

10: CONCLUSIONS AND IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE

It is now five years since the PoA was agreed. States are coming together in June/July 2006 to review progress in implementation of the PoA and to consider ways of enhancing implementation and further developing the PoA so that it performs well as a comprehensive framework for action on small arms and light weapons.

This 2006 Red Book has examined and assessed progress across the world in implementing the PoA, building also on the information and findings of the 2003 and 2005 Red Books. In addition to detailed review of national and regional experiences with PoA implementation, this book has examined progress in each of the key thematic issue areas. It adopted this approach in order best to contribute to debates and decision-making at the 2006 review process.

This concluding chapter aims to present our overall findings and conclusions, as well as to bring together our analyses of the main implications for issues and priorities for the 2006 Review Conference

The PoA established a range of international norms, commitments and measures that together provide a relatively comprehensive framework to tackle the 'illicit trade in SALW in all its aspects': that is, to prevent, combat and reduce SALW trafficking, proliferation and misuse. As we have noted, the PoA document agreed in 2001 reflected some difficult compromises, and has significant gaps and weaknesses. Overall, however, the PoA continues to provide the main global framework for international action to address this urgent set of problems.

After our detailed examinations of progress towards implementing the PoA, in this book and also in the 2003 and 2005 Red Books, what is our overall assessment?

10.1 OVERALL ASSESSMENT OF PROGRESS TOWARDS IMPLEMENTATION

Unfortunately, there is no evidence that the overall scale or impact of the problems of SALW trafficking, proliferation and misuse have reduced over the last five years. Reductions in deaths, injuries and insecurity from armed violence associated with SALW are apparent in some areas, because of a multitude of factors including successful peace agreements. But in other areas, there has been an increase. On a global level, trafficking and inadequate control of SALW remains a massive problem.

It was always clear that it would take many years to effectively tackle the complex SALW problems that the PoA addresses. After five years, it is still too much to expect that the PoA, and its associated international, regional and national agreements and programmes, will actually have had measurable impacts on the overall problems; though we would hope to see such progress in at least some countries and regions. Moreover, it is important to recognise how limited available information is on the scale and character of the SALW-related problems, either in 2001 or 2006, making comparisons very uncertain.

Thus, in this book as in the rest of this 'Red Book' series, our assessment of progress in implementation focuses not on the impact on the problems but instead on the extent to which states and others have actually taken actions to implement PoA commitments. More specifically, to what extent have governments, together with relevant international, regional and civil society organisations, substantially progressed in relation to:

- Taking measures to implement their PoA commitments
- Improving their understandings of the problems, issues and dynamics

- Learning lessons about effective PoA implementation from experience
- Developing the necessary partnerships for effective action
- Progressing towards further development of shared international understandings, co-operation and agreements on important outstanding SALW issues

By these criteria, our studies identify and examine many useful and substantial actions that have been taken to implement the PoA and its associated regional and international agreements. Particularly in some countries and regions, for example, governments have taken steps to establish the structures for PoA implementation, and to ensure and enhance controls on authorised SALW manufacture, transfers and holdings to reduce risks that they are diverted to illicit or unauthorised uses or users. There are now numerous examples of good and successful practices to collect, reduce or destroy SALW, in a variety of contexts. There has been progress towards expanding international co-operation and assistance. Many lessons have been identified, and sometimes they have been learned. Good partnerships have developed, and there has been progress towards shared international understandings on some outstanding issues, such as SALW transfer control guidelines. The establishment of a new International Tracing Instrument is evidence of at least some progress towards follow-on agreements.

Overall, however, implementation of the PoA has been uneven, patchy and inadequate. While it is important to recognise some positive developments ('the glass has begun to be filled'), it is at least as important to face the fact that implementation is not on track towards overall effective action ('the glass remains almost empty'). This was our overall assessment in the 2005 Red Book, and one year on the situation is only marginally more encouraging.

Firstly it is useful to highlight ***the need to launch or strengthen international programmes to enhance implementation of key aspects of the PoA***. Even in areas of relative success for the PoA - such as establishing norms and promoting programmes for SALW stockpile security, destruction of surplus arms, and tracing illicit SALW - the focus of international action needs to be improved and the scale increased dramatically if it is to be adequate. This has major implications for priorities for the Review Conference.

Secondly it is useful to focus on the ***patchiness of implementation efforts***. There has been substantial progress on some thematic issues in certain countries and sub-regions. Progress in these sub-regions and countries was already apparent by 2003, and they have mostly maintained their momentum. Most OECD and EU states had already established relatively well-developed systems for controlling SALW transfers by 2001, and they have generally maintained if not improved these since then; in addition several of them have developed substantial international assistance programmes. Amongst the regional and sub-regional organisations ECOWAS, EU, Mercosur, the Nairobi Protocol (Horn of Africa/Great Lakes) countries, OAS, OSCE, SADC, Nadi Framework (Pacific) and the Stability Pact (South Eastern Europe) have developed regional agreements and programmes on SALW which have continued (unevenly) to develop and promote action. A number of relatively severely affected countries have used a combination of internal resources and external assistance to establish and start implementing substantial national SALW plans of action. These include countries such as Botswana, Kenya, Namibia, Tanzania and Uganda in East and Southern Africa. Brazil and South Africa are examples of industrialising countries that have taken substantial steps to strengthen domestic controls as well as to contribute to regional and international programmes.

In addition there are a select number of countries emerging from conflict, such as in Sierra Leone or in Cambodia, in which the local and international authorities have invested substantially in post-conflict DDR and relatively comprehensive weapons reduction and control programmes that have made a difference.

However, most countries do not fall into these relatively positive categories. By far the majority of countries remain in the categories of those that are either mildly committed but relatively ineffectual implementers of the PoA, or reluctant participants in the PoA process that are performing at or below minimum acceptable levels. Many of these have not really even put in place the basic mechanisms and procedures for PoA participation. A vastly increased effort needs to be devoted to promoting more effective action to tackle SALW trafficking, proliferation and misuse within such countries.

Promoting adequate minimum standards and levels of action across all parts of the world is emerging to be a key challenge for the PoA. All international action on commitments to address complex problems is bound to be to some extent uneven and patchy. But one of the key aims of global agreements such as the PoA is to establish norms, programmes, and mechanisms to promote effective action in all regions and countries, not just those in which substantial regional agreements have become established. The Review Conference provides a key opportunity to clarify, strengthen and develop the norms, programmes and mechanisms of the PoA so that they are adequate for the task of promoting and supporting implementation in countries that are not also supported by substantial regional processes.

Thirdly, **it is important to learn lessons from implementation experience since 2001 in relation to the present gaps and weaknesses in the PoA.** Governments and regions that have demonstrated commitment and action to implement the commitments in the 2001 PoA document have also typically found it to be important to take actions in areas on which this document remained vague or virtually silent. Examples include: transfer control guidelines; measures to regulate civilian possession; development of detailed good practice guidelines; integration of policies and programmes to address SALW and promote development; action on SALW ammunition; improvement of public service for civilian protection and access to justice and of security sector governance and accountability; integration of SSR, SALW and DDR programmes in severely affected communities; and restrictions on SALW transfers to non-state actors, including MANPADS. When considering whether and how to address such issues, the Review Conference could usefully draw inspiration from those countries and regions that have been relatively active in pursuing these issues in the last five years.

