

EXECUTIVE SUMMARY

1. INTRODUCTION

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) now stands as the central global agreement on preventing and reducing trafficking and proliferation of SALW.

It is two years since the PoA was agreed in July 2001 at the UN Conference on the Illicit trade in Small Arms and Light Weapons in All its Aspects. The first Biennial Meeting of States (BMS) on the PoA will take place in July 2003, to consider progress towards its implementation. Although it is unrealistic to expect full implementation at this stage, it is important to review experience so far.

This present report aims to provide an initial review of progress towards implementation of the PoA, as a contribution to the Biennial Meeting and to wider efforts to take stock of progress so far and identify strengths, weaknesses and priorities for the future. It outlines and assesses progress towards implementation of the PoA, drawing on data gathered for 156 countries and analysing relevant national, regional and international processes.

The scope of this report is extensive. However, it does not aim to be fully comprehensive. Rather, it aims to provide a broad and reliable overview of progress and illustrate experiences across each of the regions, to identify emerging strengths and weaknesses and contribute to on-going efforts to promote wide and effective implementation of the PoA.

2. THE PROGRAMME OF ACTION AND OUR APPROACH

The PoA is a politically binding international agreement agreed by consensus at a high political level. This consensus could only be achieved by excluding or diluting some proposed norms and standards that commanded wide support, and through ambiguous drafting in some areas. The PoA remains in need of further development in the future. Nevertheless, the agreed PoA is substantial and relatively comprehensive in scope. It includes many important commitments and establishes a range of key international norms, standards and programmes.

The PoA was preceded by a number of regional and sub-regional agreements and initiatives developed in the few years before the 2001 UN Conference on small arms. These included initiatives by the OAS, OSCE, SADC, ECOWAS, EU, EAC, Nairobi Initiative States (Horn and Great Lakes Region of Africa), before 2001, as well as international initiatives, especially the UN Firearms Protocol, also agreed in 2001. These other international and regional agreements and initiative should be seen as complementary and mutually reinforcing with the UN PoA.

Therefore, for the purposes of this report it is neither possible nor desirable to distinguish between efforts to implement the PoA and these other associated regional and international agreements. Countries, regional and international organisations, and civil society groups engaged in efforts to tackle SALW problems may effectively implement aspects of the PoA while pursuing national and regional obligations contained in other parts of this web of mutually reinforcing commitments. In this report we examine progress on measures that have the effect of implementing the PoA even if some or all of the stakeholders involved were more explicitly concerned with local, national or regional commitment and programmes.

3. ASSESSMENT OF PROGRESS

There is little evidence to suggest any overall success so far in reducing the scale and impacts of SALW trafficking and proliferation. Throughout much of the world, the excessive availability and misuse of SALW continue 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 continue to be killed each year and millions more injured by SALW, as combatants or civilians in wars or as victims of crime, oppression, suicide, accidents, and societal or domestic violence.

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 over 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. It takes time to mobilise the political will and resources to implement a comprehensive and cross-cutting international programme such as the PoA. Two years is insufficient even to implement its legal, administrative and programmatic commitments properly. In spite of many shortcomings in implementation efforts, this report shows that significant steps have been made in many countries and regions over the last two years to prevent and reduce SALW trafficking, proliferation and misuse, building on the progress achieved in some regions prior to the UN Conference in July 2001. Thus, we prefer to take the perspective that at least the “glass has been slightly filled”.

The criteria used in this report for assessing progress have focussed 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 understanding of the problems, issues and dynamics of SALW proliferation and misuse;
- Learned lessons from experience about how best to implement PoA commitments and measures;
- Developed the necessary partnerships for effective action; and
- Taken initiatives to develop shared international understandings and co-operation on important issues relating to the trafficking, proliferation and misuse of SALW.

By these criteria, Section 3 of this report demonstrates that there are examples of encouraging developments over the last two years in each region of the world. These encouraging developments include:

- 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 co-operation and assistance to 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;
- There has been real progress in a number of countries and regions towards developing the strategic partnerships 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 co-operation with many government ministries and agencies, as well as with regional and international organisations;
- Several regional agreements established before the July 2001 Conference have developed and participating states have 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 international understanding of how best to implement key aspects of the PoA; and
- There are many experiences, including problems, from which others can learn and build across the world.

However, there are also several recurring weaknesses. These include:

- A worrying number of governments appear to believe that, because they already have in place some relevant laws and regulations, there is no need 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 often, appear 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;
- In many countries there is still little cooperation on SALW controls across government, or between government and national and regional stakeholders, including civil society 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;
- Although regional and international information exchange and transparency measures were recommended in the PoA, no new mechanisms have yet been developed since July 2001; and
- Mechanisms for identifying and spreading good practice internationally are poorly developed.
- In some regions, including North Africa, the Middle East and parts of Asia, progress towards implementing any aspect of 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.

4. RECOMMENDATIONS

On the basis of the experiences and findings of this report, a substantial number of recommendations are made in the concluding section of his report, to promote and facilitate implementation of the PoA from now on.

