their stockpile management and security: Following the 2001 UN Conference on Small Arms, at the August 2001 Pacific Island Forum (PIF) leaders' meeting in Nauru, Australia and New Zealand made a formal offer to assist other Pacific Island states in this area – in particular, to provide training and advice on accounting procedures, security measures and ammunition destruction (see below).

Weapons collection and destruction

In both Australia and New Zealand, gun amnesties and buy-backs are common. In fact, amnesty provisions are in place year round in both countries for most surrendered firearms, though they are only periodically promoted. For example, in Australia, in response to the aforementioned national agreement, Queensland will implement an amnesty for handguns from 1 July 2003 to 1 January 2004, with compensation available for dealers and sports shooters.⁷² In terms of the disposal of surplus and collected weapons, Australia has destroyed surplus arms and New Zealand has destroyed both surplus and collected weapons.

The role of civil society

National gun control NGOs and peace NGOs that are IANSA members exist in Australia and New Zealand, such as the National Coalition for Gun Control in Australia, and in New Zealand, the Coalition for Gun Control, the Peace Foundation Aotearoa/New Zealand and the Peace Movement Aotearoa.

⁶⁹ Of all civilian-held guns in New Zealand, approximately 96 per cent are not required to be registered by law.

⁷⁰ National Report by New Zealand submitted to UNDDA; available at <http://disarmament.un.org/cab/docs/nationalreports/2002/newzealand.pdf>.

⁷¹ Op-cit., Australian Government, 2002.

⁷² "Laws crack down on handguns", *The Sunday Mail* (Queensland), 13 May 2003.

Table 9 National Implementation
 in Oceania/Pacific

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
American Samoa			Y			•							Y	•	•	
Australia		Y	Y	•	•	•	•	Y		•	•		Y	•	•	•
Cook Islands		Y	Y		•	•							Y		•	
Fiji		Y	Y		•	•							Y	•	•	
French Polynesia			Y			•							Y		•	
Kiribati			Y		•	•							Y	•	•	
Marshall Islands			Y			•							Y	•	•	
Micronesia (Federated States of)			Y			•							Y	•	•	
Nauru													Y		•	
New Caledonia			Y			•							Y	•	•	
New Zealand	Y	Y	Y	•	•	•	•	Y	•	•	•		Y	•	•	•
Niue			Y		•	•							Y		•	
Palau			Y		•	•							Y	•	•	
Papua New Guinea			Y			•							Y	•	•	
Samoa			Y		•	•							Y		•	
Solomon Islands			Y		•	•							Y	•	•	•
Tonga			Y		•	•							Y	•	•	•
Tuvalu		Y	Y		•	•							Y	•	•	
Vanuatu			Y			•							Y	•	•	•
Wallis and Futuna			Y			•							Y		•	

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

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

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

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

(1) "Weapons disposal"

According to the national reports of Australia and New Zealand, such civil society groups are actively consulted by governments on matters related to SALW.

IMPLEMENTATION IN THE PACIFIC ISLAND STATES

Controls over export and import of SALW

In contrast to Australia and New Zealand, most of the Pacific Island states have only rudimentary controls over exports and imports. These include a wide variety of legislative, regulatory and common practices. Almost all states in the region, except Nauru, require licenses for the import of SALW. Indeed, the importing of SALW is currently prohibited in the Cook Islands (since 1992 – except for the police, defence personnel or replacement weapons), Fiji (since 1992), Kiribati (since 1985), the Marshall Islands and Palau.

In contrast to imports, however, the existence and nature of export controls vary considerably:

- Licenses are required for exports in Fiji, Kiribati, the Solomon Islands, Tonga and Tuvalu.
- In the Cook Islands, Niue and Samoa the export controls merely specify that the export of arms may be prohibited by the Head of State.⁷³ Thus, the potential for control is enshrined in law, but there does not appear to be a system of licensing exports in place.
- In Palau, the export regulations merely allow for the possibility of export.⁷⁴
- In at least six states (American Samoa, the Federated States of Micronesia, the Marshall Islands, Nauru, Papua New Guinea and Vanuatu) there are no legal or regulatory provisions or common practices relating to arms exports.
- Additionally, no information on export regulations was available for the French territories (French Polynesia, New Caledonia, and Wallis and Futuna).

In relation to transit, while all states in the region impose restrictions on “temporary importation”, often by common practice rather than legislation, this does not appear to relate to trans-shipment, but rather to arms in possession of visitors.

Domestic legislation

According to Alpers and Twyford, most of the Pacific Island states, except Papua New Guinea, Vanuatu, and those still under French rule, “have not significantly altered their firearm legislation since independence”.

Possession

All states in the region have some form of regulation on civilian possession of firearms. The coverage and stringency of these regulations, however, vary considerably. In many cases, specific aspects of civilian firearm possession, such as the possession of handguns, are regulated by common practices rather than codified legislation and associated administrative procedures.⁷⁵

⁷³ In these states the “Head of State” or the “Governor-General ... by Order in Council” may “prohibit the export of arms, and of materials that may be used in the manufacture of arms”. Op- cit., Alpers and Twyford, 2003, pp. 68–9.

⁷⁴ In Palau “[s]urrendered firearms may be sold overseas to any person outside the Republic who may lawfully purchase such firearms and ammunition”, *ibid.*

⁷⁵ For example, handguns are banned in Fiji, Kiribati, the Solomon Islands, Tuvalu and Vanuatu, but in practice are also unavailable in the Cook Islands, Nauru, Niue, Palau, the Federated States of Micronesia, Samoa, Tonga, American Samoa and the Republic of the Marshall Islands (*ibid.*, p. 62).

Civilian possession of firearms is prohibited in Fiji, Nauru and Palau. In the Solomon Islands, all civilian licenses have been suspended since April 1999. New licenses are prohibited in the Cook Islands and Papua New Guinea (where there has been a moratorium on new licenses since 1998), and are effectively prohibited in Kiribati by a ban on imports since 1985.

Illicit manufacture, trade and stockpiling

Domestic legislation on other aspects of SALW is even more varied than for the possession of SALW, particularly in relation to laws on illicit manufacture. A license is required for manufacture in the Federated States of Micronesia, Samoa and Vanuatu, and domestic manufacture is explicitly prohibited in Palau, Papua New Guinea, the Marshall Islands and Tonga.

According to Alpers and Twyford, however, “[i]n many of the smaller states, controls on manufacturing are more of a formality, to allow for the unlikely prospect of legal mass production of arms commencing within their borders. In Fiji, Kiribati, Solomon Islands, and Tuvalu, for instance, the minister or Commissioner of Police must approve the establishment of an arms arsenal, effectively prohibiting the manufacture of small arms”.

Stockpile management and security

According to Alpers and Twyford, “[p]olice personnel in many of the smaller Pacific nations lack adequate training in armoury management”. Stockpile management and security has been one of the major areas of donor assistance received by the Pacific Island states and has commonly been provided by Australia and New Zealand. Since the offer at the PIF leaders meeting, experts have been sent to Papua New Guinea, Solomon Islands, Fiji, Vanuatu, Nauru, Tonga and Kiribati and have provided training in disposal and accounting procedures and assistance with armoury audits, and the disposal of unserviceable weapons and unstable World War II ammunition. Such assistance programmes had existed prior to the 2001 UN Conference on Small Arms, but they have expanded significantly since.

In relation to civilian weapons, safe storage of arms is a common requirement in most Pacific states, but the requirements are rarely well defined and compliance checks are infrequent. Only five out of 20 Pacific states surveyed by Alpers and Twyford had computerised records of civilian small arms.

Disarmament and weapons collection

Various types of weapons collection programmes have been conducted in the Oceania/Pacific region. Several Pacific Island states also have provisions for amnesties, with or without compensation. These include Fiji, Papua New Guinea and the Solomon Islands, and these have been implemented recently, in Fiji in 1998 and 2000, and in the Solomon Islands in April and May 2002.

Additionally, many Pacific Island states have legal provisions for the call-in of firearms. This means that the states have provisions within their arms laws “for the responsible ministers to declare a prohibited area and to order the surrender of any or all arms and ammunition within its boundaries”. However, such compulsory surrender orders have not been enforced in the last 20 years, with the most recent being in 1982 in Palau, and 1983 in the Marshall Islands. Weapons surrendered in this way are to be returned to the licensed owners once the prohibition is no longer in force.

The most concerted efforts at disarmament in the region have occurred in the conflict zones of the Solomon Islands and Papua New Guinea (in Bougainville). The case of Papua New Guinea is examined in depth in the case study below. Disarmament in the Solomon Islands took place through amnesties in

2000 and 2003, with a total of approximately 2,000 weapons handed in. However, approximately 500 high-powered firearms that were stolen from police armouries remain in circulation.⁷⁶

Weapons destruction

In most of the Pacific Island states, weapons are not disposed of by destruction. As Alpers and Twyford note, “[m]unitions disposal too, can be made more complicated when poorer Pacific states, lacking the resources to replace existing stocks, are loathe to destroy redundant weapons”. For the most part, only unserviceable weapons and unstable World War II-era ammunition have been disposed of as part of Australian and New Zealand assistance to the Pacific Island states mentioned above. Nevertheless, this is not conducted routinely as new stocks are brought in. One significant exception to this is the destruction of some of the arms collected in the Papua New Guinea disarmament (see below).

The role of civil society

Civil society engagement with issues related to SALW in the Pacific Island states has been limited, but is increasing. Nevertheless, a number of civil society organisations in the Pacific Island states have also been involved in various aspects of SALW concerns and are members of IANSA. For example, the Pacific Concerns Resource Centre in the Fiji Islands and the Leitana Nehan Women’s Development Agency in Papua New Guinea are active members of IANSA. Also in Papua New Guinea, civil society organisations have been involved, in partnership with the UNDP, HABITAT and the local government in Port Moresby, in a “Safer City” project to address urban violence and SALW proliferation.⁷⁷ Additionally, representatives of civil society organisations attended the Pacific Island Countries Regional Seminar on SALW in January 2003. Overall, civil society engagement in SALW issues is growing in the region, with over 20 organisations expressing support for the IANSA Pacific regional network that began in February 2002.⁷⁸ A key focus of this network is the role of women’s organisations in tackling gun violence.⁷⁹

DISARMAMENT IN PAPUA NEW GUINEA: WEAPONS DISPOSAL IN BOUGAINVILLE

General overview

The misuse of SALW in Papua New Guinea has fuelled a decade of conflict, high levels of armed crime (with major towns and cities in Papua New Guinea having violent crime rates twice as high as in Johannesburg or Rio de Janeiro), armed tribal fighting and election-related violence. While the number of small arms involved in the recent conflict were low in comparison to other protracted intra-state conflicts, this has served to demonstrate the considerable destruction that can be wrought with even small numbers of SALW.

As with many other Pacific states, the implementation of aspects of the UN PoA in Papua New Guinea has been limited. Legislative measures and procedures on SALW in Papua New Guinea are mixed. For example, while there are laws on the import of weapons, there are none relating to exports or transit. In relation to domestic legislation, there has been a moratorium on new firearms licenses since 1998, and domestic manufacture is explicitly prohibited. Nevertheless, craft manufacture and a number of regional arms-trafficking routes have fed into the stocks of weapons in illicit circulation in Papua New Guinea. In

⁷⁶ Ibid., pp. 90–100. Additionally, since the winding down of the International Peace Monitoring Team in June 2002, donors have sought to address the problem of the over-sized Special Constables force (swollen as a result of the peace agreement) through police reforms. This has been supported by New Zealand, which has provided mentoring and training to police officers.