10.2 ASSESSMENT OF IMPLEMENTATION PROGRESS FOR KEY POA THEMATIC ISSUE AREAS

Before proceeding to more detailed discussion of the implications of our overall assessment for the 2006 Review Conference, it is important to provide more detailed assessments of progress in implementing each aspect of the PoA. These draw in turn on the detailed findings of Chapters 4 – 9.

10.2.1 PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

A large number of countries have still not really put into place the basic elements for PoA implementation to which they are committed: points of contact and national co-ordination bodies.

Most states (150) have now at least appointed a **national point of contact** for the PoA, and most have duly informed the UN. However, even this has not been achieved by a significant minority of states. Further, many national points of contact lack capacity or awareness of their role; or have lapsed into inactivity or been transferred to new posts without updating the UN DDA. States thus need to reaffirm the importance of establishing a national point of contact, and take action to promote universal compliance with this most basic commitment.

The PoA commitment to establish or appoint “***national coordination agencies or bodies and institutional infrastructure***” responsible for policy guidance, research and monitoring of action on SALW has been neglected by more than half of states. As of May 2006, 90 out of 191 UN member states have established national co-ordination mechanisms including officially designated national co-ordination agencies or bodies, as well as 16 states with no formal national commission but for which there is, nevertheless, evidence of significant national coordination. This represents an improvement on previous figures of 37 formal national coordination agencies in 2003 and 79 in 2005. So overall the building of these foundations has been slow but increasing steadily. Action is needed to promote universal implementation. In those countries where such coordination mechanisms have been established, a range of benefits have been found though the building of their capacity is often a challenge requiring further international support and co-operation between states. Likewise, the composition, aims and activities and impacts of national coordination mechanisms or bodies have been mixed. National co-ordination mechanisms/bodies have tended to be more effective where they:

- Include an appropriately wide range of agencies and departments. While it is critical to involve the key security and criminal justice agencies and those directly involved with developing and enforcing regulatory controls on SALW possession and transfers, it is also important to ensure good links with, and participation of, others such as health, education, finance, planning, public information and local government
- Maintain a national and relatively comprehensive approach, with an appropriate balance between local initiatives and development of national policies and programmes
- Involve civil society organisations and experts, either formally through including CSO representatives on the co-ordination body or through ensuring good access and consultation.

The development of a ***specific national strategy*** to address SALW problems, and implement the PoA is a key initial action undertaken by many coordination mechanisms. In some cases, a formal national Action Plan has been developed in which national needs and priorities are researched, analysed, and fed into specific programmes of action at the national level. While the development of national strategies is not an explicit requirement of the PoA, experience has shown that, in order to be effective, national co-ordination mechanisms need to develop a clear strategy or action plan for their work. Where they exist, national strategies or action plans tend to be relatively comprehensive. Such national action plans are currently at varying stages of implementation. But it is already clear that the approaches and methodologies developed to establish such plans hold considerable potential to enhance action on SALW in a wider range of countries in the future. This is an area that has emerged as a key focus for increased international co-operation and assistance.

The significance for national implementation of regional agreements and programmes

The ***correlation between national implementation of PoA commitments and the existence of substantial regional agreements and frameworks for action remains a clear feature of international action*** on SALW. This correlation was identified in the 2003 and 2005 Red Books, and has grown stronger over time. As a general rule, where a sub-region has developed substantial regional agreements and programmes of action to address SALW issues, the states within that sub-region have made more progress towards national implementation

This appears to be a dynamic, mutually-reinforcing, phenomenon, and not simply a reflection of initial presence of a critical number of interested states. The existence of (sub-)regional norms, programmes and mechanisms for co-operation and consultation has tended to enhance high-level awareness, lesson-learning, capacity and practical activity – at national levels and between neighbouring countries and communities. It has often helped to mobilise co-operation and assistance not only from within the

region, but also from international organisations and bilateral aid agencies: UN agencies and international and regional organisations often find it particularly convenient and attractive to establish links with regional organisations and programmes. Regional agreements build confidence that action could deliver useful results (since SALW problems often have a strong cross-border dimension), and help to avoid damaging inconsistencies in approach between neighbours. The enhanced national and cross-border actions then feedback into the further development of regional initiatives. These processes are now developed, for example in South America, Central and South East Europe, the Pacific (Nadi Framework), and Southern, West and East Africa.

Sub-regional agreements and institutions are not a panacea and cannot compensate for deep lack of interest or strong obstacles to progress within a country. In several of the above regions where there are substantial regional agreements or programmes, there are individual countries that have made little or no progress towards implementing the PoA. Moreover, there are also some examples of states that have made substantial individual progress in the absence of a regional agreement (such as Cambodia and Sri Lanka). But states in the latter category do suffer from their relative isolation. In the absence of substantial global programmes within the PoA framework, many of them have tended to rely greatly on the ad-hoc mobilisation of international support and assistance.

There are a **number of lessons that can now be identified** and learned about the building of regional infrastructure and capacities in formal regional and sub-regional institutions and other frameworks for co-operation. There are both positive and negative experiences of supporting regional bodies, and the next phase of international action on small arms should learn from both.

10.2.2 PROGRESS TOWARDS CONTROLLING SALW TRANSFERS

The **illicit trade in SALW is inextricably linked to authorised SALW transfers**. Effective and responsible transfer controls are key to preventing destabilising accumulations and misuse of these weapons. This has been fully acknowledged in the PoA itself, which emphasises the range of areas over which states should exercise effective and responsible control. These include the effective regulation of the import, export, transit, retransfer and brokering of SALW. The PoA also elaborates and encourages these norms with further commitments that, while not representing fully elaborated good practice, reaffirm the key importance within these systems of assessing authorisations against strict guidelines and criteria; exercising effective end-use/end-user controls; supporting the enforcement of UN arms embargoes; and border controls.

Most states have some **basic laws and procedures on export and import** of SALW. Fewer (some 79) have controls on transit and transshipment, and even fewer (about 37) have specific controls over brokers and brokering. Further, while a majority of states have some laws and procedures on import (135) and export (111), this still leaves a substantial group of between 25% and 30% of states that lack even the frameworks required to exercise control over all aspects of SALW transfers let alone the capacity to enforce controls. Accordingly, the inadequacies and divergences in states' approaches to the regulation of SALW export and import control are likely to be significantly contributing to the illicit trade in SALW. There appears to be a considerable need for the elaboration of international standards and good practices in this regard, to clarify the implications of the commitment for states to adopt adequate laws, regulations and administrative procedures for the control of SALW.

The **quality and scope of national SALW transfer control provisions** will have a significant bearing upon efforts to prevent and combat the illicit trade in SALW. As well as being comprehensive in scope, i.e. involving all types of SALW transfer activities including export, import, retransfer, transit/transshipment, licensed production, brokering and transportation, such national controls need to

be sufficiently detailed and applied with enough consistency and rigour to prevent the exploitation of loopholes by unscrupulous entities and to close opportunities for the illicit trade and misuse of SALW.

The PoA's commitments on export controls are more elaborated than those on import or transit. The relative lack of commitments and emphasis specifically on import and transit controls means that opportunities may have been lost to promote controls in these aspects of a transfer. Most states have some laws and procedures on import controls, but further international elaboration of key elements and principles is needed.

