

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSIONS

Throughout much of the world, the excessive availability and misuse of SALW continues to contribute to great suffering and insecurity, with grave implications for poverty, underdevelopment, crime, violent conflict and abuse of human rights. Over 500,000 people are killed each year and millions more are injured by SALW, as combatants or civilians in wars or as victims of crime, oppression, suicide or communal violence. International efforts since July 2001 to prevent, combat and eradicate the illicit trade in SALW in all its aspects have been insufficient to significantly reduce the terrible impacts of illicit trafficking and proliferation of SALW.

An overall assessment of progress towards implementing the PoA can therefore at best be modestly positive. It is easy and persuasive to judge that the “glass remains 95 per cent empty”. However, we have never been in any doubt about the scale and complexity of the problems, and of the challenges of tackling them effectively. In spite of the many gaps in and inadequacies with international efforts to implement the PoA, we prefer to take the perspective that at least the glass has been slightly filled.

In practice, it takes time to mobilise political will and resources to implement a comprehensive and cross-cutting programme such as the PoA. Nobody realistically hoped that the PoA would be substantially implemented within two years of its establishment.

Thus, as noted in Section 4, our criteria for assessing progress have focused on the extent to which governments, together with relevant international and regional organisations and civil society groups, have taken steps to implement their PoA commitments; improved their understandings of the problems; learned lessons from experience about how best to implement PoA commitments and measures; developed the necessary partnerships for effective action; and taken initiatives to further develop shared international understandings and cooperation on important issues relating to the trafficking, proliferation and misuse of SALW.

By these criteria, this report has shown that there has been significant progress since July 2001 in implementing the PoA. In many countries and most regions, the momentum for action on SALW trafficking, proliferation and misuse that was generated during the lead-up to the July 2001 UN Conference on Small Arms has largely been maintained, and practical steps have been made towards implementing the commitments in the PoA and related regional and international agreements.

Numerous countries where there were already substantial controls and programmes in place have taken steps to review and enhance such controls, and to enhance their cooperation and assistance for others. In numerous countries where existing controls and measures were lacking or weak, including those in the regions most severely affected by illicit SALW, at least some initial steps have been taken towards establishing mechanisms and developing national plans for implementing the UN PoA. This is welcome.

Moreover, there has been real progress in a number of countries and regions towards developing the strategic partnerships that are required for effective action to prevent and reduce trafficking, proliferation and misuse of SALW. Civil society groups, particularly NGOs within the IANSA network, are developing cooperation with many government ministries and agencies, as well as with regional and international organisations. Several regional agreements established in the lead-up to the 2001 UN Conference on Small Arms have developed and begun to implement action programmes and best practices. Increased international assistance has been made available to support efforts to tackle

SALW problems. A number of important international initiatives have been successfully launched to clarify and develop shared understandings of how best to implement key aspects of the PoA.

However, the assessment in Section 4 of this report should be sobering. A worrying number of governments appear at least implicitly to have adopted the position that, because they already have in place many relevant laws and regulations, there is no need for them to take more than a few additional ad hoc measures to meet their obligations under the PoA. Even where governments have established national SALW commissions or mechanisms to coordinate and develop efforts to implement the PoA, these have often, so far, appeared to be treated as bureaucratic exercises, with little impact on the mobilisation and coordination of efforts across government ministries and agencies, and inadequate engagement with stakeholders outside government, including civil society groups.

There are still many countries where there is little cooperation on SALW controls across government, or between government and national and regional stakeholders, including civil society groups. Even where there is good cooperation among some ministries, NGOs and regional and international bodies, further efforts are needed to engage and involve a wider range of organisations and groups. In many countries, awareness in government (to say nothing of wider society) of the key commitments in the PoA and related regional agreements appears not to extend far beyond those directly involved in their negotiation. International cooperation and assistance remains patchy and limited, with important opportunities being lost.

In some regions, including North Africa, the Middle East and parts of Asia, significant progress towards implementing the PoA appears to be the exception rather than the rule. There appears to be significant correlation between the existence of substantial regional agreements and programmes and the extent to which participating countries are making progress towards implementing the PoA. In many ways, this is to be expected. However, it does imply that countries in regions where there are no substantial regional agreements and programmes (i.e. ones going beyond broad declarations) should take special steps to establish such agreements where possible, and to develop national action programmes in cooperation with the wider international community and global institutions.