⁷⁷ *Pacific Islands Countries Regional Seminar on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, 20–22 January 2003, Report by Yoshiyuki Oshima, Programme Specialist, Southeast Asia and Pacific Division, Regional Bureau for Asia and the Pacific.

⁷⁸ Conor Twyford, “IANSA Pasifik hemi stap gro quiktaem: IANSA Pacific, it’s growing fast”, *IANSA News*, July 2002.

⁷⁹ Conor Twyford, “IANSA Pacific Network update: Putting the brakes on Pacific gunrunning”, *IANSA News*, December 2002.

the case of illicit trafficking, it is significant to note that Australian assistance in tracing illicit firearms has taken place for many years.

Stockpile management and security in Papua New Guinea have been weak, and although stocks are regularly reviewed, losses from police and defence force armouries are common, proving to be a significant source of arms for the illicit trade and for the combatant factions in the Bougainville conflict. In 2001, an Eminent Persons Group report found stockpile management procedures to be inadequate. In this regard, Australia has assisted in the rebuilding of three Papua New Guinea Defence Force (PNGDF) armouries in Port Moresby, with the construction of another three in outer areas planned for 2003.

Primarily however, implementation of the PoA has focused on aspects of dealing with the weapons in circulation as a result of the conflict. Since the signing of a peace agreement, and after some delays, Papua New Guinea has implemented a disarmament initiative that has been seen as largely successful.

Disarmament in Bougainville

Papua New Guinea introduced amnesty and compensation legislation in 1996. However, the primary disarmament initiative occurred in Bougainville and took place under the auspices of a peace agreement rather than resulting from this legislation.

After almost a decade of conflict (1988–98), and following the signature of the Bougainville Peace Agreement on 30 August 2001, and the subsequent passing of two bills in the Papua New Guinea parliament that clear the way for elections for an autonomous Bougainville and a future referendum on independence, disarmament or “Weapons Disposal”, as it is referred to, has been taking place in Bougainville.

Weapons disposal was one of the more sensitive issues during the peace talks, but a programme was finally launched on 6 December 2001. Led by the UN Observer Mission in Bougainville (UNOMB), the “Weapons Disposal” is composed of three stages that are intended to be implemented gradually across the island and that are closely linked with progress on other political and constitutional issues. These three stages are as follows:

- 1) SALW are handed over to local faction commanders for safe storage in containers provided by the Peace Process Consultative Committee (PPCC). Members of UNOMB then seal the containers.
- 2) The containers are then sent to senior commanders from each faction. Once amendments to the Papua New Guinea Constitution are approved, the arms will be moved to secure containment with two locks: one key held by the faction commander and the other by UNOMB. Once sufficient arms have been collected and secured, preparations for autonomous elections will begin.
- 3) Finally, weapons disposal will take place. The final fate of the weapons is to be discussed within four and a half months of the autonomy legislation coming into effect.

To date, over 1,750 weapons have been handed in and all districts have begun to proceed to Stage Two containment. However, only one area has progressed to the third stage: the Siwai area in south-west Bougainville had destroyed 117 of its 199 contained weapons by the end of March 2002. Recently, set-backs occurred, with break-ins and thefts of contained weapons resulting in 360 weapons being recorded missing by December 2002.

Donor assistance

The “Weapons Disposal” has attracted significant assistance from a range of donors. A UNDDA-led mission, with the participation of officers from the UN Department of Political Affairs (UNDP/A) and

UNDESA, was dispatched to Papua New Guinea on 28 April 2002 to determine in consultation how the UN could facilitate substantive support to the continued verification and implementation of the “Weapons Disposal”, as detailed in the Peace Agreement. The UNDP has assisted with programme design and implementation, and communicated with government and donor partners to co-ordinate funding efforts. UNDP has directly funded the Weapons Disposal sub-Committees formed at the district level. In parallel to the “Weapons Disposal”, the UNDP has also been involved in implementing the Bougainville Development and Reintegration Programme since 1998. Additionally, the technical management of the containment process and the conduct of joint awareness programmes have been carried out by the Peace Monitoring Group (PMG), a group of unarmed personnel from Australia, New Zealand, Fiji and Vanuatu. Indeed, significant assistance has been received from regional states. For example, in 2001/2002, New Zealand spent 21.5 per cent of its Bougainville assistance budget of US\$1.58million on support for the PPCC and its “Weapons Disposal” sub-committee.

While the “Weapons Disposal” has been seen by many as a success, some stakeholders, such as donor partners and civil society groups, have expressed some reservations. These reservations centre around the following:

- Too much focus was placed on ex-combatants, which was felt to risk generating resentment among others and a feeling that the strong position developed by ex-combatants within the process was becoming an impediment to disarmament.
- Women were excluded from the process. Women had played a significant role in building the momentum for peace and continue to exercise influence at the local level, yet they were excluded from the negotiation and the Weapons Disposal Committee (WDC). This therefore marginalised a key source of support for the disarmament process.
- Donor concerns related to the need for an exit strategy for the PMG and UNOMB. Some commentators have identified the need for the disarmament process and associated assistance to be clearly understood as not being open-ended. This is largely to avoid a repetition of the situation in mid-2002, when political negotiations became bogged down, during which time “the process appeared to have become so comfortable that it had almost become an impediment to disarmament”.⁸⁰

Learning points

The experience of the “Weapons Disposal” in Bougainville, and in particular the issues raised by stakeholders, provide some useful learning points for Papua New Guinea and future disarmament design for other states.

- Compensation aspects of weapons collection initiatives must be carefully constructed, with reasonable but not indefinite periods for action.
- The presence of amnesty and compensation legislation, promulgated in 1996, may offer one option for tackling the concerns of too great a focus on ex-combatants. However, the primary aspect of this concern relates to the influence held by some ex-combatants within the peace process – this type of dilemma should be addressed in future designs of weapons collection/disarmament in similar situations.
- The concern raised by some observers of the exclusion of women from the process is significant. Experiences from other regions demonstrate the importance of including all social sectors, and particularly civil society groups, that can contribute to the momentum for disarmament. In this regard, it is significant to note the recent creation of a Gender Mainstreaming Action Plan by the UNDDA.⁸¹

⁸⁰ Op- cit., Alpers and Twyford, 2003, p 89.

⁸¹ See <http://www.disarmament.un.org/gender/gmap.pdf>.

3.3. PROGRESS IN KEY THEMATIC AREAS AND INTERNATIONAL COOPERATION AND ASSISTANCE

3.3.1. INTRODUCTION

This section outlines the progress in implementing key aspects of the UN Programme of Action on Small Arms. These key issues are those that lie at the heart of the illicit trafficking and misuse of SALW in all its aspects and for which international cooperation and assistance and the development of best practices and lessons learnt can contribute to the strengthening of implementation of the PoA. The key issues examined here are:

- Marking and tracing;
- Export controls, including criteria for assessing applications for SALW export authorisations and key aspects of export control procedures mentioned in the PoA;
- The development of controls over arms brokering;
- Aspects of implementation that deal with existing stocks of SALW, including stockpile management and security; disarmament and weapons collection; the disposal of surplus and collected or confiscated SALW – particularly through destruction; and
- International cooperation and assistance.

Most of these key aspects of the PoA have been core themes in the preceding parts of this report that examine regional and national implementation. The purpose of this section, therefore, is to outline how the practice of implementation has varied among issues, as well as among states, sub-regions and regions, and to contribute to the concluding analysis of this report in order to facilitate future implementation.

The discussion of progress in each thematic area begins with a brief introduction to the issue and the related PoA commitments. Each thematic section is then divided into sub-sections examining particular issues and/or progress at the international, regional and national levels.

3.3.2. MARKING AND TRACING

The UN PoA includes a number of commitments related to marking and tracing of SALW. Prime among these is the commitment to undertake a study to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW. The Group of Government Experts on Tracing Illicit Small Arms and Light Weapons (GGE on Tracing) has been established and will submit the study to the General Assembly at its 58th session. Twenty-three member states are represented on the GGE on Tracing, which held its first session in July 2002, its second in Geneva in March 2003, and its third in New York on 2–6 June 2003.⁸² Prior to the 2001 UN Conference on Small Arms, there were already some common standards on marking, record-keeping and cooperation in tracing included in various regional and international agreements (e.g. the UN Firearms Protocol, the SADC Firearms Protocol and the OSCE Document). The core decision for the GGE on Tracing will be whether their report recommends proceeding with the negotiation of an international instrument on tracing, and the extent to which possible elements of an international instrument are elaborated.

Prior to the 2001 UN Conference on Small Arms, civil society groups and experts were closely involved in promoting the issues of tracing illicit weapons. Since the Conference, this has continued and has

⁸² The 23 member states are Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, Russian Federation, South Africa, Switzerland, the United Kingdom, the United States and Thailand. The GGE on Tracing is chaired by Ambassador Rakesh Sood, Permanent Representative of India to the Conference on Disarmament.

included production of a number of studies on the issue provided to the GGE on Tracing. These include a United Nations Institute for Disarmament Research (UNIDIR)/Small Arms Survey study entitled *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons* and a study on the *Technical and Institutional Aspects of an International SALW Tracing Instrument* produced by GRIP (*Groupe de Recherche et d'Information sur la Paix et la sécurité*). In March 2003 GRIP also produced a "Draft Convention on the Marking, Registration and Tracing of Small Arms and Light Weapons" including detailed provisions on marking, registration and tracing and an international control agency.⁸³

Additionally, the more informal Franco-Swiss initiative, backed by the EU and launched in 2000, has brought together a number of governments that are considering how to enhance their cooperation in tracing SALW, building on the ideas of this initiative. A contact group of ten states was convened shortly after the 2001 UN Conference on Small Arms to consider the possible ways in which an informal initiative on cooperation in tracing illicit SALW could be developed by a group of willing states. However, this process has temporarily stalled, as states await the report of the GGE on Tracing.

Broadly speaking, there are three core areas for the tracing of illicit weapons: marking, record-keeping and international cooperation in tracing. Progress has been made to varying degrees in all three areas at the global, regional and national levels. However, the key to effective tracing is cooperation between states and regions in each area. Therefore, much will depend on the outcome of the report of the GGE on Tracing and its follow-up activities.

MARKING

Firm commitments on marking weapons were in place prior to the agreement of the PoA, particularly through regional agreements such as the OAS Convention, the SADC Protocol and the OSCE Document. The PoA further elaborated and strengthened these norms. Since the 2001 UN Conference on Small Arms, a number of studies on marking methods have taken place including the UNIDIR-Small Arms Survey study and the GRIP submissions to the GGE on Tracing. The former claimed that "[t]he UN Programme of Action and the UN Firearms Protocol, taken together, establish a set of global minimum standards for the marking of SALW. However, these fall short of what is increasingly recognised as good practice".⁸⁴

Additionally, several international agreements apply not only to illicit weapons, but also to ammunition, explosives and related material. These include the Convention on Marking Plastic Explosives (in force since 1998) and the international regulations for the transport of dangerous materials, developed on the basis of the 1996 UN Model Regulations. However, a lack of international norms obstructs the tracing of these items.

At the regional level, the OAS Convention, the SADC Protocol, the Nadi Framework and the OSCE Document all contain provisions on the marking of weapons. The latter also includes provisions for the destruction or marking of any unmarked SALW discovered through routine management of stockpiles.⁸⁵ Additionally, the Commission of International Proof (CIP) regulations require all firearms and military small arms manufactured in the 12 member countries to be submitted for safety testing and stamped with verification marks, which include a national stamp and year code prior to use, sale or export.⁸⁶

⁸³ Berkol, Ihan, 'Draft Convention on the Marking, Registration and Tracing of Small Arms and Light Weapons,' March 2003, available at <http://www.grip.org/bdg/g2055.html>

⁸⁴ Owen Greene, "Overview paper", in UNIDIR and Small Arms Survey, *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*. Geneva: UNIDIR and Small Arms Survey, 2003, p. 13. The Firearms Protocol includes Articles 7 and 8, which set out minimum standards for record-keeping and marking, while Article 12 commits states to cooperate in tracing firearms (defined broadly and including most SALW).