On transit controls, **most states lack specific controls over the transit of SALW**, beyond those that apply to all commercial goods: only some 79 states appear to have specific controls on transit of SALW and similar conventional arms. Transit controls are often the weak link in the transfer control chain. Regional measures have begun to elaborate commitments that transit should be licensed. But overall, transit controls lag behind other areas of transfer controls at the national, regional, and global levels. The development of international assistance programmes involving the provision of resources, technical equipment and expertise would constitute an important step towards bolstering national efforts to implement transit controls. Comprehensive systems for information sharing amongst all parties concerned in SALW transfers should also be developed.

Many transfer control systems do not adequately tackle the range of issues associated with licensed production overseas (LPO). LPO and/or transfer of manufacturing equipment for SALW and ammunition, parts, or components raises a range of issues creating gaps in the coverage and effectiveness of transfer controls, and the risk of diversion. However, coverage of these issues in national systems is a common weak point. There is scope for international information exchange and lesson learning on the nature of this issue and approaches and implications of ensuring effective coverage of LPO in transfer controls.

Controls on the brokering of SALW transfers are a key weak point in many national systems of laws and regulations on SALW transfer controls. The PoA contains several commitments on brokering, some of which are rather weak or vague. The follow-on commitments in the PoA on this issue led to broad-based consultations at the global level that have now resulted in a General Assembly decision to establish a new Group of Governmental Experts (GGE) on the subject.

Considerable national progress has been made on this issue since the PoA was agreed, but still only a small minority of states (a total of 37) have legal controls over arms brokering activities. Regional and multilateral progress has been made, such as the OSCE good practice guidelines on regulations to control SALW brokering activities and the Norway-Netherlands initiative. It seems clear that since 2001 shared international understandings on key issues relating to regulations to control brokering activities have developed substantially. The time appears to be ripe for a crystallisation and more comprehensive elaboration of international commitments in this area to build upon the progress by some states and several regions on brokering controls. The new GGE on SALW brokering should therefore focus on issues that directly help to prepare for international negotiations to develop an international instrument to control arms brokering activities. The Review Conference should encourage such a focus, and otherwise contribute to the early establishment of such an instrument.

Many illicit SALW are diverted from legal transfers. The PoA explicitly draws attention to this and contains a range of commitments that relate to **reducing the risk of diversion** including assessing the risk of diversion (as the only specific guideline for transfer controls that is elaborated in the PoA); the use of end-user controls; marking and tracing commitments; and so forth. While only illustrative information is available, it is very worrying that the basic commitment to assess the risk of diversion when considering authorising a SALW transfer is, on the basis of publicly-available information, explicitly conducted in only

41 states, all but a few of which are within Europe and North America. Although some further states may also make such assessments, it is a high priority for all states to develop effective systems to prevent diversion, which is one of the primary objectives of many PoA commitments.

PoA commitments on **end-use, end-user control and retransfer notifications** all contribute to the management of the risk of diversion. Yet most states do not appear to be taking effective or systematic action at the national level to ensure they have such control systems in place. PoA commitments relating to assuring the end-use of exported SALW are clear but not elaborated. Many states still lack the systems and procedures required to use authenticated end-user certificates (EUCs) as an element in efforts to prevent and combat diversions of exported SALW. Further, commitments by states to make every effort to notify original exporting states prior to retransfers are not being routinely implemented or integrated into national systems of transfer controls. Thus, a range of key elements of practical or administrative systems for ensuring control over SALW transfers are lacking in many states.

International guidelines for national decisions on whether to authorise SALW transfers are closely linked to the issue of ensuring technical systems for control are in place. They complement and reinforce each other. However, the main PoA commitment relating to such guidelines (Section II, Para 11) is formulated in terms of SALW exports. Since 2001, a wide international consensus has developed to the effect that such international guidelines should apply for all states that should be directly involved in authorising SALW transfers: exporting states, importing states, transit and transshipment states and states with jurisdiction over relevant brokering activities. Moreover, decisions taken on the basis of such guidelines should as far as possible involve consultations between the importing and exporting states where there are differences between them.

As for the substance and formulation of such guidelines, there are several regional or multilateral guidelines for national decisions on whether to authorise a proposed SALW transfer. These generally include a guideline to consider the risk of diversion, and not to authorise the transfer if that risk is high.

The PoA's commitments on the content of such international guidelines or criteria for national decisions on whether to authorise SALW transfers are important, but their implications remain largely unelaborated, specifying only that the risk of diversion be assessed and that authorisations be consistent with states existing responsibilities under international law. Since 2001, there have been many consultations and international or regional meetings to develop shared understandings on how to clarify and elaborate these commitments, particularly through the Transfer Control Initiative, and the Small Arms Consultative Group Process. There is now considerable potential and support for some elaboration of these PoA commitments to help ensure that relevant national officials are clearer about how applications to authorise an SALW transfer should systematically be assessed, and to facilitate consultation and consistency between governments. Thus a key aim for the Review Conference is, as far as possible, to agree on a set of guidelines and good practices for SALW transfer controls elaborating on the existing commitment to avoid risks of diversion and reflecting states existing obligations under international law. These should be developed in relation to the full range of transfer controls, including export, import, transit, and brokering license applications.

On enabling **timely and reliable tracing of illicit SALW**, the PoA contains a number of strong and specific commitments. These have been considerably elaborated and reinforced by the commitments in the UN Firearms Protocol and the new International Tracing Instrument. These contain quite stringent obligations on marking and recordkeeping, and the Tracing Instrument establishes relatively well-developed procedures and obligations for timely and reliable co-operation in tracing investigations. A substantial number of states do not yet have in place the national rules, standards and capacities required to comply with these agreements, and there is an urgent need to rectify this. There are

substantial international resources and mechanism available to support such tracing co-operation, including Interpol and its IWETS database, as well as information systems and reference tables to enable reliable identification of seized weapons.

At this point, the main priority is to accelerate national implementation of the norms and commitments of the UN Firearms Protocol and the International Tracing Instrument, and to establish the mechanisms for the effective reporting, technical co-operation, consultation and assistance required. Although there are a large number of bilateral requests for tracing illicit firearms for 'ordinary' criminal investigations each year, it is important to promote use of tracing co-operation for illicit weapons associated with conflicts, and to use the new instrument to identify and close-down diversion points.

The follow-on and review mechanisms for the International Tracing Instrument are closely tied to those of the PoA. The 2006 Review Conference is the first formal opportunity to review this new instrument and to take measures to promote rapid implementation. It is important that it serves this purpose well. It also needs to address the two outstanding issues from the Open-Ended Working Group that negotiated the International Tracing Instrument: namely to establish a process within the UN framework to address SALW ammunition, and to clarify the application of the instrument in UN post-conflict peace missions.

The **implementation of concrete measures to prevent certain types of illicit flows of SALW** has also developed since 2001, but considerably more action is required at all levels. Illicit trafficking across borders and flows that breach UN arms embargoes are key parts of the illicit trade that the PoA addresses. In both areas national action has been relatively limited. Moreover, critical regional and global action to enhance capacities to prevent such illicit flows has been limited. In relation to **enhancing border controls** a range of regional commitments exist and have begun to be implemented. The development of capacity to adequately cooperate in border controls remains a resource intensive activity requiring much greater international support. In relation to UN arms embargoes, the development of more effective transfer controls will go a long way to making UN arms embargoes more enforceable. However, further international action is required to enhance the capacity of the international community to effectively monitor and implement arms embargoes.

