

4: PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

4.1 INTRODUCTION

One of the major barriers to effective national implementation of the PoA has been the lack of effective co-ordination between the numerous government departments and agencies that play a role in small arms control. In order to fully implement the PoA states must have a basic level of institutional infrastructure in place that allows for the development and implementation of SALW policy and procedures. In this regard, Section II, Para 4 of the PoA requires states to:

“...establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons”.

In order to ensure that states are in a position to communicate with other states and multilateral agencies on the development and implementation of SALW policy, Section II Para 5 of the PoA requires states to:

“... establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action”.

Beyond this, an increasing number of states have taken these commitments a step further and, recognising the benefits of a coherent and inclusive national approach to the SALW issue, have established a comprehensive National Strategy or National Action Plan (NAP) to tackle SALW.

Significant progress has also been achieved within some regions and sub-regions in the development of institutions and capacity, thereby providing a valuable supporting and co-ordinating function for national action on SALW. The impact of regional agreements and regional capacity on SALW action is explored below.

Furthermore, it is clear that a great many initiatives on SALW are implemented by means of a variety of partnerships between governments and government agencies, donor agencies and civil society. Accordingly this section aims to give an overview of the different partnerships that exist and the ends to which they are employed.

4.2 NATIONAL CAPACITIES

4.2.1 NATIONAL POINTS OF CONTACT (NPC) AND REPORTING ON POA IMPLEMENTATION

The establishment of NPCs

In order to make effective progress on implementation of the PoA, a certain minimum level of institutional infrastructure is required. In this regard, the PoA is clear on the need for states to designate a national point of contact (NPC) so as to facilitate liaison with other states on matters relating to the implementation.

To date, a majority of states (150 in total¹ as of May 2006) have established NPCs). In view of the minimal nature of the requirement, however, the fact that at least 42 countries have not yet notified DDA of an NPC is of concern. Progress in establishing NPCs across different regions is variable and can be summarised as follows:

¹ An official list is available on the UN Department for Disarmament Affairs (UN DDA) website (<http://disarmament.un.org/cab/docs/National%20Points%20of%20Contacts%20SALW%202024.03.06.pdf>) however this figure represents the official number as well as those NPCs that are known to exist but which have not submitted details to the UN DDA.

- Nine out of 48 African states have no registered NPC
- Nine out of 35 states in the Americas have no registered NPC
- Five out of 53 European states/entities have no registered NPC
- Nine out of 18 states in the Middle East and North Africa (MENA) have no registered NPC
- Four out of 23 states in Asia has no registered NPC
- Five states out of 14 in Oceania and the Pacific have no registered NPC

The principal factors contributing to this absence of NPCs tend to be a lack of engagement in the UN PoA process, a lack of capacity for addressing SALW issues and/or the perception of the illicit trade in SALW as a low domestic priority.

However, even where a state has designated a NPC, this is not a guarantee that this contact is, in fact, operational. A substantial number of the points of contact listed by UN DDA either do not exist, are out of date or fail to respond to communications. Efforts to procure up-to-date information on national implementation of the PoA serve as a useful illustration in this regard: in the course of compiling this report, *Biting the Bullet* contacted 116 NPCs. Of these, only nine responded. Many NPCs proved to be non-contactable.

While the greatest number of NPCs – 65 in total – is situated within foreign ministries, a significant minority of NPCs, particularly within Africa, are based in ministries of interior/police (17 in total); a reflection of the view that SALW control is primarily an internal and/or operational matter. A further 16 states, spanning all regions, have their NPC situated in the ministry of defence, suggesting that SALW is viewed as a national security concern. In some countries, there are multiple points of contact and it is not always clear that those designated as such are aware of their role; moreover there have been cases where an individual who has been designated as NPC is not suited to the purpose in that they cannot speak any of the UN's six official languages.