⁸⁵ Ibid.

⁸⁶ These 12 countries are Belgium, the Czech Republic, Chile, Finland, France, Germany, Hungary, Italy, Spain, Russia, Slovakia and the UK; see *ibid.*, p 10; and Michael Hallowes in UNIDIR and Small Arms Survey, 2003, p. 96.

At the national level, most producers mark weapons at point of production, but there is considerable variation in the nature, detail and utility (for tracing) of such markings. The PoA also requires that states adopt and enforce measures to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW (see Table 10, below). While the available information on such measures is limited, it seems that they are lagging behind the primary commitment to ensure that arms are marked at the point of manufacture.

Additionally, a number of states have introduced or are introducing legislation that makes it illegal to tamper with or remove markings on weapons. These include Germany, Malaysia and the Philippines. For example, in Germany, the new weapons law that entered into force in April 2003 makes tampering with official markings illegal – a change triggered by the PoA. Similarly, though not yet operational, the new Paraguayan law introduced in 2002 (1910/2002 Act, Section 13) envisages the creation of a Testing Bank that will include a marking system. However, the resources for this are currently lacking and the Dirección de Material Bélico (War Material Board - DIMABEL) has reportedly requested the technical assistance of the UN for defining the most suitable marking system and for financing it.

In developing and implementing better standards of marking, it is necessary to build cooperation with manufacturing companies. Thus, the Paris Process launched by the Eminent Persons Group had a meeting in Geneva in November 2002 to promote dialogue between industry, NGOs and governments.⁸⁷ Likewise, the Manufacturers Advisory Group (MAG) of the World Forum of Sport Shooting Activities (WFSA) has held several workshops that made recommendations for standards of marking and commitments for future action, including a work plan, by trade associations and individual companies from the US and Europe.⁸⁸

Additionally, import marking may also contribute to the traceability of illicit weapons. While not specified in the PoA, the negotiations on the UN Firearms Protocol have led EU member states to consider using national import marks. Similarly, a conference on PoA implementation in Central America recommended the establishment of ballistic testing of weapons as a requirement for importation and the standardisation of the requirement at the regional level.⁸⁹

In sum, only limited progress has been made on enhancing standards of marking since the 2001 UN Conference on Small Arms. While many states already had good standards, many others do not. Since the Conference, existing norms on marking have become broadly accepted, but many states were frustrated that the standards suggested in the PoA do not represent best practice. In this regard, the lack of progress in marking weapons held in existing stockpiles remains a particular problem.

RECORD-KEEPING

While the standards and processes of record-keeping vary considerably, “[i]nitiatives to develop coordinated and linked databases at the regional level ... are becoming recognized as good practice and need further assistance and encouragement”.⁹⁰

At the regional level, SADC states have committed themselves to strengthening registration, record-keeping and information-exchange systems. However, to date, only Namibia and South Africa currently have electronic systems, but South Africa’s new central Firearms Register is designed so that other

⁸⁷ Edward Laurance and Rachel Stohl, “Making global public policy: The case of small arms and light weapons”, Small Arms Survey Occasional Paper No. 7. Geneva: Small Arms Survey, December 2002, p. 19.

⁸⁸ The most recent workshop in Naples in 2002, followed on from two other workshops prior to the agreement of the PoA, in Brescia (1999) and Sardinia (2000), *ibid.*

⁸⁹ *Small Arms and Light Weapons in Central America: Implementing the UN Programme of Action’s Aspects for Control and Regulation of Arms Transfers: Recommended Actions for National and Regional Implementation*, approved by consensus, 5 December 2001, San José, Costa Rica.

⁹⁰ *Op-cit.*, Owen Greene, 2003 p. 18.

Table 10: National Measures Related to the Marking of Weapons

Country	Marking of new production	Prevention of manufacture of unmarked	Prevention of transfer of unmarked	Prevention of stockpiling of unmarked	Prevention of possession of unmarked
Albania	Yes (previously)			Yes	
Argentina	Yes				
Armenia	Yes	Yes	Yes	Yes	Yes
Australia	Yes	Yes	Yes	Yes	Yes
Belarus	Former USSR system				
Bolivia	Yes	Yes			
Brazil	Yes				
Bulgaria	Yes				
Canada	Yes				
Chile	Yes				
China	Yes	Yes			
Costa Rica		Yes		Yes	Yes
Czech Republic	Yes	Yes	Yes	Yes	Yes
Ecuador	Yes				
El Salvador			Yes		Yes
Honduras	Yes				
Hungary	Yes		Yes		
India	Yes		Yes		Yes
Indonesia					Yes
Iran	Yes				
Japan	Yes				
Republic of Korea	Yes				
Kenya	Yes				
Latvia	Yes	Yes	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes	Yes
Mali	Yes				
Mexico	Yes				
New Zealand	No	Yes		Yes	Yes
Pakistan	Yes	Yes	Yes	Yes	Yes
Panama	Yes				
Peru	Yes				
Poland	Yes	Yes	Yes	Yes	Yes
Romania	Yes	Yes	Yes	Yes	Yes
Russian Federation	Yes	Yes	Yes	Yes	Yes
Serbia and Montenegro	Yes				
Singapore					Yes
Slovenia			Yes	Yes	Yes
South Africa	Yes	Yes	Yes		
Sri Lanka	Yes	Yes			
Sudan	Yes		Yes		Yes
Sweden	Yes under review				
Thailand					Yes
Turkey	Yes				
United Kingdom	Yes				
United States of America	Yes	Yes	Yes		Yes
Venezuela	Yes	Yes			
Zimbabwe	Basic				

Southern African states can also use it.⁹¹ Similarly, within the OAS, in line with the CICAD requirements to harmonise national legislation and regulations, the Royal Canadian Mounted Police (RCMP) has provided software for an internet-based system of registration and record-keeping called SALSA (Small Arms and Light Weapons Administration) and UNLiREC has a Regional Clearing-house Project that includes the identification and recording of details of seized illicit weapons and the use of such information for tracing sources of illicit supply. The EU has the Weapons Information Exchange System (WIES), but this is entirely paper driven and relatively ineffective.

At the national level, states that have reviewed and implemented changes in their record-keeping procedures include Russia, South Africa,⁹² Tanzania and Uganda.⁹³ Others may have also initiated changes, but no information is publicly available.

In sum, while there has been some significant and welcome activity, currently implemented standards on record-keeping remain far below what is necessary for easy access to thorough and comprehensive records for the purposes of tracing illicit SALW.

MECHANISMS FOR COOPERATION IN TRACING

The PoA and other international and regional measures include numerous provisions on tracing, and particularly on databases and information exchange. As with other aspects of marking and tracing, regional agreements such as the OAS Convention, the OSCE Document and the SADC Protocol contain more specific provisions on tracing than international measures such as the Firearms Protocol and the UN PoA.⁹⁴

In the PoA, states were encouraged to use and support Interpol's International Weapons and Explosives Tracking System (IWETS) database. IWETS is an analytic database designed to collate information on illicit firearms trafficking world-wide and help track stolen and recovered weapons. This system is currently being upgraded in several ways in order to allow national central bureaus to electronically request and exchange text and images.⁹⁵ This process is expected to be completed within the next 12 months. This upgrading has been supported by, among others, the USA through the Bureau of International Narcotics and Law Enforcement Affairs, which has contributed US\$125, 000 and technical assistance from the ATF. Additionally, the Canadian FRT (Firearms Reference Table) is currently being incorporated into IWETS, allowing access by all 179 national central bureaus of Interpol members.

Regional initiatives that have included some commitments to cooperation in tracing include the following:

- The OSCE Document on Small Arms and Light Weapons includes arrangements for information exchange and transparency (though not directly related to tracing).
- The SADC Protocol includes commitments to mechanisms for cooperation among law enforcement agencies.
- In the Americas, the SALSA system, mentioned above, will be linked with a system designed to provide confidential access to information for the purposes of tracking the movement of specific

⁹¹ Ibid., p. 17.

⁹² South Africa is creating a database for small arms belonging to the military and the police. While the database would not necessarily specify the numbers of weapons held, it will facilitate the tracing of weapons. It is also auditing the small arms holdings of all state bodies, such as the Forestry Department.

⁹³ At the opening of a three-day workshop on Small Arms and Light Weapons in Uganda in April 2002, the first Deputy Prime Minister and Minister of Internal Affairs, Eriya Kategaya, announced that Uganda's armed forces are in the process of registering and computerizing records of firearms (Joan Mugenzi, *New Vision* (Uganda), 16 April 2002, <http://www.allafrica.com>).

⁹⁴ Op-Cit., Owen Greene, 2003, pp. 28–9.

⁹⁵ Currently, Interpol's Arms Section of the Public Safety and Terrorism Sub-Directorate issues trace requests to member countries on behalf of other members. A national police authority can circulate information by fax and e-mail to check whether they have recovered any weapons produced or trafficked using the *modus operandi* identified with a suspect. Ibid., p. 21.

weapons. This system is called FASTRACS.⁹⁶ The FRT is also being made available to OAS countries through the Regional Clearing-House Project. A MERCOSUR firearms group,⁹⁷ which includes coordination at the level of intelligence agencies, established in 2001, is also testing an on-line database linking the six member states that will allow each country to access the others' data on small arms.

On a bilateral basis, assistance in tracing is already being provided by some states. For example, Mexico requests assistance from the ATF when tracing illicit SALW. However, much greater cooperation is required and will be facilitated by the enhancements to IWETS and future progress in regional mechanisms and standards for marking, record-keeping and information exchange.

In sum, therefore, implementation of the provisions of the PoA related to marking and tracing of illicit SALW has progressed unevenly at each level. Much of the future progress on this issue will depend upon the report of the GGE on Tracing.

Cooperation in tracing illicit SALW is, in principle, a fairly straightforward matter. However, the mechanisms and understandings of what constitutes effective cooperation need to be established. For example, such cooperation in tracing should extend beyond tracing weapons used in crime situations and should also be useful for tracing illicit shipments of SALW to conflict zones.

3.3.3. EXPORT CONTROLS: POA COMMITMENTS AND BEYOND

The PoA contains reference to export controls both in terms of the criteria applied being “consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade”, and export control procedures, with particular reference made to the use of authenticated end-user certificates; the inclusion of an assessment of the risk of diversion into illicit trade; and the notification of original exporting states in cases of the retransfer of previously imported weapons. Progress in these two areas has been mixed.

GUIDELINES AND CRITERIA TO BE TAKEN INTO ACCOUNT WHEN ASSESSING APPLICATIONS FOR SALW EXPORT AUTHORISATIONS

The nature and discussion of guidelines and criteria to be taken into account when assessing applications for SALW export authorisations was a controversial issue in the run-up to the 2001 UN Conference on Small Arms and during the Conference itself. Thus, the commitments in the PoA involved considerable compromise and vagueness. Since the Conference, the issue remains sensitive, but understanding of what is and is not involved in the discussion of the issue has improved. As a result, the scope for broad discussion has significantly improved and productive discussions have taken place at a range of formal and informal fora.