While overall progress on transfer controls has been slow at the national level, and regional and global processes on guidelines are developing, transfer controls have moved on apace in some specific areas, most notably in relation to **MANPADS**. In other areas that proved impossible to get agreement during the 2001 conference, international progress has also been made. Notably, the issue of **controlling SALW transfers to Non-State Actors (NSAs)** which proved so divisive in 2001 has moved on to a more constructive foundation. While many disagreements remain over the best way forward with this issue, considerable progress has been made in the Small Arms Consultative Group Process in building common understandings of the issues and possible ways to develop appropriate responses.

Overall, there have been some very **encouraging developments** in transfer controls that have gone further than the minimal commitments in the PoA. This is the case both in terms of the level of sophistication of systems introduced and amended, and in terms of their breadth reflecting a growing awareness of the importance of all aspects of transfer controls. Nevertheless, this represents fragmented progress and many states and regions lag far behind. Thus the Review Conference is faced with several tasks to strengthen the UN SALW process' engagement with transfer control issues, and with important opportunities to do so.

10.2.3 PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR ALL AUTHORISED SALW

States are committed to ensure responsibility for all authorised SALW. This requires ensuring effective controls over authorised small arms, light weapons and ammunition from the point of manufacture

onwards. These should apply to all authorised arms, including those in the hands of all states' military, paramilitary and police forces, all private security companies, gun dealers, and authorised civilian possession. These controls should aim to ensure that authorised holdings of SALW and ammunition do not find their way into the illicit trade, are safe and secure, and are not misused by their own forces or by other authorised holders. Implementing these commitments and making efforts to enhance the effectiveness of these controls have been an important aim for many states. However, the PoA does not elaborate the implications or different aspects of its strong overall commitments in this area, and detailed good-practice guidelines are lacking. Many states have not succeeded in developing effective controls although they aim to do so.

The PoA's commitments on **controlling manufacture of SALW** are not elaborated. The great majority of states have at least some laws to regulate SALW manufacture, but many national regulations are out of date, lack sufficient scope, or do not reflect contemporary good practice. Further, the issue of controlling craft production is a pressing concern in several places. While there is a growing body of experience of the nature of these issues and regulatory responses, little national action and no international co-operation and support has tackled this issue. In the absence of detailed guidance from the PoA process, many governments appear uncertain of what they need to do. Where reforms of production controls have taken place they have tended to be relatively minor amendments.

In fact, there is wide agreement among experts on the requirements for effective controls in this area. These are reflected, for example, in the relevant OSCE Best Practice Guidelines or in the manufacturing-related commitments in other relevant agreements, such as the OAS convention. However, governments are often reluctant to draw upon norms and guidelines developed within a different region. Thus useful good practice guidance from other regions is often not fully used. This is an aspect of the PoA that requires global initiatives to promote effective implementation.

The **management and security of stocks of SALW** in the hands of state agencies (military, police, paramilitary, border guards etc) and authorised bodies (such as private security companies) is central to the PoA and to reducing the illicit trade in SALW. Weak stockpile management and inadequate security contributes to the illicit trade in small arms and light weapons on a daily basis by allowing the leakage of SALW (including ammunition) into the hands of illicit dealers and black markets. One of the key successes of the 2001 Conference was its strong confirmation that safe and secure management of states' holdings of SALW is a legitimate issue for international concern and action, and establishment of strong overall norms and standards. The PoA identifies key elements of stockpile management and security. A number of regional agreements and best practice guidelines exist that reflect very similar principles of good management and security of stocks.

Most states have some form of system for stockpile management and security. Many of these are in practice inadequate. At least 30 governments have reviewed these systems to enhance their effectiveness in line with aspects of good practice outlined in the PoA and elsewhere. Unfortunately, this implies that the great majority of states have not.

Internationally supported SALW programmes in some regions have concentrated particularly on **strengthening stockpile controls and security**. There has been a range of largely bilateral or regional support since 2001 for particular projects for promoting secure and effective SALW stockpile management. However, there have not yet been the global programmes to promote SALW (and SALW ammunition) stockpile management and security that the PoA envisioned. Although the great expansion of international assistance and co-operation programmes in this area is welcome, efforts remain rather partial and ad-hoc. The scale of the response measures is dwarfed by the scale of the urgent problems. There are almost certainly vast quantities of SALW and ammunition still kept in insecure or inadequately

managed conditions. Assistance programmes to promote stockpile security and management are now substantial, but need to be increased by an order of magnitude across the world. There is also a clear need for more effective integration of SALW stockpile management and security with broader security sector reform or post-conflict stabilisation processes.

Ammunition stocks are a particular challenge and the **vast quantities of unsafe, insecure and at-risk ammunition** are an urgent priority that was not specifically addressed in the PoA. In addition to risks of loss, theft or capture, SALW ammunition also poses risks to the safety of people in or near to the storage depots, since ammunition contains explosives which can become unstable if poorly stored or handled. There has been some international progress on this issue. The specific challenges of ammunition stocks require the development of specific norms and programmes on ammunition, within the broader context of enhanced programmes on SALW as a whole. The relative overall lack of attention to SALW ammunition storage issues means that opportunities have been lost to achieve effective action on this issue.

By treating ammunition as a residual category for action, a number of entry points and opportunities to efficiently engage with the issue in the context of broader stockpile reforms, SSR, DDR, and post-conflict programmes may have also been missed. The human cost and opportunity costs of the neglect of ammunition implied by the PoA's failure to reinforce norms have been significant. Thus, the destruction of vast stocks of at-risk ammunition is an urgent international priority.

The need for emergency standards and a process for identifying and disposing of those urgently at-risk and dangerous stocks is clear. The foundations for such action have already been laid in the PoA and have recently been reinforced in the UN General Assembly Resolution (A/Res/60/74 of December 2005) which calls for states to identify their surplus stocks of ammunition, explosive materials and detonating devices if they represent a security risk, and if external assistance is needed to eliminate surplus stockpiles or to improve their management through bilateral frameworks or international and regional organisations. It also requests the Secretary General to seek the views of states on the risks arising from such stocks and on national ways of strengthening controls on conventional ammunition. These are useful first steps, but it is also clear that the results of these processes will identify a large and urgent need to address conventional ammunition. Efforts to build international programmes on ammunition should begin in earnest immediately, should respond to already evident needs and should adapt to newly identified problems as they arise.

Civilian possession and associated trade and controls over stockpiling and manufacturing were among the most intensely debated issues at the 2001 Conference, and, up until the last moments of negotiation, the PoA contained stronger commitments on these issues. While the PoA now contains negligible commitments on civilian possession, states have increasingly recognised that adequate implementation of the PoA requires effective control over the possession and trade of small arms by and for civilians.

Many states and regions have continued to prioritise the issue of civilian possession and trade of SALW as a key dimension of ensuring responsibility and control of authorised SALW holdings. Changes in the regulatory frameworks and their enforcement have been undertaken by at least 52 states since 2001. Key areas of action have included strengthening systems of licensing and registration, further strengthening of widely held principles such as prohibition of civilian possession of military-type weapons; restrictions on the types of weapons and their possessors; controls on lawful purposes and carrying; the range of criminal sanctions and enforcement systems; and linking with weapons collections, particularly through amnesty programmes.