5.2. RECOMMENDATIONS

Experience with efforts to implement PoA commitments provides a rich source of lessons and inspiration for the future. This report is too short even to note all of these, let alone describe them in detail. Nevertheless, Sections 3 and 4 of this report provide many lessons, illustrations of good practices and implicit recommendations that will hopefully contribute to efforts to strengthen implementation of the PoA next year and beyond.

The following points aim to highlight a number of particularly important recommendations that emerge from the findings of this report.

5.2.1. STARTING IMPLEMENTATION OF THE POA

- All governments should take immediate steps to ensure that they have established, and notified to the UNDDA, a national contact point that is able to respond to the full range of areas covered by the PoA, and which is embedded within a functioning national SALW commission or coordinating body.
- All governments should ensure that they have carried out an appropriately comprehensive national review of the adequacy of their existing laws, regulations, procedures, institutions and programmes in the light of PoA commitments, as an integral part of the process of developing or improving their national plan for implementing the PoA and associated regional agreements.

- All governments should ensure that their national SALW commission or coordinating body is effectively functioning as a primary custodian, development and implementation body for their national plan to implement the PoA; and able to take or directly shape relevant national decisions and to engage with all relevant stakeholders from civil society, local governments, and regional and international bodies.
- National, regional and international programmes to implement the PoA, and other associated initiatives, should be developed in a way that integrates and takes full advantage of approaches that take full account of gender, as well as of the variety of cultural, ethnic and social perspectives in the societies concerned.
- All involved in the implementation of the PoA should continue to prioritise efforts to accurately understand and update the factors contributing to illicit trafficking, proliferation and misuse of SALW, their impacts, the effects of response measures, and good and bad practices in developing and implementing the PoA. In this context, stronger and more systematic programmes are needed to map, monitor, evaluate and learn lessons from SALW-related problems and programmes.

5.2.2. DEVELOPING NECESSARY PARTNERSHIPS

- All governments, regional bodies and other relevant stakeholders should work to ensure that involvement in the development and implementation of national and regional SALW action plans reflects the necessary strategic partnerships among government ministries, civil society groups (including industry, community and cultural groups, women's groups and NGOs), and local, regional and international bodies.
- NGOs and other civil society groups should take opportunities for constructive, if sometimes critical, relationships with governments and to promote wide and inclusive social engagement in efforts to develop and implement national action plans to implement the PoA and related regional agreements.
- Regional and international organisations and their member states should take steps to enhance opportunities for civil society groups to participate in the development and implementation of agreements and programmes relating to the PoA, as well as to engage with and build on civil society initiatives.
- The human dimensions of the impacts and use of SALW need to be further integrated into planning and effective implementation of national and regional plans to implement the PoA. International and civil society initiatives provide some examples of good practice, with effective gender and cultural awareness, that can usefully be taken into account in developing programmes, for example, to affect social attitudes towards demand, availability and use of SALW and towards collection and control measures.
- Systematic and sustained measures are needed to widen awareness of and participation in the implementation and further development of the PoA.

5.2.3. ENHANCING PROGRESS IN THEMATIC AREAS OF THE POA

All governments, relevant regional and international organisations, and civil society groups need to strengthen their efforts to implement all aspects of the PoA and related regional agreements. This not only includes vigorous action to develop and implement appropriate local, national, regional and international SALW action plans, but also measures to ensure more effective lessons-learned processes.