It is difficult to say with any certainty whether the location of an NPC has a material impact on how the SALW problem is addressed by states, as so many NPCs appear to be little more than non-responsive email addresses or fax numbers. However, the existence of a national co-ordination agency does appear to have a bearing on the focus of SALW efforts in some states (see below).

Reporting on PoA implementation

The majority of states – 135 in total - have provided at least one report to UN DDA. Most of these were provided in the period preceding the 2003 and 2005 Biennial Meetings of States (BMS). In the case of those 56 states that have not reported to DDA, this is a clear indication of a lack of real engagement in the UN PoA process. Although it is relatively easy to designate an official as a NPC, producing a report requires devoting time and resources to the issue. In Africa in particular, a significant number of states – 13 out of 48 – have not reported to DDA; in many African states a lack of capacity and national co-ordination difficulties are major contributory factors in states' failure to report on PoA implementation. In this regard, although the UNDP/UN DDA support project has been able to assist 25 states with preparing national reports, a much greater level of assistance is clearly required. Moreover, the quality and extent of national reports varies significantly, with some states taking the opportunity to provide detailed information on their SALW controls and others failing to provide much insight into their SALW related policies, legislation and activities (see Chapter 9).

4.2.2 NATIONAL CO-ORDINATION AGENCIES

While the establishment of an NPC is the most minimal institutional requirement under the PoA, it is not, on its own, a measure of how well equipped a state is for PoA implementation. One indicator of how

seriously states are taking their obligation to implement the PoA is the number that has established national co-ordination mechanisms as required under Section II, Para 4. The number is disappointingly low: globally, just under a half of states – 90 in total – have established national co-ordination mechanisms.

The region with the greatest number of national co-ordination mechanisms is Africa, where over two-thirds of states (34 out of 48) have taken action in this area. The region where the fewest have been established is MENA, where less than one fifth of states (two out of 18) have established a co-ordination agency. Perhaps disappointingly, only a half of countries in Europe (28 out of 53), and less than half in Asia (nine out of 23) and the Americas (14 out of 35) have made progress towards establishing a national co-ordination mechanism.

Considering the fact that the establishment of a national co-ordination agency is a key institutional requirement of the PoA, this low level of implementation is disappointing, as it indicates that only one-third of states have the requisite institutional infrastructure for internal SALW policy co-ordination and full PoA implementation. A further 16 states that have not established a national co-ordination mechanism have been identified by *Biting the Bullet* as having significant levels of national co-ordination on SALW issues. However, it is clear that the majority of states that are making serious efforts to ensure SALW policy co-ordination have done so through the establishment of a specific mechanism for this purpose.

The reasons behind the failure of almost two-thirds of states to take action in this respect depend on the particular internal and regional situations of the states in question. For example, in Europe, SALW proliferation is not a pressing domestic issue for many states, hence there is less onus on these governments to make internal SALW policy co-ordination a major priority. In Asia, the Americas and parts of Africa, capacity issues and/or a lack of substantive engagement with the PoA process are undoubtedly at the root of states' failure to establish national co-ordination mechanisms. At the same time, it is also clear that there is often a link between high levels of donor engagement and the establishment of an effective national co-ordination agency. In this regard, international donors, such as the United Nations Development Programme (UNDP) and governments such as the UK have been closely supportive of the establishment of robust mechanisms in countries such as Bosnia and Herzegovina, Kenya, Serbia and Montenegro, Sri Lanka, Tanzania and Uganda, whilst in Central America a major focus of a UNDP sub-regional project is the building of capacity in each government to officially constitute a national commission and ensure operational links with the Central American Integration System (SICA).

Types of national co-ordination agency

Whereas the PoA makes it clear that states should establish a national mechanism for the purposes of overseeing and co-ordinating efforts to address all aspects of the illicit trade in SALW, decisions regarding the exact composition and nature of this body are left to individual states. As a consequence, various types of arrangements have been adopted by states in order to promote national co-ordination of action. These range from a relatively minimal or informal type of arrangement, such as the Interdepartmental Committee in the UK (the Small Arms Policy Group), to the more formal 'National Focal Point' which is common in Southern and Eastern Africa, to the constitution of National Commissions, for example, in Ghana and Sri Lanka. There is evidence to suggest that the different types of provision operate differently. On the one hand, informal inter-departmental committees tend typically to address the SALW issue within the existing competencies of the departments or ministries involved. On the other hand, National Commissions clearly involve the establishment of a new institution and additional capacity, often with significant donor support.