In many regions **disparities in legal frameworks and enforcement within regions** are a key factor enabling the illicit trade. In order to reduce such loopholes and ensure that legal civilian markets are not

used as a source for illicit trafficking into neighbouring states, several regional agreements have developed specific commitments on key principles and aims of the regulation of civilian possession, trade, and manufacturing. However, the implementation of regional standards remains in its infancy in many places. The benefits of regional action and harmonisation are undermined by a lack of complementarity and lesson-learning that could have been encouraged by the PoA. It is important to note that considerable political sensitivities continue to surround these issues, but that also there may at least be scope for international action including sharing information and experiences, developing harmonised standards, and ensuring more effective controls that remain clearly within the context of nationally established standards and systems of regulation of civilian possession of SALW.

Overall, ***ensuring responsibility for authorised small arms, light weapons, and associated ammunition has been one of the most widely implemented areas*** of national action on SALW since 2001. Some states have prioritised implementing controls over state stocks; others have prioritised the weapons and ammunition authorised for other bodies such as private security companies, private dealers, and civilians. Fewer states have prioritised action on manufacturing controls, and many ammunition stocks have been neglected and require urgent attention. Across the range of areas of action needed, further international support and much greater national action remains essential if the illicit trade and misuse of SALW that feeds off authorised stocks is to be curtailed.

10.2.4 PROGRESS TOWARDS SALW DISARMAMENT, COLLECTION AND DESTRUCTION

SALW disarmament and disposal through destruction are key areas of programming supported by the PoA. Programmes to collect SALW from civilians and to promote the disarmament of ex-combatants in post-conflict situations have been prominent areas of action on SALW since before 2001. Similarly, commitments in the PoA to dispose of SALW through destruction have been reflected in substantial activity by the international community. Nevertheless, significant gaps and opportunities remain for learning lessons from good practice and increasing the scale and effectiveness of disarmament and destruction programmes.

Disarmament, demobilisation and reintegration (DDR) has become a common integral part of much post-conflict stabilisation and reconstruction programming. It has attracted a significant amount of the international community's financial and technical assistance, though many aspects remain insufficiently developed, supported or implemented. The body of international experience on conducting DDR has been substantially augmented since the PoA was agreed. However, while lessons are being identified, they are not yet being consistently learned and applied in the design and implementation of DDR programmes. Some progress on learning and applying lessons has been made as this wide experience has been consolidated and reflected upon in some international initiatives such as the Stockholm Initiative and the new UN Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS).

The PoA is less precise in its handling of weapons collection efforts that do not fall within a DDR process or an immediate post-conflict period. Nevertheless, since 2001, a substantial number of countries have carried out ***civilian disarmament programmes*** outside a DDR framework. These have taken various forms of voluntary weapons collections including gun amnesties, weapons for development and weapons buyback processes, and in some cases forcible weapons collection programmes. As with DDR, the participation of civil society organisations in voluntary weapons collection schemes has proved to be important to their success. If conducted appropriately, such programmes can carry additional benefits of developing working partnerships between government and civil society that can contribute to longer-term processes to reduce both supply and demand for SALW.

Across the range of disarmament initiatives and contexts there are important lessons to learn about the use of ***incentives for weapons handover***, the value of partnerships with civil society, the need for

addressing the needs of women, children and the elderly, as well as young men, in post-conflict settings, and the disposal of collected weapons. Overall, while there has been commendable progress in implementing disarmament initiatives, there is considerable scope for enhancing such programming and improving its effectiveness. For instance, there is a need for enhanced co-ordination between DDR and civilian SALW collection, control and destruction, and a clear need for identified lessons to be learned in the design and implementation of SALW reduction and control programmes.

The ***destruction of surplus, confiscated and collected small arms, light weapons and ammunition*** have been a priority area for national action in several states – both post-conflict states and those facing considerable challenges in controlling large or insecure stocks. The destruction of surplus, confiscated, and collected stocks is a key means of reducing the burden on stockpile management and security systems and ensuring that unwanted or at risk SALW and ammunition stocks are not diverted into illicit circulation. Further, public destructions can build confidence in peace and disarmament processes and raise awareness of SALW issues.

While the PoA gives a strong emphasis to disposal of these categories of SALW through destruction, it stops short of an unqualified commitment to do so. Nevertheless, numerous states have followed this route and have introduced policies of destroying all surplus and/or all confiscated or collected SALW. International support has been provided to many programmes for disposal, but their coverage and scale remains patchy and inadequate to the global task. While there have been no global programmes for destruction, a range of international initiatives have contributed to destruction, including through regional agreements and frameworks such as the OSCE, or initiatives targeted at particular types of weapons such as MANPADS. Overall, however, destruction processes remain inadequate, and the scale of at-risk stocks of ammunition, and stocks of SALW and ammunition that are prone to diversion, remains large and presents an urgent challenge.

Overall, there has been ***considerable national and international action on SALW disarmament and destruction initiatives***. Across all areas of programming for disarmament and destruction key lessons at both the policy level and operational level need to be learned. For instance, across the range of programmes here, partnerships with civil society organisations have significantly enhanced the success of the programmes. In contrast, however, action to ensure that gender and age dimensions are effectively handled has tended to be limited, and in clear need of improvement. In each area there is a need for more effective lesson-learning, sharing and dissemination of good practice, and stronger frameworks for co-operation and assistance to ensure more comprehensive and effective action.

10.2.5 IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

Since 2001 the international community has increasingly recognised that ***addressing the proliferation and misuse of SALW requires action beyond the 'disarmament' framework*** that effectively tackles the human rights, humanitarian, development, and governance aspects of SALW. It is in these areas that the impacts of the illicit trade and misuse of SALW are acutely felt. Further, development, governance, security and human rights issues also lie at the root of much of the demand for illicit SALW and constrain the capacity of states and civil society to take effective action to control SALW. Thus, it is increasingly recognised that action on SALW should fully recognise the wide impacts of the trafficking, proliferation and misuse of SALW, and where appropriate be integrated with broader programming that directly engages with these issues.

Action on SALW should also ensure that it addresses the particular needs of women, children and the elderly, as well as young men. Gender and age are typically very important factors in both post-conflict

settings and other situations. For example, women's particular roles as users, supporters, victims and assailants need to be properly recognised and addressed. Young adult and adolescent men are understood to form the majority of the direct victims of armed violence. Moreover, there is a need to more effectively address the needs of survivors of SALW-related violence. Survivors are often left with severe disabilities and trauma that have direct and indirect impacts upon livelihoods, health systems, and other areas. It is important that action on SALW and on development adequately addresses the needs of survivors.

In addition to the clear need for development and governance programming to take greater account, and make more effective use, of SALW programming, the converse is also crucial. Specific actions on SALW need to pay greater attention to human rights, development and governance issues and impacts. While this is happening in key areas of action on SALW, such as the development of stringent transfer control guidelines, the strengthening of controls over civilian possession, and conducting weapons for development projects etc., overall this remains patchy and confined to a few initiatives. However, there are some encouraging signs of the development of global foundations for more effective handling of the linkages between action on SALW and human rights, humanitarian issues, development, governance, and security that will benefit all areas of programming.

In the 2005 'World Summit' document, world leaders expressed grave concern at the **negative effects on development, peace, security and human rights posed by the illicit trade in SALW** in all its aspects.¹ Also in 2005, the UN General Assembly endorsed a resolution on addressing the negative humanitarian and development impacts of illicit or excessive SALW.² This latter resolution 'calls upon States, when addressing the issue of the illicit trade in SALW in all of its aspects, to explore ways, as appropriate, to more effectively address the humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation, in particular in conflict and post-conflict contexts.' Further, the work of the UN Special Rapporteur on Prevention of Human Rights Violations Committed with Small Arms and Light Weapons has produced important conclusions on human rights and SALW.