Many opportunities and recommendations emerge from our examination of progress in implementing the commitments relating to the main thematic issue areas of the PoA. Below we highlight some of the most important suggestions:

- States and other stakeholders should continue to expand and improve weapons collection and disarmament programmes where appropriate, but launch a systematic “lessons-learned” process to identify and disseminate best practices; move away from initial “standard formulas”; and embed such programmes as an on-going process within development, peace-building and community-building processes. Better links are needed between DDR programmes and wider weapons collection processes.
- States and other stakeholders should continue to expand the range and scope of SALW destruction programmes, recognising that the challenges and costs of SALW destruction do not typically arise from the destruction process itself, which is technically easy and aid for which is increasingly available, but rather from the measures required to ensure security, monitoring, record-keeping and a wider contribution to peace-building. Technical assistance with destruction of ammunition and explosives needs to be expanded, particularly outside the OSCE area.
- States, international and regional organisations and other stakeholders should continue to establish the norm of destruction of collected and confiscated SALW, and launch initiatives to further promote the norm of identifying and destroying surplus SALW.
- Stakeholders should promote special efforts to encourage all states (and their military, paramilitaries, police, border guards, etc.) to review and address problems with the security and management of authorised and official SALW stocks.
- States and relevant international and regional organisations should launch international and regional programmes to encourage and support specialist training and improvements to stockpile security, including an international mechanism to identify and disseminate best practice guidelines relevant to developing and transitional as well as developed states.
- States should ensure that they have comprehensive and adequate controls on the manufacture, possession, trade and transfer of SALW: existing laws, regulations and procedures appear to remain inadequate in most states, and in a large number, such controls apparently still do not exist.
- States and all other stakeholders should work to ensure adequate controls on domestic possession and trade of SALW, to facilitate prevention and reduction of illicit or destabilising international flows and also to help to prevent and reduce gun violence and crime within their own society.
- States and other stakeholders should support international initiatives to exchange information and to clarify and promote best practices relating to controls on manufacture, possession, trade and transfers of SALW, and to ensure adequate harmonising of such controls. As part of this process, governments and other relevant bodies should continue to consult and develop shared understandings of the national guidelines and criteria used to assess whether to authorise SALW transfers. Proposals to develop an international treaty establishing agreed norms and standards relating to the international arms trade should be pursued.
- States should support initiatives to exchange information and develop elements of model regulation relating to national controls on SALW brokering activities, and to promote adoption of effective national controls on brokering by all states. Such controls need to be designed according to common approaches, to prevent unscrupulous brokers exploiting inconsistencies and loopholes.
- States and other relevant bodies should launch or support initiatives to promote practical and full implementation of commitments relating to marking, record-keeping and tracing of SALW. Following the issuing of the Report of the UN Study Group on the feasibility of developing an international instrument on marking and tracing, stakeholders should launch immediate initiatives not only to develop such an instrument, but also to enable effective cooperation in tracing illicit SALW amongst a coalition of states willing to embark on such cooperation immediately. International momentum developed during the lead-up to the 2001 UN Conference on Small Arms to make progress on these issues appears to have been lost, and needs to be restored.

- Governments and other stakeholders should develop and strengthen regional and international mechanisms to encourage and facilitate information exchange and transparency. Although such measures were recommended in the PoA, no new mechanisms have yet been developed since July 2001.

5.2.4. REGIONAL AND INTERNATIONAL COOPERATION

- Regional and international cooperation is essential for the effective implementation of the PoA. All governments, regional and international organisations and concerned civil society groups should pursue available opportunities to strengthen cooperation relating to all aspects of the PoA.
- In regions where relevant regional agreements or initiatives on SALW exist, all stakeholders should ensure that there are well-developed programmes and mechanisms in place to promote and coordinate their implementation and further development. At present, several regional agreements have not progressed far beyond the declaratory stage.
- All relevant governments and other relevant bodies should pursue all available opportunities to launch and develop regional cooperation in regions where they are presently lacking or weak, particularly in North Africa, the Middle East and South and East Asia. Where countries cannot presently benefit from effective regional cooperation, special efforts are needed to ensure and strengthen relevant international cooperation and support.