Regional arrangements and national co-ordination agencies

Regionally, the greatest progress in the establishment of national co-ordination agencies has been achieved in Eastern Africa where all states have established a National Focal Point (NFP). This process has been facilitated by significant and concerted action at the sub-regional level to address the SALW issue, notably through the Nairobi Protocol and associated agreements. This sub-regional SALW control apparatus has required substantial engagement in the SALW issue on the part of most Eastern African states and the establishment of the requisite institutional apparatus in the form of National Focal Points. Progress in developing national co-ordination agencies has also been marked in West Africa where the provisions of the ECOWAS Moratorium overlap with those of the PoA and serve as a sub-regional framework for the implementation of the PoA. Provisions of the Moratorium that are echoed in the PoA include the requirement to establish a national co-ordination agency and in this regard 13 out of 15 states have undertaken this task. However question marks remain over the effectiveness of a significant number of national co-ordination agencies (see below).

However, elsewhere, regional and sub-regional agreements have not always yielded progress in the establishment of national co-ordination mechanisms. In Europe, where states are party to a variety of regional, sub-regional and multi-lateral SALW initiatives, progress in this regard has been slow. Even in South Eastern Europe, under the umbrella of the Stability Pact Regional Implementation Plan, there has been limited progress in the establishment of national co-ordination agencies. Although a number of states have considered developing full national commissions, less than half have made concrete strides towards creating them. This is due in part to broader governance problems in some areas (Albania and Kosovo), a lack of priority being afforded to internal SALW control.

Throughout the Americas, most national co-ordinating mechanisms are less focused on PoA implementation and more on fulfilling obligations of the Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) or on dealing with reforms to national legislation. Brazil undoubtedly possesses the most robust national co-ordinating mechanism, its National Disarmament Commission, which is focused on implementing national law rather than the PoA although much of its work is complementary to PoA implementation. Within the Andean Community, Colombia, Ecuador and Peru have formed national co-ordinating mechanisms, although in some cases they still lack official legal status and mandates within government.

In regions where regional SALW agreements are lacking, for example across much of Asia and MENA, progress in establishing national co-ordination mechanisms has also been slow. Contributing factors to this include the absence of regional or sub-regional SALW agreements and a lack of priority on the part of international agencies for financial and technical support to these states.

Composition of national co-ordination agencies

In terms of their composition, it would appear that the majority of SALW national co-ordination mechanisms include, at a minimum, government ministries and departments relating to foreign affairs and/or international development, home affairs/internal security, trade/economics and defence. A number also includes customs, police agencies and intelligence services. Various European countries have co-ordinating mechanisms, the role of which is to exercise control over the export of SALW and other military equipment, however many have little or no mandate to cover other SALW issues. These bodies generally have a relatively narrow membership, including those ministries or departments with a direct interest in the sale or export of arms.

A number of recently constituted National Commissions/Focal Points in various sub-regions of Africa have, however, through their membership, displayed a more comprehensive approach to the small arms

problem and have acknowledged the need for a wide range of stakeholders to be involved in SALW policy co-ordination. For example, the membership of the Ugandan National Focal Point includes 10 ministries and offices, including the 'usual' members such as the Ministries of Justice and Constitutional Affairs, Internal Affairs, Foreign Affairs, Industry and Trade, Customs, Immigration, Finance Planning, Economic Development, the Presidents Office, the Police and the People's Defence Forces. Notably, however, it also includes the Ministries of Education, Gender, Culture, Disability and Youth Affairs, Disaster Preparedness and Refugees. In Angola, in addition to comprising the Ministries of Foreign Affairs, Defence, Interior, Administration of Territory and Justice, the National Commission, established in July 2004, includes the Ministry for the Promotion of Women and Families and representatives of civil society. In Kenya, the Kenya Wildlife Service, the Department of Mines and Geology and the Ministry of Information and Broadcasting are all included in the membership of the NFP.