4.1 STARTING IMPLEMENTATION OF THE PoA

All governments and other stakeholders should take immediate steps to at least start to implement the PoA, including:

- Establish and notify to the UNDDA a national contact point 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 that can take or directly shape relevant national decisions and to engage with all relevant stakeholders;
- Carry out appropriately comprehensive reviews of the adequacy of their existing laws, regulations, procedures, institutions and programmes as an integral part of developing or improving plans for implementing the PoA and associated regional agreements;
- Ensure that national, regional and international programmes to implement the PoA and other relevant initiatives take appropriate account of gender and the variety of cultural, ethnic and social perspectives in the societies concerned; and
- Develop stronger and more systematic programmes to map, monitor, evaluate, learn and disseminate lessons from SALW-related problems and programmes.

4.2 DEVELOPING NECESSARY PARTNERSHIPS

Further efforts are needed to develop strategic partnerships for the successful implementation of the PoA, including:

- All governments and relevant regional and international bodies should ensure that they develop and implement their national and regional SALW action plans via 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, even if sometimes critical, relationships with governments to promote inclusive social engagement in efforts to implement the PoA and related agreements;
- The human dimensions of the impacts and use of SALW should be further integrated into plans to implement the PoA; and
- More systematic and sustained measures should be developed to widen awareness of and participation in the implementation and further development of the PoA.

4.3 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. Recommendations include:

- 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”; improve links between DDR and wider weapons collection processes; and embed such programmes as an on-going process within development, peace-building and community-building processes;
- Continue to establish and widen the norm of destroying collected, confiscated and surplus SALW, and expand programmes to promote destruction of collected or surplus ammunition and explosives;
- Regular review by states (and their security sector agencies) to address problems with the security and management of authorised SALW stocks;
- Launch international and regional programmes to support specialist training and improvements to stockpile security, and develop international best practice guidelines in this area;
- Action by states to improve their laws, regulations and procedures to ensure that they have comprehensive and adequate controls on the manufacture, transfer and brokering of SALW, and to ensure adequate controls on domestic possession and trade of SALW;
- Support international information exchange initiatives, to clarify and promote best practices and co-ordination relating to controls on manufacture, possession, trade, transfers and brokering of SALW; develop consistent national guidelines to assess whether to authorise SALW transfers; and pursue proposals to develop an international treaty on the arms trade;
- Launch or support initiatives to promote practical and full implementation of commitments relating to marking, record-keeping and tracing of SALW, including negotiations for an international mechanism to promote international co-operation on tracing illicit SALW; and
- Develop and strengthen regional and international mechanisms for information exchange and transparency.

4.4 ENHANCING REGIONAL AND INTERNATIONAL COOPERATION

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.

- Ensure that well-developed programmes and mechanisms are in place to promote and coordinate implementation and further development of existing regional agreements or initiatives on SALW. At present, several regional agreements have barely progressed beyond the declaratory stage; and
- Pursue all available opportunities to launch and develop regional cooperation in regions where regional agreements 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.

4.5 EXPANSION AND STRENGTHENING OF THE PROVISION OF INTERNATIONAL ASSISTANCE

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 region, and such problems cannot generally be solved by external assistance. Nevertheless, international assistance has a key role to play.

- National, regional and international donor and assistance agencies should take steps to expand and improve the quality of the aid that they can provide to support PoA implementation. In many cases, this will require institutional and policy reform, and greater flexibility and capacity to provide appropriate and timely aid;
- Urgent measures are required to improve information exchange and coordination among donor agencies and other institutions that support implementation of the PoA, including enhanced transparency, regional clearing-houses, in-country coordination mechanisms, and coordinated international or regional thematic programmes;
- Development and humanitarian organisations (including bilateral donors and the World Bank) should ensure that support for measures relating to PoA implementation are appropriately integrated into their mainstream assistance programmes, and that they are able to cooperate with other aid agencies in the areas of crime prevention, conflict prevention and security;
- More assistance is needed to enable greater experience-sharing, cooperation and assistance between governments and other stakeholders in countries facing similar SALW-related problems;
- Donor agencies should assist developing and transitional countries to develop their own comprehensive and effective national plans and coordinating institutions for implementing the PoA. Where such plans have been developed with appropriate consultations among national and regional stakeholders, donors should provide support according to the priorities established in these plans rather than according to their own preferences; and
- Governments and other bodies in a position to do so should support and encourage the development of civil society organisations working to promote implementation and development of the PoA and related programmes.

4.6 DEVELOPING INTERNATIONAL INITIATIVES TO PROMOTE IMPLEMENTATION OF THE POA

International initiatives are required to promote implementation of PoA commitments. Recommendations include;

- Follow-up to the report of the UN Group of Experts on Marking and Tracing immediately, including launch of negotiations for an international instrument in this area as well as informal measures among interested states to promote cooperation in tracing illicit SALW;
- Follow-up and widen participation in recent international initiatives relating to strengthening controls on SALW transfers; developing more consistent criteria for authorising SALW transfers and approaches for controlling SALW brokering; restrictions on transfers to non-state actors; combating illicit trafficking; and integrating SALW controls into development aid. In this context, proposals to establish agreed norms and standards in an international arms trade treaty should be pursued;
- Launch and support new international initiatives and programmes to identify and promote best practices relating to stockpile management and security, and develop international norms on restricting civilian possession of SALW; and
- 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.

This report details many discussions and experiences relating to such recommendations. IANSA and the Biting the Bullet Project team (Saferworld, International Alert and the University of Bradford) hope that it usefully contributes to efforts to promote implementation of the PoA, so that assessments of progress can be more positive at the next Biennial Meeting of States in 2005.