Implementing the UN PoA: Strengthening Exports Controls – Lancaster House, London, January 2003

On 14 January 2003, the UK hosted a conference at Lancaster House on Implementing the UN Programme of Action: Strengthening Export Controls. The participants and observers from 49 countries agreed to work together on measures to strengthen and enforce controls on arms transfers.⁹⁸

⁹⁶ Ibid., p. 29.

⁹⁷ MERCOSUR member states are Argentina, Brazil, Paraguay and Uruguay and associated states, Bolivia and Chile.

⁹⁸ “Chairman’s Summary”, *Small Arms and Light Weapons: Implementing the UN Programme of Action: Strengthening Export Controls*, Lancaster House conference, 2003.

Discussion took place on criteria for assessing applications for SALW export authorisations, export control procedures and brokering controls. In addition to consensus reaffirming the PoA guidelines, there was wide agreement, though not consensus, on the 13 factors to be taken into account in national authorisation procedures.⁹⁹ These factors were:

- i) The requirements of the recipient country to enable it to exercise its right to self-defence in accordance with Article 51 of the UN Charter;
- ii) The right of the recipient country to meet its legitimate national security needs;
- iii) The need to avoid destabilising accumulations of arms;
- iv) The risk that the proposed SALW transfer might support or encourage terrorism;
- v) The risk that the proposed SALW transfer might facilitate organised crime;
- vi) The record of compliance with international obligations and commitments, in particular on the non-use of force and in the field of non-proliferation, or in other areas of arms control and disarmament; and the record of respect for international law governing the conduct of armed conflict;
- vii) Respect for human rights in the recipient country;
- viii) The risk that the proposed transfer would be used for internal repression;
- ix) The impact of the proposed transfer on internal tensions or conflicts;
- x) The impact of the proposed transfer on regional peace and security;
- xi) The nature and costs of the arms in relation to the objective of the least diversion of human and economic resources to armaments;
- xii) Whether the transfer would be an appropriate and proportionate response by the recipient country to the military and security threats confronting it; and
- xiii) The consent of the importing state regarding transfers to territories under its control or jurisdiction.

Dialogue and the exchange of relevant information among participants who attended this meeting will continue.

Civil Society Groups

A range of civil society groups and initiatives have also continued to engage on the issue of guidelines and criteria to be taken into account when assessing applications for SALW export authorisations.

Informal Consultative Group

An informal Small Arms Expert Consultative Group held its first meeting in London in January 2003, organised and hosted by the Biting the Bullet project (University of Bradford, Saferworld and International Alert). Participants discussed criteria for assessing applications for arms export authorisations and the issue of transfers of SALW to non-state actors. Detailed and productive discussions were held and particularly emphasised the need to clarify “existing obligations under international law”, and to continue discussions. The second meeting of the group took place in Prague at the end of June 2003.

Proposing guidelines and criteria: The Campaign for an International Arms Trade Treaty and the ICRC

Civil society groups have been instrumental in proposing guidelines and interpretations of some commitments under international law. The Campaign for an International Arms Trade Treaty has produced a framework agreement - promoted by a group of NGOs - drawing together these norms and

⁹⁹ Ibid.

export criteria from existing obligations under international law.¹⁰⁰ This framework treaty can be built upon in the development of specific controls in line with PoA commitments.

Likewise, at an OSCE workshop in Vienna, the International Committee of the Red Cross (ICRC) suggested that states incorporate the ICRC's list of indicators into their own national codes of conduct in order to establish a common list of indicators of those potential recipients that have failed to comply with international humanitarian law.¹⁰¹

REGIONAL AND OTHER MULTILATERAL FORA

A number of regional and other multilateral fora have discussed the range of issues surrounding criteria for licensing transfers of SALW. These include the OSCE, the OAS, the EU, the Wassenaar Arrangement, NATO and the G8. Additionally, at the national level, at least 19 states have reviewed and/or amended their export criteria, laws or procedures.

OSCE

The workshop on implementation of the OSCE Document in Vienna in February 2002 noted that arms exports should take into consideration national foreign policy interests and criteria for responsible arms transfers. Additionally, "[t]ransit was pointed out as a weak link in terms of monitoring end-use of arms transfers".¹⁰² Brokering controls were also discussed (see Section 3.3.4, page 156). Likewise, at the UN-OSCE meeting in March 2003, participants reaffirmed commitments under the PoA and OSCE Document related to the effective control over the export and transit of SALW, particularly highlighting the importance of authenticated end-user certificates and effective enforcement measures.¹⁰³

Currently, the OSCE is developing a set of best-practice guidelines on a range of issues raised in the PoA, including criteria for assessing applications for SALW export authorisations, export control procedures and controls over arms brokering. Finland has drafted the guidelines on criteria to a high level of detail on what constitutes best practice. These are being discussed amongst member states (see the section entitled Europe on page 78)

OAS

The OAS Work Programme for 2002–03, agreed at the Third Regular Meeting of the Consultative Committee of the Inter-American Convention in May 2002, includes a commitment to "begin to analyse codes of conduct adopted at other organizations, such as the European Union, with a view to considering similar developments in the context of the Committee's endeavours". Additionally, the CICAD model regulations, which have implications for SALW export procedures, have been adopted by five states, with 13 others having partially adopted or being in the process of adopting them.¹⁰⁴

Additionally, a follow-up Conference on SALW in Central America, in San José, Costa Rica, in December 2001 adopted recommendations for a Regional Action Plan that included recommendations related to the establishment of strict national regulations and procedures for arms exports consistent with existing responsibilities under international law. These included recommendations that states "[c]ollaborate by proposing regulations and procedures", and at the regional level "[h]omogenise rules and procedures".¹⁰⁵

¹⁰⁰ See <http://www.armslaw.org>

¹⁰¹ OSCE, *Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons*, Vienna, 4–5 February 2002, Report, p. 19.

¹⁰² *Ibid.*, p. 9.

¹⁰³ "Co-Chairperson's Summary" from the *UN-OSCE Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe*, Ljubljana, 11–12 March 2003.

¹⁰⁴ William Godnick and Helena Vázquez, *Small Arms Control in Latin America*, International Alert, March 2003, p. 11.

¹⁰⁵ *Op-cit.*, San José conference, 2001, pp. 2 & 10.

EU

Within the framework of the EU Code of Conduct, on the “promotion of the principles of the Code of Conduct in non-member countries” in 2001, prior to the 2001 UN Conference on Small Arms, seminars were held in Phnom Penh in the ASEAN ARF framework. In 2002, consultations were continuing with the US on the joint declaration of December 2000. Work is continuing on assisting the ten EU accession countries to ensure that their export control policies operate effectively and in conformity with the Code of Conduct.

Also, a European parliament resolution on 15 November 2001 welcomed the PoA and urged states to start negotiation on legally binding instruments setting out norms and procedures for the international transfer of armaments, based on existing responsibilities under international law.¹⁰⁶

The Wassenaar Arrangement

The Wassenaar Arrangement adopted Best Practice Guidelines for Exports of Small Arms and Light Weapons at its December 2002 plenary. These were adopted with reference to the UN PoA and the 2000 OSCE Document and included a range of criteria to be taken into account when licensing exports. These include a range of issues raised in the PoA, including the risk of diversion into the illicit trade and stockpile management and security.¹⁰⁷ Participating states agreed to avoid issuing licenses for exports of SALW where there is a clear risk of diversion or use in armed conflict, terrorism, repression or human rights abuses. States also agreed, as far as possible, to notify the original exporting state in cases of the retransfer of weapons (POA, II, 13). The guidelines also reaffirmed PoA commitments to marking, production and record-keeping and also agreed to the marking or destruction of unmarked weapons discovered in the course of routine stockpile management.

Additionally, in relation to non-state actors, it states that, “[p]articipating states will take especial care when considering exports of SALW other than to governments or their authorised agents”.¹⁰⁸ More specifically, the plenary also adopted a statement of understanding on brokering (see below).

In 2003, the Wassenaar Arrangement is reviewing implementation and further steps. High on the list of further steps is the question of including SALW in the regulation information exchange processes.

Discussions on this issue have also taken place in other organisations, for example, NATO has established an *ad hoc* working group on SALW “to provide a forum for exchanging information on how best to control the transfer of such weapons, for example, through national export controls and enforcement mechanisms”.¹⁰⁹ Also, at the G8 meeting in Paris of 1–3 June 2003, three papers on various aspects of SALW exports were tabled by France, Italy and the United Kingdom.

EXPORT CONTROL PROCEDURES

Three key areas were raised in the PoA: the use of authenticated end-user certificates (EUCs), the inclusion of an assessment of the risk of diversion into illicit circulation and the notification of original exporting states in cases of retransfer. As with the criteria applied to assessments of applications for

¹⁰⁶ European Parliament resolution on small arms, B5-0723, 0729 and 0730/2001, adopted 15 November 2001.

¹⁰⁷ Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW), adopted by the Plenary of 11–12 December 2002 of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, http://www.wassenaar.org/docs/best_practice_salw.htm. Many of these criteria echo those agreed as Elements for Export Controls of Man-Portable Air Defense Systems (MANPADS) at the December 2000 Wassenaar Plenary.

¹⁰⁸ Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW), *Ibid.*

¹⁰⁹ NATO, *Partnership in Action*, p. 7.

SALW export authorisations, many states had good practices in these aspects of the export control procedures prior to the 2001 UN Conference on Small Arms. However, progress since the Conference on these three areas has been limited.

Of these three areas, only the first – the case of authenticated EUCs – has received significant attention in regional fora. The 4th consolidated report on the EU Code of Conduct includes discussion of progress to determine standard contents for EUCs. However, the authentication of these EUCs is only mentioned in the suggestions for additional information and clauses relate only to national laws and procedures. It suggests that in cases where the EUC comes from the government of destination, requirements should specify that the certificate be authenticated by the authorities of the exporting country “in order to check the authenticity of the signature and the capacity of the signatory to make commitments on behalf of their government”.¹¹⁰

The following additional information may be included on an EUC:

- Clauses relating to the procedures, if any, for retransfer; and
- Information on intermediaries involved in the transaction.

The latter is particularly important in facilitating tracing of illicit weapons, as it provides greater information about the possible points of diversion.

Two of the “priority guidelines for the near future” agreed by the EU Conventional Arms Exports Working Group were to “continue work on standardising the information to appear in the certificates of final destination” and to “continue work on issues related to manufacture under license in non-member countries” (see below).¹¹¹

National implementation

At least 19 states have reviewed and/or amended their export control criteria or procedures since July 2001. These include Azerbaijan, Belarus, Bulgaria, Bosnia and Herzegovina, China, Costa Rica, Hungary, Ireland, Latvia, Lithuania, Mali, the Netherlands, Paraguay, Slovenia, South Africa, Ukraine, the United Kingdom, the USA and Venezuela. While not necessarily occurring in response to the UN PoA, many of these changes have included measures referred to within it. For example, Slovenia incorporated an assessment of the risk of diversion into illicit trade in the legislation that came into force in March 2003.¹¹²

As noted earlier, of those states with export licensing controls and procedures, at least 30 incorporate in some form an assessment of the risk of diversion into illicit trade, at least 41, and probably more, require the use of authenticated end-user certificates, and at least 17 have laws or procedures relating to the notification of the original exporting states in cases of retransfer. Significantly, some states and regional organisations have gone beyond these measures suggested in the PoA.

BEYOND THE POA: NON-STATE ACTORS AND LICENSED PRODUCTION

In addition to progress in implementing changes and reviews in line with the PoA, a number of states and civil society initiatives have continued to engage with issues excluded from the PoA, such as transfers to non-state actors and licensed production.

¹¹⁰ Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export, 13779/02.

¹¹¹ Ibid.

¹¹² Op-cit., Ljubljana conference, 2003.