One major omission from most existing national co-ordination agencies appears to be ministries of health; this is despite increasing awareness of the public health implications of SALW proliferation and misuse. Health service providers are often in the front line of efforts to address the consequences of the illicit trade and use of SALW and, accordingly, should be an integral part of states' analysis of and response to the SALW problem. Canada and Nicaragua are notable exceptions in this regard, in that they have recognised the necessity of health ministry involvement in their national co-ordination agencies.

Clearly it is beneficial for any national co-ordination agency to include a full range of actors from government and civil society with a stake in preventing and combating the proliferation and misuse of SALW. As well as ensuring that SALW policy development is fully informed by a broad range of concerns, inclusion of all major stakeholders will also help to ensure that policy is conceived and implemented with the support of all sectors of society.

The situation of national co-ordination agencies

The nature of the government ministry that leads and/or plays host to a national co-ordination agency can have a material impact on the agency's scope and effectiveness. For example, the Sri Lankan National Commission is an initiative of the Ministry of Public Security, Law and Order and its mission is: "To restore a peaceful environment for the citizens of Sri Lanka devoid of fear from weapons related violence thereby enhancing the meaning of safety and freedom, consolidating the efforts of Government Agencies, UN and Civil Society." Clearly, the public security perspective of the lead agency in the Sri Lankan National Commission has played a significant role in ensuring that the humanitarian aspects of SALW control are brought to the fore. The terms of reference for the Sri Lankan National Commission are, however, reflective of the law enforcement concerns of the lead ministry, requiring the formulation of a plan of action to collect illicit arms, an examination of the adequacy of punitive measures in force and the development of an amnesty programme to encourage voluntary surrender of illicit SALW. Unfortunately, during its first year in existence (late 2004 to late 2005) the Sri Lankan National Commission made little progress in taking forward action to tackle SALW. One of the primary reasons for this was the deteriorating security situation within the country, which meant that the attentions of the lead ministry were largely focused elsewhere.

In Uganda, the National Focal Point is situated within the police service and this carries with it a number of advantages such as the ability of the NFP to link to the policing structures at regional (provincial) and community level, thereby enhancing its potential to react to problems on the ground and to have good links to the community. In Malawi, where the police also co-ordinate the NFP, the nation-wide community-based policing programme provides a natural link to the community.

In Senegal, the National Commission is headed by a permanent Secretariat, which is located within the Ministry of Armed Forces. Accordingly, the Commission's mandate indicates that its primary concern is

addressing the security implications of illicit SALW. The Senegal National Commission's responsibilities include identifying effective strategies for fighting against SALW trafficking, undertaking studies that contribute to the prevention of SALW trafficking and gathering intelligence on the importing, exporting and manufacture of SALW. One of the primary tasks of the Senegal National Commission has been to computerise the Army's register on state agency weapons and the Interior Ministry's register on civilian weapons. However the lack of an independent budget and Secretariat Office has had a negative impact on the implementation of this project.

It is clear that the location of the lead agency in a national co-ordination mechanism can have a significant bearing on its outlook and functioning. While benefits and drawbacks can accrue, regardless of the location of a national co-ordination mechanism, governments ought to ensure that the concerns and priorities of particular ministries do not unduly affect the focus or operations of the body. In this regard, ensuring that any agency is jointly chaired by ministries with distinct and differing perspectives could help guard against any accusations of bias.