An emerging and strengthening area of action relates to the **integration of SALW programming with development and governance programmes**. Thus far this remains an emerging approach with a handful of donors, programmes, and affected countries taking steps to integrate SALW programmes with poverty reduction strategies, security sector reform programmes, and so forth. Since 2001, and particularly in the last few years, greater attention to these issues has developed at the policy level. Key international developments have taken place that are building support and understanding of the implications of tackling armed violence in development programming, thereby making action on SALW more effective, and ensuring that development and governance and security programmes effectively tackle the critical problems of SALW. Prime among these are the decision by the OECD DAC to make most types of SALW programming eligible as overseas development assistance (ODA), enabling a wider range of development aid agencies to not only support SALW-related programmes but also programmes that integrate SALW and development. In 2003 an important Armed Violence and Poverty Initiative was launched, which has helped to enhance knowledge of the inter-relationships between reducing armed violence and poverty alleviation, and promote support for action amongst the key donor communities. In the lead-up to the 2006 review conference, a series of significant international meetings have taken place on this issue, including in Oslo (March 2006) Wilton Park, UK (April 2006) and a high-level meeting in Geneva (June 2006) – all aimed to promoting effective and appropriate integration of SALW development issues and programmes. Thus, there is a growing and accelerating international impetus to more effective and systematic integration of armed violence issues into development frameworks and programming.

¹ 2005 World Summit Outcome, UN Document A/RES/60/1, 24 October 2005.

² UN General Assembly Document A/C.1/60/L34/Rev 1, 21 October 2005.

10.2.6 PROGRESS TOWARDS INTERNATIONAL CO-OPERATION AND ASSISTANCE ON SALW

International co-operation and assistance are essential elements of efforts to tackle the illicit trade in SALW and commitments to co-operate and to provide such assistance form a key part of the PoA. Co-operation at the regional and sub-regional levels was a feature of much action on SALW prior to July 2001, and has continued to develop and expand since then (see Chapter 3). Similarly, both before and after 2001, a number of donors have provided important support for efforts to prevent and reduce SALW trafficking, proliferation and misuse. Support and co-operation has occurred in a range of areas, including policy development and co-ordination as well as at the operational and implementation levels. The key challenge now for the UN Small Arms Process is to enhance the scale and effectiveness of such international co-operation and assistance.

Overall, it appears that there have been **some significant changes in international co-operation and assistance** since 2001, but many of these are only just beginning. In relation to the provision of financial and technical assistance, the donor community providing assistance to SALW programmes has undergone some significant developments and changes since 2001.

The ranks of donors and assistance agencies, and the resources available for SALW-related programmes have grown. A number of new donors have entered the field and the character of international assistance programmes appears to be gradually moving away from relatively inflexible and project-based donor aid to more flexible and sustained co-operation with greater scope for genuine partnerships, including south-south as well as north-south. While this is only in the early stages of becoming a feature of assistance, these first steps are encouraging.

Regional and international institutions have become increasingly involved in raising, providing, channelling and co-ordinating assistance. Relationships of assistance and co-operation on SALW issues have therefore developed at all levels. The range of projects on SALW that have benefited from co-operation and assistance has also broadened, and regional frameworks for supporting such action have developed. This is further reinforced by strengthened co-operation and capacity at regional levels.

In spite of maturing co-operation and an evolving support base for action on SALW, **the scale of available assistance remains inadequate** to the tasks of effectively enhancing action in the above areas. Accordingly, there is considerable need for individual states within the international community to build their capacity and willingness to engage in effective action on SALW.

Few donors have taken sufficiently seriously their responsibility to ensure that their support is co-ordinated and mainstreamed with broader programming areas and goals. While there are encouraging signs of increased integration of SALW action with development programming and security sector reform, such integration is still limited. Additionally, while the growth of the cooperative relationships and the support base for action on SALW has been accompanied by a broadening of its agenda(s), the scope and foci of projects that have benefited directly from this still remains concentrated on single-issue and relatively short-term projects rather than comprehensive approaches. They also tend to cluster around high profile cases.

There is also a tendency to prefer relatively short-term projects with highly visible and tangible outputs, such as weapons collection initiatives. Equally important, yet less visible, longer-term programmes on aspects such as institutional development and capacity-building, appear often to have been neglected. In part this reflects limitations in the way donors have built their capacity to respond to needs. Donors new and old tend to focus on particular types of projects – largely those in which their limited budgets can make a discernible and visible contribution. Further, SALW programming can be a technical area in

which a small number of staff gains particular expertise, this means that both new and old donors may struggle to develop institutional memory on supporting SALW programmes. Thus, the scope for advantageous consolidation through co-ordination frameworks and international programmes is substantial but, at the moment, still only potential.

This limitation and potential is also a feature of the international community's capacity to support SALW programming. In this regard, it is important to note that **information exchange and co-operation frameworks have not matured as well as they could have** in the five years since the PoA was agreed. The UN process has clearly and substantially contributed to the quantity and quality of information on action on SALW that is available, and the record of national reporting has improved significantly over the past five years. Issue specific information exchange processes have tended to be better implemented and have seen some significant improvements. Nevertheless, most information exchange remains fragmented and ad-hoc. Critically, much information exchange that is occurring is insufficiently oriented towards learning lessons and enhancing implementation.

International information exchange should be contributing to co-ordination, complementarity and synergy, and also to the effectiveness of SALW programmes and their integration into broader programming. The critical mass of experiences – at which point information exchange could productively have contributed to the efficiency and effectiveness of implementation – has passed. There is, therefore, a **clear need for renewed and refined efforts for systematic information exchange** mechanisms to be developed and implemented at the global and regional levels. Effective identification, dissemination and learning of lessons from experience with SALW assistance programmes is widely agreed to be essential to improve their relevance and effectiveness.

Nevertheless, a number of reasonably reliable crosscutting lessons from experience have already been identified about how to design and implement different types of SALW programmes. These include the importance of:

- Sustainability
- Full engagement with relevant local communities and stakeholder interests
- Appropriate comprehensiveness and flexibility
- Linkages with development, post-conflict reconstruction and peacebuilding, security sector reform and related issue areas

These lessons have been widely disseminated. But many co-operation partners have in practice been extremely slow to actually learn and apply these lessons and mistakes are repeatedly made.

Crucially, while there have been numerous improvements in co-operation and assistance, states have not been able to realise their commitment to ensure co-ordination, complementarity and synergy in their actions on SALW. There is a pressing need for the Review Conference to examine ways in which international co-operation and assistance can be improved in this regard, expanding and matching co-operation and support with needs.

10.2.7 PROGRESS IN PARTNERSHIPS BETWEEN GOVERNMENTS AND CIVIL SOCIETY ORGANISATIONS

The PoA encourages partnerships, as appropriate, between governments and civil society. The evidence presented in this and previous Red Books demonstrates that there are many good examples across the world of fruitful co-operation between governments and civil society groups on SALW issues.

There are numerous examples of **partnerships between governments** of SALW affected states and between these governments and donor agencies on SALW initiatives. However, it is clear that this co-operation could and should be far more extensive. In addition to the limitations of assistance, donors and partner governments also seem to have difficulty in reaching a shared consensus of how to conceive and implement SALW projects. Donors have their own priorities, as do national governments and in this context developing common understandings of how best to construct and implement initiatives to tackle SALW proliferation is a major challenge.