Transfers to non-state actors

A controversial issue eventually excluded from the PoA, the issue of transfers of SALW to non-state actors, is included in a range of regional documents, such as the Bamako Declaration. The issue has remained on the agenda of many states and regional organisations concerned with the spread of illicit SALW. Thus, the Tokyo follow-up meeting included some discussions under the theme “Exports to non-State actors”. While the divisions on this issue present at the 2001 UN Conference on Small Arms remained, the discussions were seen as being “constructive” with a number of possible avenues for bridging the divides suggested. Significantly, it was agreed that the dialogue should be continued at future similar meetings.¹¹³

Likewise during the 2001 UN Conference on Small Arms and at Lancaster House and the informal small arms consultative group convened by Biting the Bullet, many participants felt that the adoption and implementation of strict export controls in accordance with “existing responsibilities under international law” would contribute significantly to tackling the problems of SALW transfer to non-state actors. Others, however, do not feel that such measures would go far enough. During the first working session of the OSCE Workshop the Eminent Persons Group on Curbing Illicit Trafficking in SALW made a plea for OSCE participating states not to make SALW transfers to non-state actors.

Licensed production

While not specifically covered in the PoA, licensed production, and in particular its potential to be a loophole in export control standards, has been addressed in some fora. Thus, the Wassenaar Best Practice Guidelines outline that states “affirm that they apply strict national controls on the export of SALW, as well as on transfers of technology related to their design, production, testing and upgrading” (emphasis added). Similarly, within the EU, COARM also looked at the issue and agreed that when assessing an application for production technologies and equipment “account will be taken of the potential use of the finished product in the country of production and of the risk that the finished product might be diverted or exported to an undesirable end user”.¹¹⁴

3.3.4. DEVELOPING CONTROLS ON ARMS BROKERING ACTIVITIES

OVERVIEW

The development of controls on arms brokering activities has long been a priority emphasised by governments and civil society organisations concerned with the illicit trade in SALW. The PoA included a recommendation that states “develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering” (II, 14) and at the global level to “develop common understandings of the basic issues and the scope of the problems related to illicit brokering” in SALW (II, 39).

Additionally, participating states recommended that the General Assembly “consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons” (IV, 1, d).

In terms of national implementation, at least 38 states for which information has been gathered claim to have some form of brokering controls. Several of these have been introduced, amended or reviewed, or

¹¹³ Tokyo Follow-up Meeting of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, Chairperson’s Summary, A/56/810 – S/2002/145, 6 February 2002.

¹¹⁴ Op-cit, Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export.

have come into force since the agreement of the PoA. While some of these have been restrictive, conversely, as discussed previously, India legalised arms brokering in September 2001.

Most significantly, while many states claim that some aspects of arms brokering are covered by their national controls, it appears that only 18 have explicit controls over arms brokers. The extent to which the controls carried out implicitly, for example through provisions contained in export controls legislation, effectively regulate arms brokering is unclear.

Even among states with explicit national controls, the nature and scope of these vary considerably. One key issue is the coverage of brokers operating outside national territory. Thus, in relation to extra-territoriality, full extra-territorial controls over brokers exist in Belgium, Finland, Poland, Switzerland and the USA (i.e. controls apply to all passport holders of those countries irrespective of where the brokers reside or carry out their brokering activities). Extra-territorial controls over brokering activities of residents exist in Austria, the Czech Republic, Hungary, Norway and Sweden (i.e. brokering activities of people who are resident in these countries, even if those activities take place on foreign soil); in France, it is expected that similar controls will be introduced. Germany only applies controls to brokering activities taking place on German territory.

INTERNATIONAL PROGRESS ON ARMS BROKERING ACTIVITIES

As with criteria for assessing applications for arms export authorisations, the space for discussing controls over arms brokering activities has continued to increase since the 2001 UN Conference on Small Arms. Current debates centre around the question of whether the most appropriate next steps are to develop elements of common understanding of best practices, elements of national brokering controls and good information exchange, or whether the time is right to move towards developing an international instrument to control brokering. While the latter position is taken by some, for instance the Fund for Peace, which prepared a *Model Convention on the Registration of Arms Brokers and the Suppression of Unlicensed Arms Brokering* for the 2001 UN Small Arms Conference, most states appear to be of the former position.

The discussions of arms brokering controls at the Lancaster House meeting indicate an increasing space for dialogue on the issue. While involving only a limited, though significant, number of states, there was wide agreement at this meeting on the core elements of model regulation. Participants “agreed that, at a minimum, national controls should require that all brokering *transactions* be licensed by the relevant national authorities”, and that each transaction should be assessed against the same national guidelines used in assessing applications for SALW exports. Registration of brokers was emphasised as a measure that states should consider, and it was noted that a number of possible options exist in this regard. The need to develop shared understandings of the nature of trafficking and brokering was emphasised, and it was agreed that the possibility of developing an international instrument should be reviewed.¹¹⁵ A number of states at this meeting want to follow through with the Dutch-Norwegian Initiative on arms brokering.

“The Dutch-Norwegian Initiative on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons” held its third meeting in Oslo on 22–24 April 2003 (Oslo III; following on from two previous meetings in Oslo in 1998 and 1999). Participants at this meeting discussed possible elements of model regulations building on, *inter alia*, national experience, the *Report of the UN Group of Experts* (2001), the OSCE Best Practice Draft Guidelines (see below), and other regional initiatives and expert studies. Participants discussed the

¹¹⁵ Op-cit., Lancaster House conference, 2003.

scope of regulations on brokering of SALW, concluding that they should be embedded in broader national controls on transfers of controlled goods, and laws related to activities such as money laundering, trafficking and corruption that are associated with unscrupulous brokering, and that national regulations could be devised to ensure effective control of brokering activities in all categories of arms and other controlled goods.

The licensing of SALW brokering activities was also discussed. It was recommended that national licensing systems be made similar to those for licensing exports, applying the same criteria in the assessment of applications for licenses, preferably on a case-by-case basis.

Key to enforcing such regulations are the development and maintenance of systematic national records of brokers operating within a state's jurisdiction; the collection of documentation relating to registration, license applications, end-use and end-user information, and shipment and post-delivery notification; and the establishment of adequate end-use and end-user controls. Likewise, retransfer restrictions and conditions should be part of brokering licensing in a manner consistent with best practices in arms export licensing procedures.

The meeting noted that brokering controls should apply to all brokering activities conducted by anyone within the national territory, but that the adoption of extra-territorial coverage will remain a matter of choice for the foreseeable future.

Key elements of enforcement regimes were also dealt with, with significant regulations suggested to reduce the risk of diversion into the illicit trade. These included requirements for the provision of prior documentation on transportation and routes, adequate requirements for documentation accompanying shipments, and the establishment of systems to check delivery to authorised end-users.

The importance of international cooperation, including through international and regional information exchange and the use of existing mechanisms for cooperation, was emphasised.

REGIONAL PROGRESS

Action on implementing controls over arms brokering activities has also taken place at the regional level.

OSCE

The November 2000 OSCE Document on Small Arms and Light Weapons includes non-binding provisions for the control of arms brokering (III, D).¹¹⁶ Unfortunately, brokering controls was one of the areas that received least coverage in the participating states' information exchanges prior to the workshop on implementation of the OSCE Document, held in Vienna in February 2002.¹¹⁷

Nevertheless, the workshop itself produced strong recommendations on brokering controls, when participating states noted the need for "some measure of harmonization of control on brokering activities". Discussions at the workshop showed the range of viable options for controlling SALW exports and brokering, and noted that "there was a need to cover the common loopholes that still existed". The workshop therefore recommended that "[a]ll brokers should be licensed and authorizations should be required for each transaction, without exception".¹¹⁸

¹¹⁶ OSCE, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000, p. 7; and Elizabeth Clegg and Michael Crowley, "Controlling arms brokering and transport agents", *Biting the Bullet* Brief 8, p. 18.

¹¹⁷ Op-cit., OSCE Vienna Workshop, 2002, p. 6.

¹¹⁸ Ibid, p. 9.

Significantly, best practice guidelines on arms brokering controls are currently under development within the OSCE.

Africa

In Africa, many of the sub-regional agreements include some reference to controls over brokering. For example, in the SADC Protocol of August 2001, states undertake to incorporate in their national laws “[p]rovisions that regulate firearm brokering in the territories of State Parties” (Article 5, 3, m). However, South Africa is currently the only member state with brokering controls.

Likewise, with the Bamako Declaration and the *Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, both adopted prior to the 2001 UN Conference on Small Arms, states undertook to incorporate brokering controls in their national regulations.¹¹⁹ Additionally, the Bamako Declaration encouraged the harmonisation of legislation, including that related to arms brokering. Progress on implementation of these commitments, however, has been limited at both the regional and national levels.

At the *African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships*, held in Pretoria on 18–21 March 2002, it was suggested that, in the implementation of recommendations to review and harmonize national legislation, “[s]pecial attention should be given to new regulations governing brokering, money laundering and organized crime”.¹²⁰ Thus, while the issue of brokering remains on African policy agendas, very little action has been taken.

The Americas

The issue also remains on the political agenda in Latin American, but implementation appears even more limited. The Conference on Small Arms and Light Weapons in Central America, held in Costa Rica in December 2001, agreed on some recommendations on arms brokering in implementation of the UN PoA. These included, at the regional level, to “strictly homogenise rules, requirements and procedures” and to “[h]omogenise the characteristics of the registry of arms transactions”.¹²¹

Although the OAS Convention does not explicitly deal with brokering, its scope includes a range of activities conducted by brokers and transport agents. Additionally, an OAS/CICAD study on arms brokering is currently under way, but no information on this study is publicly available.

EU Conventional Arms Exports Working Group (COARM)

In 2001, EU member states reached agreement on a set of guidelines for controlling brokers “that could be the basis for national legislation”.¹²² These included agreement that brokering activities should be licensed “on a case-by-case basis against the criteria of the EU Code of Conduct on Arms Export”. However, it only suggested that member states should “seriously consider” establishing systems of registering or authorising brokers. It also suggested that member states could exchange information on brokers and continue discussions in the COARM Working Party to “further define, inter alia, possible criteria for the assessment of applications to register as a broker or obtain authorisation to act as a broker”.¹²³

¹¹⁹ *Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, November 2000, SAEM/GLR.HOA/1.

¹²⁰ *Conference Report of the African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships*, Pretoria, 18–21 March 2002, available at <http://www.saferfrica.org>.

¹²¹ Op-cit., San José conference, 2001, p. 2.

¹²² *Third Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export*, 2001/C 351/01.

¹²³ Ibid.

Within the framework of COARM, member states have continued to discuss arms brokering. It should be noted that several member states have controls, while others are in the process of introducing them. Arms brokering appeared high on the agenda for the near future, and member states agreed to continue discussions “with a view to adopting a Common Position on the subject” and to “[p]romote regulation of arms brokering in other relevant fora”. To this end, the Spanish Presidency has submitted a draft EU common position on the control of arms brokering, which was finally agreed in May 2003.¹²⁴

Additionally, the European parliament passed a resolution on 15 November 2001 that called for the appointment of “a Contact Group of States to pave the way for negotiations on a legally binding international instrument regulating the activities of arms brokering”.¹²⁵

The Wassenaar Arrangement

The December 2002 plenary of the Wassenaar Arrangement adopted *Best Practice Guidelines for Exports of Small Arms and Light Weapons*, the final provision of which was to “[p]ut in place and implement adequate laws or administrative procedures to control strictly the activities of those that engage in the brokering of SALW and ensure appropriate penalties for those who deal illegally in SALW” (II, 3, c).