Civil society and national co-ordination agencies

Civil society involvement in national co-ordination mechanisms can provide invaluable insight into the SALW problem and support for efforts to prevent, combat and eradicate the illicit trade. For example, in Kenya, the inclusion of civil society in the NFP has helped to dispel previously held feelings of mistrust between the Kenyan Government and civil society while at the same time providing a link to local communities who are directly affected by the proliferation and misuse of SALW. Accordingly, many national co-ordination agencies have found it highly beneficial to include civil society groups within these agencies (either as part of the national commission or as a key partner). This has also been a key means of implementing PoA commitments concerning co-operation with civil society.

Overall, however, civil society involvement in national co-ordination mechanisms is not widespread. The highest level of it is found in the Americas where nine out of 14 agencies involve civil society in some capacity. In Africa, more than half of national co-ordination agencies include a role for civil society. Considering the relatively high level of engagement of European civil society organisations in SALW issues, the figure in Europe is surprisingly low (five out of 28). In Asia, only one out of 9 states with national co-ordination agencies involve civil society in them and in MENA there is no civil society engagement with national co-ordination on SALW. In regions such as MENA the limited civil society involvement in governance issues in general provides an explanation for the lack of civil society involvement in national co-ordination of action on SALW. However, in Europe, where civil society engagement in policy development and implementation is much more established, the relatively low level of civil society representation in national co-ordination efforts can be attributed to the fact that SALW issues are dealt with mainly in the context of foreign and international development policies, the implementation of which falls to government.

Activities of national co-ordination agencies

As might be expected, the level and nature of activities undertaken by national co-ordination mechanisms varies from state to state and region to region. At a basic level they provide a policy co-ordination function between government departments and agencies responsible for action on SALW. In Malawi, for example, the newly established NFP has developed draft standard operating procedures to guide its day-to-day operations and will develop annual workplans in order to ensure that the NFP becomes fully operational. In many countries, and particularly in those severely affected by SALW, the co-ordination agency has been established as a functional body charged with carrying out or overseeing particular activities. In this regard, one of the primary functions of national co-ordination agencies has

been to facilitate a comprehensive assessment of the SALW problem, leading to the development of an integrated national strategy or national plan of action to tackle SALW. For example, NFPs in Bosnia and Herzegovina, Botswana, Croatia, Kenya, Namibia, Serbia and Montenegro, Tanzania and Uganda have co-ordinated the extensive mapping of the nature of the SALW problem. The information gathered has then been used as a basis for the development by the NFPs of National Action Plans (NAPs) in consultation with government and civil society stakeholders. In Sri Lanka, one of the primary tasks identified for the National Commission was the development of a National Strategy on SALW. To this end a pilot assessment of the SALW problem in the Hambantota district of Colombo was initiated in May 2006.

In the Americas, the Brazilian National Disarmament Commission has played a leading role in the development of the comprehensive National Disarmament Statute, which has included provisions regarding a national weapons collection and destruction campaign, laws and articles on public carrying of firearms, the marking of military and police ammunition, and the October 2005 National Referendum on firearms sales to civilians. The National Disarmament Commission has also created more than 20 local state commissions to oversee implementation of the Statute.

National co-ordination agencies can also fulfil other important roles such as overseeing the review of legislation for the control of SALW. For example, in Colombia, one of the major tasks of the multi-disciplinary Commission on SALW has been to develop proposals for a new national law on arms, ammunition and explosives; in Cambodia the national co-ordination agency has supervised the reform of weapons control policy; and in Senegal a seminar has been held to discuss ways in which the current SALW legislation can be modified in accordance with regional and international programmes.

National co-ordinating mechanisms can also play an important role in activities such as public awareness-raising. The National Commission in Senegal has been tasked with initiating educational projects which inform the population of the dangers caused by SALW proliferation and to this end has organised training workshops and awareness raising campaigns in conjunction with civil society organisations. In Uganda, the NFP organised the destruction of 3000 small arms in a public ceremony in September 2005 to mark the launch of the National Action Plan and to raise public awareness of the small arms problem in the country.