5.2.5. EXPANSION AND STRENGTHENING OF THE PROVISION OF INTERNATIONAL ASSISTANCE

- All governments and societies should recognise that the human and other capacities and resources for preventing and reducing SALW trafficking, proliferation and misuse in their countries must primarily be found within each country itself. Many of the problems relating to SALW arise from the negligence, complicity or bad practices of governments and various societal groups within each society, and such problems cannot generally be solved by external assistance.
- Measures should be taken to enable greater experience-sharing, cooperation and assistance between governments, experts, NGOs and other societal actors in countries that are facing similar problems or that are, or have recently been, severely affected by illicit or excessive SALW.
- National, regional and international donor and assistance agencies should take steps to expand and improve the quality of the assistance that they can provide to support the implementation of the PoA. In many cases, this will require institutional and policy reform, and greater flexibility and capacity to provide appropriate and timely aid.
- Development and humanitarian agencies and international organisations (including the World Bank and regional development banks) should take steps to ensure that support for measures to prevent and reduce SALW trafficking, proliferation and misuse are appropriately integrated into their mainstream assistance programmes, and that they are able to cooperate with other bilateral and multilateral assistance agencies in the area of crime prevention, conflict prevention and security so that, in combination, comprehensive assistance is available where appropriate and requested.
- Donor agencies should provide assistance to enable developing and transitional states to effectively develop their own comprehensive national plans and coordinating institutions for implementing the PoA. Where such plans have been effectively developed, with appropriately wide involvement and support from civil society and other stakeholders, donors should provide support according to the priorities established in these national plans rather than according to their own preferences.
- Governments, together with all other bodies in a position to do so, should both support and encourage the development of civil society organisations working to promote implementation and development of the PoA and related programmes.

- Urgent measures are required to improve information exchange and coordination amongst donor agencies and other institutions that provide assistance to support implementation of the PoA. These should include a combination of measures, including enhanced transparency, regional clearing-houses, in-country coordination mechanisms, and coordinated international or regional thematic programmes.

5.2.6. DEVELOPING INTERNATIONAL INITIATIVES TO PROMOTE IMPLEMENTATION OF THE POA

- International action is required to regain the momentum that existed in 2001 to implement international standards of marking and record-keeping and to establish mechanisms to enable improved cooperation in tracing sources and lines of supply of illicit SALW. This should include informal measures amongst interested states to cooperate in tracing, as well as immediate follow-up to the report of the UN Group of Experts on Marking and Tracing when it is submitted in early autumn 2003, including the launch of international negotiations for an international instrument in this area (to complement and re-inforce the UN Firearms Protocol).
- Recent international initiatives relating to strengthening controls on SALW transfers; developing shared understandings on criteria for authorising SALW transfers and on approaches towards controlling SALW brokering activities; restrictions on transfers to non-state actors; combating illicit trafficking; and integrating SALW controls into development strategies should be supported and followed up. As far as possible, participation in these initiatives should be widened and follow-up should be pursued through the UN framework. In this context, proposals to establish agreed norms and standards in an international arms trade treaty should be pursued.
- New international initiatives and programmes are needed to promote implementation of a number of key commitments contained in the PoA or related to it. Areas where such initiatives appear to be urgently needed include programmes to identify and promote best practices relating to stockpile management and security, and national restrictions on civilian possession of SALW.
- There is a need to clarify and build upon understandings of the links between preventing and reducing SALW trafficking, proliferation and misuse and related areas, including security sector governance and reform, access to justice, good governance and respect for human rights.

BITING THE BULLET FOLLOW-UP PROJECT

The Biting the Bullet Follow-up Project is a joint project between Saferworld, International Alert and the University of Bradford which seeks to build upon the successful first phase of the Biting the Bullet project. This facilitated a wide-ranging and well-informed debate between governments and civil society with a view to advancing the agenda of the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in July 2001. Following the agreement of the Programme of Action, Biting the Bullet is now working to promote international understanding of key issues relating to the implementation of the Programme of Action while creating opportunities to discuss the critical issues that proved controversial at the 2001 UN Small Arms Conference. In order to facilitate discussion on these issues, an informal Consultative Group Process involving government officials, international experts and non-governmental organisations was created and has met twice already to discuss in particular, export controls and the issue of non-state actors.

Subsequent to the first series of policy briefings, the Follow-up Project has published a further three research papers for the Biennial Review focusing on civilian possession, demand for small arms and the implementation of embargoes.

In addition, the Biting the Bullet Follow-up Project has prepared a substantial report on States' implementation of the commitments set out in the Programme of Action. This monitoring report analyses progress at the national, regional and international level. It was researched by partners from all world regions and produced by Biting the Bullet for IANSA.

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