Recognising the importance of brokering controls, the plenary issued a separate and specific “statement of understanding on arms brokerage”. This statement went beyond the detail of the PoA by not only agreeing to consider requiring the registration of arms brokers, and the licensing or authorisation of brokering, but also that participating states would consider “[l]imiting the number of licensed brokers”.¹²⁶

Participating states also agreed to consider “[r]equiring disclosure of import and export licenses or authorizations, or of accompanying documents and of the names and locations of brokers involved in transactions”, which would contribute to tracing mechanisms as discussed above. Member states agreed to continue elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures, for the purpose of developing a Wassenaar policy on arms brokering.¹²⁷

In sum, there has been considerable progress in discussions on best practices to regulate arms brokering. Nevertheless, a great deal of the associated recommendations and best practice remains at the level of suggestions rather than that of implemented and operational change. Regional progress in relation to the implementation of controls required in regional and sub-regional agreements has been limited, and there has been very little progress in the development of explicit national controls over arms brokering activities.

3.3.5. DEALING WITH EXISTING STOCKS: MANAGEMENT, DISARMAMENT AND DESTRUCTION

Three key areas raised in the PoA relate to existing stocks of SALW. These are:

- 1) Stockpile management and security;
- 2) Disarmament and weapons collection; and
- 3) The destruction of surplus and collected weapons and ammunition.

¹²⁴ Op-cit, *Fourth Annual Report According to Operative Provision 8 of the European Union Code of Conduct on Arms Export*.

¹²⁵ European parliament resolution on small arms, B5-0723, 0729 and 0730/2001, adopted 15 November 2001.

¹²⁶ Statement of Understanding on Arms Brokerage, Adopted by 11-12 December 2002 Plenary Meeting of the Wassenaar Arrangement.

¹²⁷ Ibid.

STOCKPILE MANAGEMENT AND SECURITY

One of the key achievements of the PoA was to establish official state stocks as a legitimate issue for discussion and international concern. Since the 2001 UN Conference on Small Arms, there has been significant assistance made available and rising awareness of the issues of stockpile management and security. However, in practice, such assistance has not been sufficient, with the exceptions of situations where frameworks for assistance and improvement were already in place. Thus, in the North, these aspects of SALW have received attention in the OSCE and NATO. Similarly, stockpile management issues have been raised in Latin America. However, in sub-Saharan Africa, Asia, North Africa and the Middle East, there is very little information on activities in this area – save for a handful of examples of assistance programmes such as EU-ASAC assistance to Cambodia.

OSCE

Within the OSCE, stockpile management issues have been given considerable attention. The OSCE Workshop in Vienna in February 2002 reviewed stockpile management and destruction methods and the report recommended that “[e]ffective stockpile management and security should include careful monitoring including the use of video surveillance, motion-detecting sensors and other measures to ensure the safety and security of small arms storage and destruction”.¹²⁸ However, many of these kinds of measures are likely to be well beyond the capacity of many states outside the OSCE area, and probably several within it. Likewise, stockpile security and management were discussed at the UN-OSCE Conference in Ljubljana in March 2003, and several training workshops held in Central Asia.

Additionally, in March 2003, the French and Dutch governments produced a “Food for Thought” paper on the security risks arising from stockpiles of ammunition and explosives in the OSCE area. This paper outlined the nature of risks and possible options for enhancing security through assistance and transparency; and proposed future work for the Forum for Security Cooperation (FSC).

NATO

Paragraph 8 of section III of the UN PoA encourages the development of “[r]egional and international programmes for specialist training on small arms stockpile management and security”. In line with this commitment, NATO has added a new chapter to the Partnership for Peace work programme “to promote training in stockpile management and secure storage, disposal and destruction of surplus stocks, as well as weapons collection and destruction during peacekeeping operations”.¹²⁹ Additionally, tailored assistance is being provided in these areas on request.

Demonstrating a linking of these core issues, within this framework Switzerland is planning to expand its training provision on stockpile management and security to include the subject of weapons collection and destruction programmes.¹³⁰ This linkage was further emphasised at the UN-OSCE Conference when the NATO Maintenance and Supply Agency (NAMSA) noted that “effective stockpile management begins and ends with stockpile reduction”.¹³¹

¹²⁸ Op-cit., OSCE, Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons, Vienna, 4–5 February 2002, Report, p 9.

¹²⁹ NATO, Partnership in Action, pp. 7–8.

¹³⁰ Jongnys/Vevey, Switzerland, 7–8 February 2002. Entry in database on implementation of the PoA hosted by the Small Arms Survey. <http://www.smallarmssurvey.org/Database.html>

¹³¹ Op-cit., Ljubljana conference, 2003, p. 3.

Latin America

In Latin America, UNLiREC is engaged in stockpile management issues. The 2003 Lima Challenge for Arms Destruction and Stockpile Management provides assistance to weapons destruction and, when requested, works to develop plans to improve stockpile storage systems under government control.¹³² UNLiREC's planned activities for 2003 include examining stockpile management issues in Latin America and the Caribbean, specifically, identifying the problems and proposing practical solutions.¹³³

Africa and Asia

In both Africa and Asia, although stockpile management has been raised as an important issue,¹³⁴ very little progress has been made at the regional level on issues of stockpile management and security.

National implementation

As noted earlier, it is likely that most states have some form of stockpile management and security procedures. However, very little data is available on which to base detailed analysis. Of the 61 states for which data has been gathered on this issue, 42 regularly review stocks of arms and 20 have reviewed stockpile management and security procedures. For example, the Philippines has recently reviewed its stockpile management and security procedures.

A number of states are planning to review or strengthen stockpile management and security procedures, including Angola and Peru (with UNLiREC assistance). Additionally, significant assistance has been provided in this area (see below).

Nevertheless, the issues of stockpile management and security have received considerably less attention and assistance than more highly visible aspects of dealing with existing stocks such as disarmament programmes and, particularly, the destruction of surplus and collected weapons.

DISARMAMENT AND WEAPONS COLLECTION

It is now recognised that arms management is a core aspect of DDR programmes in post-conflict societies. However, this is only one of many situations in which disarmament of small arms can take place. Thus, numerous other forms of SALW disarmament exist, including, *inter alia*, voluntary weapons collection programmes and firearms amnesties.

Disarmament and weapons collection programmes feature prominently in the PoA. In July 2001, the UN released a report of the Secretary-General on assistance to states for curbing the illicit traffic in small arms and collecting them;¹³⁵ and the Small Arms Survey released a study on weapons collection. Many of the follow-up meetings and regional fora have continued to contribute to discussions on this issue. Additionally, as seen below, disarmament and weapons collection programmes have been a particular theme of donor activity in implementing the UN PoA commitments.

¹³² Op-cit., William Godnick and Helena Vázquez, 2003, p. 11.

¹³³ UNLiREC website, <http://www.unlirec.org/project.html>.

¹³⁴ See reports of the Pretoria conference, 2002, op. cit. and papers presented by the Philippines and Sri Lanka at the United Nations Regional Seminar on Implementation of the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: The Asia-Pacific Perspective, Bali, Indonesia, 10–11 February 2003, at <http://disarmament.un.org/RCPD/10feb03cnf.htm>. At the Pretoria conference, South Africa claimed that "[i]n July 2001, some R3.2 million was approved for the South African Police Service alone to upgrade and/or install new firearms safes".

¹³⁵ UN, *Report of the Secretary-General: Assistance to States for Curbing the Illicit Traffic in Small Arms and Collecting Them*. New York: UN, July 2001.

At the international level, one significant development was a UNDDA panel discussion on *Making Disarmament More Effective: Men and Women Working Together* in New York on 15 April 2003. This meeting included the development of an action plan for mainstreaming gender issues in disarmament programmes.¹³⁶

At the regional level, numerous discussions have taken place in relation to the conduct and importance of disarmament and weapons collection activities. Practical measures to implement disarmament and weapons collection have also been put in place at the regional level. For example, in Southern Africa, SARPCCO and several joint operations have recovered thousands of weapons in the region, many of which have been destroyed. Additionally, the UN Regional Centres for Disarmament in Africa and Latin America have supported disarmament initiatives.

It is reported that Sweden is creating an international database with information about the expertise and experts in DDR and peaceful development programmes in approximately 20 countries, including Zimbabwe, Ghana, Nepal, Kenya, Argentina, Ecuador, Canada and Sweden.¹³⁷

Types of disarmament and national implementation

Most significantly, in the two years since the 2001 UN Conference on Small Arms, a range of disarmament and weapons collection programmes have been implemented. These have included disarmament components of demobilisation and reintegration programmes in post-conflict states; a variety of voluntary weapons collection programmes, gun buy-backs, and weapons-for-development programmes; some confiscation and forcible disarmament efforts; and a large number of weapons amnesties.

According to the data collected for the present report, at least 50 states have implemented, or developed plans to implement, some form of disarmament or weapons collection since July 2001. More specifically:

- DDR programmes with disarmament components have been carried out in at least 12 states.
- Voluntary weapons collections of various types have been carried out in at least 24 states.
- Forcible or coercive disarmament programmes and confiscation efforts have been carried out in at least ten states.
- At least 21 states have had firearms amnesties in place. Many of these were amnesty provisions within voluntary weapons collection programmes or preceded forcible or coercive disarmament.

The success of these initiatives has varied enormously and in many cases, such as Pakistan's de-weaponisation campaign and Sierra Leone's post-conflict disarmament initiatives, a combination of these methods has been used either concurrently or consecutively (see Table 11)

It is significant to note that while most of these types of activities are specifically designed programmes implemented occasionally, in some states procedures exist whereby any weapons voluntarily handed in are accepted on the basis of immunity from prosecution for illicit possession. Thus, in Armenia, Australia and New Zealand, for example, there are effectively permanent gun amnesties.

Many other states, such as several of the Pacific Island states, have legal provisions in place to implement amnesties or to call in weapons. These, however, have not been utilised since the 2001 UN

¹³⁶ See UN Department for Disarmament Affairs Gender Mainstreaming Action Plan, at <http://www.reachingcriticalwill.org/genderdisarm/actionpln.pdf>.

¹³⁷ Database on implementation of the UN PoA hosted by the Small Arms Survey.

Table 11: Disarmament and Weapons Collection since July 2001

DDR	Amnesty	Voluntary weapons collection including buy-backs and weapons-for-development programmes	Confiscation/forcible disarmament	Other
Afghanistan	Albania	Afghanistan	Cambodia	Jordan
Angola	Armenia	Albania	China	Mali
Republic of Congo	Australia	Angola	India	Philippines
Democratic Republic of Congo	Bosnia and Herzegovina	Argentina	Japan	USA
India (surrender and rehabilitation scheme)	Cambodia	Belarus	Kenya	
Kosovo	Croatia	Bosnia and Herzegovina	Nigeria	
Papua New Guinea	Kenya	Cambodia	Pakistan	
Russia	Republic of Korea	Central African Republic	Philippines	
Serbia and Montenegro	Kosovo	Colombia	Sierra Leone	
Sierra Leone	Moldova	Croatia	Uganda	
Solomon Islands	New Zealand	Czech Republic		
UK	Pakistan	Georgia		
	Papua New Guinea	Ghana		
	Serbia and Montenegro	Malaysia		
	Slovenia	Mexico		
	Solomon Islands	Niger		
	Sri Lanka	Panama		
	UK	Philippines		
	Uruguay	Russia (buy-back)		
	Zambia	Sierra Leone		
	Zimbabwe	Tanzania		
		Uganda		
		USA (buy-back)		
		Zambia (buy-back)		
12	21	24	10	4

Conference on Small Arms. In the case of Fiji, such provisions were implemented in the years immediately proceeding 2001. Similarly, in some states, new legislation lays the foundations for further weapons collection initiatives. For example, South Africa's new *Firearm Control Act* has provisions for gun amnesties, and in Venezuela, a *Disarmament Act* was passed on 20 August 2002 that includes provisions for weapons collection. Thus, in many states the legislative foundations for civilian disarmament initiatives are in place.