Nevertheless government-donor agency partnerships have emerged in relation to an extensive range of initiatives. These are evident in the assessment of the SALW problem in particular countries, the development of national institutional frameworks for tackling SALW, the disarmament, demobilisation and reintegration of combatants, weapons collection and destruction projects, stockpile management initiatives, and public awareness raising projects.

The range and extent of donor agency and government collaboration on small arms initiatives means that there is no shortage of valuable experience or lessons learned from the wide range of partnerships that exist. Nevertheless, the sharing of these lessons has not taken place consistently so as to benefit future alliances and projects. The international community thus needs to find a way of allowing lessons learned and experiences from all types of partnerships to be shared much more systematically for the benefit of all who have an interest in tackling the spread and misuse of SALW.

Moreover, the evidence presented throughout this and previous Red Books confirms that **civil society groups can contribute across the whole range of measures** envisaged in the PoA, not just through public awareness campaigns. Such partnerships have developed at both the policy level and the programmatic level with civil society organisations contributing valuable expertise and experience, lessons learned, and also key benefits to the implementation of SALW projects including building trust with communities, ensuring responsiveness, sustainability and ownership of projects and their goals; and in many cases actually taking a leading practical role in programme implementation. Some NGOs have well-developed international networks that enable them to facilitate contacts between donors, international institutions and government agencies in severely affected countries, thus contributing to the development of international co-operation and assistance. An increasing number of states systematically include civil society organisations in their national coordination and strategy formation and implementation.

It appears that wherever governments have been open to co-operation on tackling SALW issues, at least some local or international NGOs and other civil society groups have proved interested and capable as co-operation partners. Members of IANSA have actively sought such co-operation.

Nevertheless, **many countries lack traditions of close co-operation and partnerships between governments, local authorities and civil society groups, particularly NGOs.** This is particularly true in relation to the control of SALW and combating illicit trafficking, which are still regarded in some quarters as sensitive issues where private citizens and NGOs have a limited role to play. Relationships between governments and some NGOs can be mutually suspicious and even adversarial. However, there has been significant progress in this respect since 2001 and there is good evidence that these barriers to government-civil society co-operation are being overcome, often as part of a wider trend in most regions.

Government engagement with civil society varies greatly, often tends to be ad-hoc and relates largely to a select range of civil society organisations. Countries would achieve real benefits by moving to establish specific structures to ensure systematic information exchange and engagement across the full

range of issue areas. There are inevitable tensions between government and independent civil society groups, but experience shows that where these are recognised and responsibly managed they are quite consistent with developing useful co-operation and mutual benefit.

Overall, experience with partnerships between governments, and between governments and civil society, on issues relating to the PoA is now sufficiently broad and established that the time is ripe for international elaboration of useful mechanisms and principles to facilitate them. ***The Review Conference needs to place much greater emphasis on the importance of partnerships in efforts to tackle SALW.*** The Review Conference could usefully discuss the benefits of international partnerships on SALW and recommend increased investment in all types of partnership. It could also provide for the establishment of a framework in which states and international institutions can exchange information on lessons learned arising from partnerships on the SALW issue.

10.3 THE IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE AND THE NEXT FIVE YEARS

In each of the above areas there have been strengths and weaknesses in actions to implement the PoA: with innovative approaches, and neglected dimensions. From all of these the international community can learn how to more effectively tackle the illicit trade in SALW, and how to reinvigorate the evolving global actions on small arms. The time is now ripe for lessons to be learned from that action and to consolidate and reinvigorate international action to promote implementation of the PoA and to clarify and elaborate its commitments.

This section does not aim to provide detailed proposals for the Outcome Document of the Review Conference; such issues and priorities have been developed throughout the preceding chapters and also in the Biting the Bullet Report *'Promoting Effective Global Action on Small Arms: Priorities for the 2006 UN Review Conference'* (January 2006). Rather, it clarifies the implications of the preceding analysis of the nature and challenges of PoA implementation to date for the next phase of international action on SALW.

The Review Conference should build upon the experience of the past five years and learn lessons from the challenges and successes of national, regional, and international action. In particular, it should strengthen the UN SALW process by taking account of the reasons for success and limitations. The preceding analyses throughout this report show that many of the reasons for limited and uneven implementation reflect:

- The unevenness of the foundations for national and regional action
- Inadequate development and implementation of the types of global programmes required for full and successful implementation
- A lack of sufficient clarity and elaboration of the implications of the PoAs' commitments in key areas
- The presence of gaps in the PoA that reduce its effectiveness as a comprehensive approach to tackling illicit SALW

These factors contributing to limited implementation lie within the scope of the UN small arms process, and are within the reach of the Review Conference to address. The Review Conference provides an important opportunity to promote and reinvigorate efforts to implement, elaborate and strengthen the PoA. It should be 'forward-looking' – agreeing an Outcome Document that supplements, elaborates and strengthens key aspects of the PoA, and also establishing follow-on processes, in order to ensure that the PoA process remains the central global framework for action on SALW issues.

As noted, many detailed implications of our study of the last five years for the Review Conference have been highlighted in this and previous chapters of this book. The following sub-section highlights some of these.

The Review Conference should take action to help to **reinforce the foundations of action on SALW**, in particular by supporting states in building their capacity to take effective action on SALW and by ensuring that lessons are learned from national and regional experiences on how to build such foundations effectively and efficiently. This should include:

- Calling upon those states that have not yet done so, to create a functioning national point of contact and, particularly, a national co-ordination mechanism, and to provide advice and support where necessary to the formation and capacity building of these basic foundations
- Encouraging and supporting the development of national strategies on small arms and light weapons and, where appropriate, to integrate these strategies with national poverty reduction strategies; crime-prevention; and post-conflict stabilisation and peace-building strategies
- Encouraging and supporting the development, strengthening, and implementation of regional and sub-regional and other multi-lateral agreements and frameworks for action on SALW
- Re-emphasising the importance and benefit of developing partnerships amongst states and between states and civil society

It should **affirm and consolidate the progress made so far, and promote enhanced future action**, by establishing processes for learning lessons, and by affirming emerging and strengthening good practices. For instance, the Review Conference should reinforce the progress made by states in relation to SALW transfer controls. It should acknowledge the need for all key aspects of transfers to be controlled by rigorous national systems including import, export, transit, licensed production overseas and brokering and should elaborate on the key components of such national systems. The Review Conference should also establish that these systems should include stringent guidelines for authorising each transfer process. The need for effective implementation systems should also be elaborated, including requirements for end-user certificates, effective border controls, and strengthened capacities for states and the international community to monitor and enforce arms embargoes. It should encourage and facilitate the development of best practice and clear international standards on all aspects of SALW transfer controls, including elaborated principles based upon states existing responsibilities under international law and key elements and principles for national transfer control systems (see below). It should also acknowledge the need for an international agreement on controlling illicit SALW brokering and should recommend that the Group of Governmental Experts reflect this imperative.