Additionally, while not yet firmly operational, a number of disarmament activities are being planned for the near future. For example, there are plans for amnesties and voluntary weapons collections in Macedonia and Chad.¹³⁸

It is important to note that civil society organisations have often played a critical role in weapons collection programmes. For example, in Mexico the collection and destruction of over 6,000 weapons was credited to the initiative of citizens organisations acting in coordination with the federal, state and municipal authorities. Another significant NGO initiative is the Help Desk for Practical Disarmament run by the Bonn International Centre for Conversion (BICC), which provides training and advice on small arms disarmament.¹³⁹ Likewise, in many other cases, such as in Serbia (see the case study on page 101), civil society organisations have been of critical importance in raising awareness of the problems of SALW in preparation for voluntary weapons collection programmes.

The PoA encourages the disposal of surplus stocks and weapons collected in the variety of disarmament and weapons collection programmes. While it encourages the disposal of these weapons through destruction, other forms of disposal are also outlined. For this reason, it is useful to examine the different methods for SALW disposal.

WEAPONS DESTRUCTION

Broadly, there has been increasing openness to discussing and implementing the disposal of SALW through destruction. The destruction of SALW had already received considerable international and regional attention prior to the 2001 UN Conference on Small Arms, a UN study on destruction methods having been released in 2000. Since the Conference, weapons destruction has remained a highly visible area of implementation that has attracted significant donor assistance. For example, at the 2002 OSCE Workshop it was found that weapons destruction was one of the most thoroughly reported topics.

Regional activities in support of the destruction of surplus and collected weapons have been numerous and have taken place in most regions.

In Southern Europe, for example, Stability Pact affiliated programmes between 2000 and 2002 included: in Albania, the collection of 170,000 and destruction of 150,000 SALW in a joint US/German/Norwegian and UNDP project; in Bulgaria, a US programme for the destruction of 78,000 SALW; and in the former Yugoslavia, a US programme for destroying 52,000 SALW.

Also in Southern Europe, NATO has played a significant role in supporting the destruction of landmines, small arms and munitions. NAMSA has destroyed large quantities of anti-personnel landmines in Albania, and mines and chemicals in Moldova. Other NAMSA projects include a feasibility study on clearing unexploded ordnance and anti-aircraft missiles in Georgia (a PFP project led by Luxembourg). NATO assistance is set to continue, as fund-raising by Canada took place in 2003 for the destruction of

¹³⁸ http://www.undp.org/erd/smallarms/macedonia_apr_03.htm and UNIRIN, Bamako, 30 April 2002.

¹³⁹ <http://www.disarmament.de>.

11,000 tons of SALW ammunition in Albania and a project proposal for the destruction of 23,000 small arms in Yugoslavia.¹⁴⁰

Also under the auspices of NATO, in what is claimed to be “the largest weapons destruction project ever anticipated,”¹⁴¹ in November 2002, a project began to be developed in Ukraine that is designed to lead to the destruction of 133,000 tons of munitions and 1.5 million SALW.¹⁴²

Similarly, in Latin America in 2002, UNLiREC facilitated destruction events in Rio de Janeiro (Brazil), Mendoza (Argentina), Lima (Peru) and in 2003 in Asuncion (Paraguay), destroying a total of 31,141 firearms and 94,154 munitions under the 2003 Lima Challenge for Arms Destruction and Stockpile Management.¹⁴³ Further weapons destructions are planned in Panama, Brazil and others. Significantly, during the December 2001 *Conference on Small Arms and Light Weapons in Central America*, participating states recommended a number of measures related to weapons destruction, including the establishment of a fixed period within which collected weapons must be destroyed, and at the regional level to “[s]hare the structure, the means of destruction (portable machines, equipment, tools, and facilities) and existing information on weapons destruction”.¹⁴⁴

In Southern Africa, South Africa has destroyed large quantities of surplus and collected weapons and has provided bilateral assistance in the form of Operations Rachel and Sardien for the destruction of surplus and collected arms in Mozambique and Lesotho respectively (with assistance from the US and Norway).

Significantly, South Africa has a policy of destroying all surplus and collected weapons and, since 1992, the South African Police Service has destroyed more than 22,000 illicit weapons and 45,000 state-owned weapons as part of this policy. For example, on 18 July 2002, South Africa publicly destroyed a total of 22,787 firearms, including pistols, revolvers, rifles, shotguns, sub-machine guns and automatic rifles.¹⁴⁵

Which weapons to destroy: All surplus and collected weapons?

In the OSCE Document, participating states agreed that “the preferred method for the disposal of small arms is destruction” and that “[d]estruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities”.¹⁴⁶ This was reaffirmed at the UN-OSCE Conference, when participants called for the destruction of surplus weapons as a matter of routine.¹⁴⁷ Similarly, the *Conference on Small Arms and Light Weapons in Central America* in December 2001 recommended the destruction of decommissioned weapons, in line with the OAS commitments to ensure that decommissioned weapons do not enter the market.¹⁴⁸

With the exceptions of South Africa, Latvia (which destroys all confiscated, forbidden or damaged weapons), Lithuania (which destroys all collected weapons) and Nigeria (which has a new policy in direct response to the PoA), few states have developed policies – either through legislation or through common practice – to destroy all surplus and collected or confiscated SALW. Some states, such as Poland and Serbia and Montenegro, have similar policies in principle, but in Poland the designation of weapons as “surplus” has been limited, with many weapons being designated as “reserve”, which can then be exported.

¹⁴⁰ The Netherlands has agreed to be Lead Nation on the latter project, which is a South East Europe Initiative (SEEI) project rather than a PfP project.

¹⁴¹ Fund for Peace, at <http://www.fundforpeace.org/programs/outreach/ukraine.php>.

¹⁴² NATO, “PfP Trust fund to destroy 133,000 tons of munitions and 1.5 million small arms and light weapons in Ukraine”, Press Release (2002)129 28, November 2002.

¹⁴³ Op-cit., William Godnick and Helen Vázquez, 2003, p. 11.

¹⁴⁴ Op-cit., San José conference, 2001.

¹⁴⁵ South African Police Service, Press Release, 18 July 2002 (IANSA).

¹⁴⁶ Op-cit., OSCE, OSCE Document, p. 10.

¹⁴⁷ Op-cit., Ljubljana conference, 2003.

¹⁴⁸ Op-cit., San José conference, 2001, available at the UNDDA website.

Many states, such as China, have policies of destroying unserviceable surplus arms, or unmarked collected weapons, as in the case of Spain. Most states, however, also provide for the possibility of other forms of disposition of serviceable weapons, such as export or use. For example, the Philippines destroys unusable collected weapons but allows the use of others after appropriate recording and registration. Likewise, the USA also retains some confiscated arms for official use (they are marked at the time of confiscation if not already marked).

Other states destroy all confiscated weapons, but not all surplus. For example, Russian policy states only that unserviceable surplus weapons be destroyed, but also that all weapons seized by the police, regardless of serviceability, be destroyed once criminal cases have been tried. Likewise, while the UK reserves the possibility for exporting surplus arms, it routinely destroys surplus police weapons, collected and confiscated arms, and automatic weapons.

Some states have a complex set of policies on the disposal of weapons. For example, Indian policy is to destroy unserviceable police weapons and any “country-made” weapons seized by the police. Other weapons are reallocated to units of the security forces, if such weapons are of a prohibited bore and of a type already in use with those forces. Other serviceable weapons of a non-prohibited bore that are confiscated or seized are disposed of by allotment to eligible persons holding valid firearms licenses.¹⁴⁹

Clearly, there is considerable variation in the policies of states relating to which weapons should be destroyed. While, in combination with strengthening stockpile security and export controls, much is being done to reduce the potential for such weapons to enter illicit circulation, more remains necessary in order to reduce the number of weapons with the potential to enter illicit circulation.

Public destruction and the International Day of Weapons Destruction

In line with Section II, paragraph 20 of the PoA, many weapons destructions have included public ceremonies, such as “flames of peace”, and have involved civil society. Such public destructions can have strong symbolic meaning and contribute to awareness-raising. For example, the founding of SEESAC in Belgrade in May 2002 was marked with the public destruction of weapons, and the government of Serbia and Montenegro had by the end of 2002 publicly destroyed approximately 50,000 pieces of SALW. Likewise, the end of the conflict in Sierra Leone in January 2002 was marked with a public destruction of weapons.

Since the 2001 UN Conference on Small Arms, many public destructions have taken place, particularly on the International Arms Destruction Day, 9 July, to commemorate the start of the Conference. This has been adopted in a number of countries, particularly in initiatives involving civil society. Thus, for example, Bangladesh has officially decided to observe 9 July every year as Small Arms Destruction Day. In July 2002, various NGOs organised or were involved with weapons destruction events in Argentina, Brazil, Cambodia, Ghana, Guatemala, Kenya, Mozambique, South Africa and Thailand.

3.3.6. ASSISTANCE AND COOPERATION

At the core of the Programme of Action is the commitment of states to cooperation and the provision of financial and technical assistance for many aspects of implementation. There has been a significant expansion in the assistance made available for tackling the challenges of illicit SALW, which started before the 2001 UN Conference on Small Arms and has continued since. Assistance has been provided by a range of multilateral and regional organisations for various aspects of implementation of the PoA.

¹⁴⁹ Government of India, *Report on National Implementation*, available at the UNDDA website.

Prime among these have been the UNDP, the UN Regional Centres, the World Bank, the EU, NATO and others. This section briefly outlines the types of assistance provided by these organisations. Additionally significant assistance has been provided bilaterally by states.

MULTILATERAL AND REGIONAL ORGANISATIONS

Numerous multilateral and regional organisations have provided financial and technical assistance to a variety of aspects of implementation of the PoA. These include several UN departments and agencies, the World Bank, the OECD, the WHO, the EU, the OSCE, NATO, the Stability Pact and the OAU/AU.

United Nations

UNCASA

Relevant UN departments and agencies are in the process of strengthening their ability to respond to the small arms challenge, both individually and as a group within the framework of the Coordinating Action on Small Arms (CASA) mechanism. A Small Arms Advisory Service (SAAS) has been established to provide advice to enhance the effectiveness of the CASA mechanism, particularly with regard to the conduct of assessment missions and monitoring activities.¹⁵⁰

UNDDA

The UNDDA, in partnership with several other departments of the UN, has responded to requests from governments in Papua New Guinea, Kenya, Argentina, Cambodia and Sri Lanka to provide substantive and technical support to member states in the implementation of the PoA on SALW.

The UNDDA is partnering with the Hague Appeal for Peace in education for disarmament action pilot projects that offer young people alternatives to the use of weapons and promote non-violent behaviour. Starting in Albania, Cambodia, Niger and Peru, the projects aim to sustain community efforts for weapons collection for development programmes.

Additionally, the UNDDA and UNDP have jointly developed assistance tools for states reporting to the UN PoA. Following requests from governments, two packages of assistance tools were developed in order to build states' capacity to report on their implementation of the PoA.¹⁵¹ Such reports are submitted to the UNDDA and are available on their website.