It should **create or facilitate the creation of international programmes on key areas**, including all of those called for in the PoA and not yet implemented. These will include information sharing, learning lessons, developing and disseminating good practices, promoting international programmes to enhance implementation, and other activities. Key areas where PoA implementation would be enhanced by such programmes include:

- Stockpile management and security, including international programmes to substantially scale up efforts and assistance to ensure responsibility for all authorised SALW and ammunition by disseminating, promoting and implementing effective standards and mobilising the resources required.
- Measures to promote early and full implementation and use of the International Tracing Instrument, and the UN Firearms Protocol, including establishing appropriate mechanisms for technical analysis and review, and also for co-operation and assistance.
- National controls on SALW transfers (including end-use/end-user controls)

- DDR, including an international follow-on processes to the UN IDDRS and Stockholm Initiative guidelines for effective DDR, and exploring ways of better supporting DDR and integrating it with security sector reform, development and other efforts to promote security and control SALW in post-conflict environments.
- Weapons collections in both post-conflict situations and other contexts
- The destruction of surplus, confiscated and collected SALW
- The disposal of unsafe and insecure, surplus, confiscated, and collected ammunition

It should **clarify and elaborate the implications of the PoA's commitments** in key areas. Among the strongest candidates here are: international guidelines for national decisions on whether to authorise SALW transfers; processes for the UN and the international community to directly address measures to control and reduce SALW ammunition; and the need to better integrate action on SALW with programmes of action on related impacts and implications, especially development, security, human rights and humanitarian issues and programmes. In particular, these should:

- Build upon the considerable progress made by several international initiatives since 2001. The Review Conference should seek to undertake a detailed elaboration of the commitments set out in Section II, Paragraph 11 of the PoA with a view to agreeing on a set of detailed principles based on states' existing obligations under international law, or to establish a process whereby this is undertaken so as to facilitate agreement on a comprehensive set of international SALW transfer control principles at the earliest opportunity.
- Clarify and elaborate the implications of PoA commitments for taking action on SALW ammunition, or otherwise clarify and encourage mechanisms within the UN framework where SALW ammunition issues can be addressed. International progress is needed to ensure that action on SALW can tackle problems associated with ammunition appropriately and effectively. This should include processes that explore the challenges and solutions to problems related to the safe and secure storage of ammunition, the urgent need for large-scale destruction programs, as well as measures to ensure that transfer controls, marking, record-keeping and tracing systems are able to appropriately and effectively cope with ammunition issues.
- Clarify and elaborate the humanitarian, human rights, development and governance dimensions of the PoA. In particular it should build upon the growing impetus for more effective and systematic integration of armed violence issues into development frameworks and programming. This should clarify and elaborate implications on the basis of the PoA, UNGA Resolution 60/68, the forthcoming Declaration on Armed Violence and Development, and the decision by the OECD DAC to make most types of SALW action ODA eligible, the OECD DAC's Implementation Framework for SSR, the Armed Violence and Poverty Initiative and others. It should elaborate and develop a set of principles on the importance of the links between PoA implementation and efforts to promote human rights law and IHL and humanitarian concerns more generally. The review conference should establish a process for further clarification and elaboration in these important areas.

The Review Conference should **address gaps in the PoA framework** that continue to undermine its effectiveness as a comprehensive framework for action on the illicit trade in SALW. Recognising that a majority of states support strong standards and responses to these gaps, the Review Conference should aim to establish or permit continued and enhanced processes of international action on these issues. These include: transfers of SALW to Non-State Actors (NSAs); national controls on civilian possession; action on MANPADS; and addressing demand. For instance:

- The Review Conference should seek to reflect the concern of most states that there is a need for a strong response to the problem transfers of SALW to non-state actors (NSA) that are not authorised by the government of the recipient state. The Review Conference should therefore establish or

permit the continuation of information sharing and exploration of these issues and options for developing responsible solutions to this pressing area of concern.

- The Review Conference could usefully promote the development of understandings of basic principles about the national regulation of civilian possession of SALW. This may be possible in the Outcome Document itself, but also through follow-on meetings and processes. It should encourage the development of model regulations and best practices, support regional efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement and establish an international information exchange and technical assistance programme within the UN small arms framework that would enable states that wish to cooperate on issues of controlling civilian possession to do so.

Across all of these areas of action the Review Conference should **reaffirm and expand support for international co-operation and assistance**. Recognising that good implementation of action on SALW is reliant upon the will and capacity of states, international co-operation and assistance is crucial to the development of partnerships and capacities in this regard. A range of steps can thus be taken by the Review Conference to support and consolidate encouraging trends. In particular it should:

- Emphasise and strengthen commitment to ensure coordination, complementarity and synergy in co-operation and assistance. This will require the development of strong and well supported international programmes through multiple co-ordinated international programmes or permanent assistance mechanisms.
- Encourage the further development of co-operation and partnerships at all levels, including between governments and civil society, at the sub-national, national, sub-regional, regional and global levels and in relation to SALW policy and operational programmes of action.
- Agree to create a process to develop international mechanisms for identifying and tracking needs and matching assistance to those needs.

The Review Conference Outcome Document will need to **agree follow-on processes**, including subsequent Biennial Meetings of States and a further Review Conference, and on Intersessional Processes and Meetings. These follow-on mechanisms should be given a strong role to ensure the continued relevance and strengthening of the UN small arms process. Thus the Outcome Document of the Review Conference should:

- Convene future Biennial Meetings of States to review and assess action on small arms (including all measures related to the PoA and any international programmes and processes related to it and the Outcome Document of the Review Conference, the International Tracing Instrument and any others), with a view to learning lessons from those experiences; identifying and consolidating good practice, and proposing further recommendations and agreements to prevent the proliferation and misuse of small arms and light weapons.
- Convene a Review Conference in 2012 mandated to review and assess implementation and the future development of global action on Small Arms and Light Weapons including all measures related to the UN small arms process. This should be mandated to reaffirm existing agreements and also to broaden and elaborate existing agreements in light of the recommendations from BMS and other relevant processes.
- Establish an intersessional programme of work to exchange views in depth on key issue areas in preparation for Biennial Meetings of States and the next Review Conference.

10.4 CONCLUDING REMARKS

In conclusion, the PoA remains important and full of potential to have significant impact in preventing, combating and reducing SALW trafficking, proliferation and misuse. In spite of inadequate and patchy implementation there are numerous signs of hope. While national, regional and global implementation of the PoA is very far from complete or adequate, and in many areas has been disappointingly slow and fragmented, it has not failed. The UN SALW process may be slow compared to many expectations, but it is fast and healthy when compared to many other UN processes developed in an arms control framework. Its implementation may be fragmented when compared with agreements related to narrower range of issues and priorities, but a wide variety of actions and approaches following national and regional priorities is both expected and appropriate in the early stage of implementation of such an agreement.

In implementing the PoA, states have taken a broad view of the PoA's commitments, and have developed a range of strategies for action on SALW that include the full range of SALW issues. There is an urgent need for strengthening and elaborating the UN SALW process to reflect the approaches that states have found effective and essential to action on SALW. Thus, as the international community converges to review implementation of the UN Programme of Action, it should do so in all its aspects.

The Review Conference is a key opportunity to clarify, elaborate and strengthen the PoA through the supplementary Outcome Document. It is also an opportunity to create and enhance further dynamism in international action by putting in place follow-on mechanisms and international programmes, and supporting action at the global, regional, sub-regional, and national levels.

The international community is now faced with a clear opportunity to build upon the progress made in the first five years in order to achieve a steep rise in the level of implementation efforts and, thus, to actually reduce the overall impact of SALW trafficking, proliferation and misuse and reduce human insecurity and suffering.