UNDP

The UNDP has developed a wide range of assistance programmes on a variety of aspects of implementation of the UN PoA. Through its Small Arms Trust Fund, it has country projects in Albania, El Salvador, Haiti, Kosovo, Macedonia, Niger, Republic of Congo (with the International Organisation of Migration (IOM)), Somalia, Sierra Leone and the Solomon Islands; and regional projects in Central America, the Great Lakes Region of Africa and South East Europe (e.g. SEESAC), which are supported by the Small Arms Demobilisation Unit, based in Geneva. These programmes include support for disarmament and weapons destruction programmes, strengthening controls over weapons and security sector reform.

Additionally, and in combination with the UNDDA and the Department for International Development, the UNDP has developed an online resource, the Small Arms Reduction Expert Roster, in order to "streamline the human resource issues inherent to Small Arms Reduction and Demobilization programmes".¹⁵²

¹⁵⁰ <http://www.un.org/Docs/sc/reports/2002/sgrep02.htm>, S/2002/1053.

¹⁵¹ <http://www.undp.org/erd/smallarms/PoA.htm>.

¹⁵² See <http://www.smallarmscontrol.org/index.cfm>.

UN Regional Centres

Each of the UN Regional Centres for Peace and Disarmament has undertaken a wide range of projects related to SALW and implementation of aspects of the PoA. Broadly, the areas of implementation assisted by the regional centres have included the creation of clearing-house programmes, support for conferences and workshops, assistance to weapons destructions, capacity-building and training of officials, and assistance to NGOs.

For example, under the rubric of the “2003 Lima Challenge”, UNLiREC, based in Lima, Peru, has been dynamically involved in assisting states to review their stockpiles, destroy surplus weapons and upgrade stockpile facilities. The response to this challenge by Latin American states has been very positive. Over 17,575 firearms and 7,200 pieces of ammunition were destroyed in 2002 in Argentina, Brazil and Peru. UNLiREC has also developed a training course on investigative techniques for security officers in the control of SALW. A trial of this course will be conducted this year.

UNIDIR

The United Nations Institute for Disarmament Research is conducting extensive research in Albania, Cambodia and Mali to analyse selected weapons collection programmes, identify the criteria for and characteristics of successful programmes and incentive schemes, and identify best practice.

UNICEF

The United Nations Children’s Fund (UNICEF) continuously advocates for children’s right in relation to SALW. It has small arms pilot projects in Kosovo, Liberia, Somalia and Tajikistan that raise children’s awareness with regard to SALW through, inter alia, the development of school materials and curricula for teaching non-violent conflict resolution and for the strengthening of a culture of peace.

Other institutions and regional organisations*World Bank*

The World Bank is particularly active in the DDR aspects of the PoA. For example, it announced in April 2002 that approximately US\$330 million has been pledged by donors for a five-year programme to finance the disarmament, demobilisation and reintegration of about 350,000 ex-combatants in the Greater Great Lakes region.

OECD

The OECD has supported security sector reform programmes in a range of countries.

WHO

The WHO has contributed to violence prevention programmes in Brazil and Mozambique and has collaborated with a number of NGOs (Small Arms Survey, Viva Rio, etc.) in conducting research in these countries.

EU and EC

The EU is one of the largest donors for small arms related work. For example, EU-ASAC assistance to Cambodia has encompassed a range of activities, including weapons collection, weapons destruction, weapons storage and registration, awareness-raising and the drafting of weapons laws.

From February 2002, the EU, together with governments of the Netherlands and Sweden, agreed to finance training activities on the sub-regional level for police and customs officers involving UNLiREC, CICAD and potentially Interpol and the World Customs Organisation, thereby facilitating implementation of the PoA commitments relating to cooperation and information and resource-sharing between such offices and officials.

Additionally, many EU member states have provided financial and technical assistance to SALW-related projects conducted by the UN, NGOs and in affected states.

The European Commission has provided considerable assistance to a range of small arms related projects, indicating that development institutions are now funding small arms work. For example, through the EU Joint Action, funded under the CFSP budget, the European Commission has provided assistance to Cambodia (EU-ASAC), UNLiREC and UNDP projects in Albania.¹⁵³ Additionally, the EC has provided funds to DDR in the Republic of Congo, and has recently reached an agreement to fund the Tanzanian National Plan for a period of three years.

OSCE

The OSCE has conducted a number of training workshops in Central Asia within the framework of the Programme for the Voluntary Delivery of Light Arms and carried out a range of programmes to encourage weapons collections in Georgia. It has also conducted multi-ethnic police training in Serbia and Montenegro.

NATO

Through the Partnership for Peace, NATO assistance focuses on three areas of action: general training, stockpile management and weapons destruction. Tailor-made projects are established with specific trust funds. Thus, NATO has provided assistance for the destruction of weapons in Albania, and has also assisted in defence reform projects in Ukraine and, with the Stability Pact, in South Eastern Europe.

Stability Pact

The joint UNDP-Stability Pact project, SEESAC, has provided/channelled assistance to a range of projects in South East Europe – including assistance to national commissions, SALW legislation (both domestic and export controls), border-control workshops, weapons destruction, safe storage of weapons and explosives, weapons collection, awareness-raising and research.¹⁵⁴

OAU/AU

The OAU/AU provided assistance to the Comoros from December 2001 to February 2002 in establishing procedures to encourage the responsible stockpiling, management and use of weapons by civilians and government forces.¹⁵⁵

BILATERAL ASSISTANCE BY STATES

In addition to this support provided by multilateral bodies, much assistance has been provided by states. The information provided here is by no means comprehensive and is merely intended to illustrate the types of assistance being provided by states on a bilateral basis.

Some states, such as the USA, Canada and many EU member states, have provided a wide range of assistance in many regions. Others, such as Australia and New Zealand, have predominantly assisted other states within their own regions.

The USA currently offers a wide range of export control assistance to over 25 countries in Central/Eastern Europe, Eurasia, Asia and the sub-continent. The assistance includes support from training in basic law enforcement and border-control measures, to help in developing export control

¹⁵³ For details see *Second Annual Report on the Implementation of the EU Joint Action of 12 July 2002 on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons.* (2002/C330/01).

¹⁵⁴ SEESAC, *Bi-Annual Progress Report: South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons*: 8th May to 31st December 2002.

¹⁵⁵ "Comoros: Arms management at work in Anjouan", *Focus on Small Arms in Africa*, No. 1, March 2002, p. 4.

legislation and effective licensing practices, to the provision of enforcement equipment such as X-ray machines and inspection tools. Additionally, the USA is seeking to expand its Export Control and Related Border Security Assistance (EXBS) programme to another 17 countries. The USA has also assisted 11 destruction programmes in ten countries, at a total cost of US\$5.25 million.

Canada has provided financial and technical assistance in a wide range of areas, including organising and supporting a number of conferences and workshops, supporting regional organisations and moratoria, funding civil society action-oriented research and funding weapons collection and destruction programmes.

At the 2001 UN Small Arms Conference the **United Kingdom** pledged a minimum of £19.5million in assistance over a three-year period for UN agencies, regional organisations, governments and NGOs to implement the UN PoA. Assistance has been provided to the UNDP, IANSA, the Small Arms Survey, the Geneva Forum, Biting the Bullet, SaferAfrica, Saferworld, International Alert Central and Eastern Europe, and the development of national action plans in Bulgaria, Kenya, Mozambique, Tanzania and Uganda.

The UK is seeking to expand its strategy and expand its funds in the second and third years of the period covered by the pledge. The strategy includes:

- Weapons collection, management and destruction programmes;
- Assistance in establishing and implementing new regional and country-specific agreements, including funding expert participation at regional and international negotiations; and
- Support for civil society and NGOs, including IANSA, as well as policy-focused analysis and evaluation of small arms problems.

For example, the UK Department for International Development intends to provide assistance and cooperate with OSCE, ECOWAS and SADC in 2003 on SALW collection and destruction programmes. One of DFID's priorities is to assist countries in developing national programmes on small arms, and to continue working with and funding small NGOs and groups conducting policy-oriented research and analysis on small arms.

France has contributed over €10 million through its regular budget and other budget lines to UN activities and other SALW projects and activities in combating illicit trade in SALW. It has contributed €457,347 for PCASED and €381,122 over five years for the UN Regional Centre at Lomé.

In 2001, France financed through its regular budget €31,200 to UN activities in combating illicit trade in SALW. Apart from this, it has also financed various SALW projects and activities through other budget lines. France has also provided €1 million to the UNDP for DDR activities in the DRC.¹⁵⁶

Germany has provided both technical and financial support to South East Europe, Cambodia and countries in Africa for the destruction of SALW. The organisation responsible for technical cooperation, GTZ, is carrying out programmes on crisis prevention, small arms control and security sector reform, which promote capacity-building in the developing countries. Through GTZ, the German government supports the work of the Help Desk for Practical Disarmament at BICC. Germany also promotes capacity-building for small arms control in the framework of the OSCE.

Japan has provided assistance to DDR programmes in Afghanistan and Sierra Leone and, as noted previously, has supported follow-up conferences and regional seminars on the implementation of the PoA.

¹⁵⁶ "DRC: France gives UNDP 1 million euro for disarmament", UNIRIN, 10 January 2003.

Sweden has contributed over SEK 2.480 million for research projects at the Stockholm International Peace Research Institute (SIPRI) and Institute for Security Studies on preventing the spread and use of SALW. Sweden contributed SEK 38 million to various projects for reintegration of child soldiers in the DRC, Sierra Leone, Uganda, Liberia and Albania. Sweden also contributed SEK 10 million to a World Bank Project in Guinea Bissau, aiming at the demobilisation and reintegration of 23,000 soldiers.

Ireland donated € 57, 050 EURO to the United Nations Institute for Disarmament Research in 2001 in connection with a project relating to the ECOWAS Moratorium.

The Netherlands has established a special fund of € 2.27 million annually for SALW projects. In addition to this, it contributed over € 2 million for SALW projects in the Great Lakes Region, Albania, Kosovo, Jordan and Cambodia, and by the UN, Small Arms Survey and Biting the Bullet through the Peace Fund and Programme for the Support of Foreign Policy and other budget lines. The Netherlands also funds SALW projects indirectly through the EU and NATO/EAPC.

Norway is making overseas development assistance (ODA) contributions for small arms activities, under a programme on Peace, Security, Conflict Management, and Post-Conflict Follow-Up, managed jointly by its Foreign and Development ministries. It has a “transitional” budget, which allows funds to be used flexibly between development and humanitarian budgets to particularly assist countries emerging from conflict. US\$1.5 million is available from this source.

Belgium pledged US\$1.5 million for a three-year small arms programme in the Great Lakes region, including the DRC.

On the basis of existing information, only broadly indicative conclusions can be reached on the thematic and regional distribution of assistance. It is clear that weapons collections and destruction have received considerable assistance, though more is needed. Conversely, assistance for the strengthening of legislation and stockpile management and security procedures has, thus far, been less forthcoming.

In regional terms, there is also considerable variation in the distribution of assistance. However, while much of the assistance provided has been to recipients in sub-Saharan Africa and Southern and Eastern Europe, considerably more is required for adequate implementation of the UN PoA. Conversely, in much of Asia and Latin America, assistance has been very limited.

In terms of bilateral assistance by states, dedicated funds for SALW-related assistance have increasingly been established, though their location varies from government to government. In many cases, they are held in and distributed by development ministries; in others in foreign or defence ministries. In some cases, such as the UK and the Netherlands, special funding pools have been created, while for other donors separate “pots” of money exist, often with tight constraints on the types of projects that can be funded. The provision of assistance has been characterised by its patchiness, with considerable scope for improvement in the cooperation and coordination amongst donors, which is essential to full and effective implementation of the UN Programme of Action.