Impact of national co-ordination agencies

With regard to assessing the impact of national co-ordination mechanisms on the SALW problem in their respective countries, in many cases it is probably too early to make a clear assessment, particularly where interdepartmental committees, NFPs or National Commissions have only recently been established. There have been encouraging developments in East African countries such as Kenya, Tanzania and Uganda, which have enjoyed relative political stability, perceived small arms to be a significant domestic problem, and benefited from technical and financial support. In Uganda, the NFP and members of the Uganda Action Network on Small Arms successfully advocated for the inclusion of the NAP within Uganda's Poverty Eradication Action Plan (PEAP) during its review, and the NFP is also leading the review of Uganda's small arms policy. In Kenya, the NFP has demonstrated a holistic approach to promoting development and security through involvement in a range of activities including the formation of District Peace and Development Committees that work on issues such as voluntary disarmament in conflict-prone regions of Kenya; and the incorporation of small arms issues in training materials on community-based policing.

Progress in West Africa has been more mixed. The weak and transitional nature of a number of governments has meant that their National Commissions are also weak and the capacity of the police

and other key agencies to implement SALW controls is limited. However, countries such as Ghana and Senegal have done substantial work on developing their National Commissions. A lack of financial, physical and personnel resources and training has, however, severely impacted upon the effectiveness of many commissions across the sub-region.

In the Americas the work of the National and State Disarmament Commissions in Brazil has resulted in the first observed reduction in firearms homicides in many years. In most countries throughout Latin America, however, it is too early to pass judgement on the impact of national co-ordination mechanisms, although there is a suspicion that a number are proving to be less than the sum of their parts, owing to the unwillingness of relevant ministries to share the responsibility and political vision for SALW control.

It should be noted, however, that a number of national co-ordination agencies have not achieved as much as might have been expected in the period since their establishment. There are undoubtedly important reasons for these disappointing levels of activity by National Commissions, such as the lack of funds, lack of a clear mandate, and internal political factors. For example, the National Commission established in Croatia met only once in the first year of its existence and, despite significant international support and a clear mandate for action, the Sri Lanka National Commission that was established by Presidential Decree in October 2004 took almost 18 months to begin to make progress in the development of a National Action Plan. The main reason for this inaction lay in the change of government and an interruption in the life of the National Commission when the new government came to power.

If national co-ordination agencies, particularly those in states severely affected by SALW, are to have the desired impact, renewed political commitment for the implementation of measures to address the SALW problem and increased international support for this work will be essential. Moreover, it is vital that any temporary measures that are taken to establish national co-ordination mechanisms, such as the issuing of a Presidential Decree, are swiftly made permanent so as to provide a solid foundation for future work.

4.2.3 NATIONAL STRATEGIES

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. The development of national strategies or action plans can also have significant benefits in terms of increasing dialogue between stakeholders concerned with the problems of SALW proliferation.

However, the development of national strategies in different regions has been at best slow, and at worst non-existent. Africa has shown the greatest rate of progress: eight states (Botswana, Guinea, Kenya, Mozambique, Namibia, South Africa, Tanzania and Uganda) have developed national strategies and in three states (Ethiopia, Ghana and Mali) strategies are under development. Some progress has also been made in the Americas, where five countries (Argentina, Brazil, Costa Rica, Guatemala and Paraguay) have National Strategies and Canada has a set of strategies. In two other states (Colombia and Ecuador) national strategies are reportedly under development. The picture elsewhere is less positive. In Oceania and the Pacific, only Australia and New Zealand have a range of national strategies. In Europe, Macedonia has adopted a national strategy, while those developed in Bosnia and Herzegovina and Serbia and Montenegro are awaiting adoption. In MENA there are no national strategies, and in Asia only the Philippines has a limited national action plan in place, although Sri Lanka has stated its intention to take action in this regard.

The first step in the development of a national strategy has often been to conduct a comprehensive assessment of the national SALW problem. Many of these, such as those undertaken in Albania, Bosnia

and Herzegovina, Bulgaria, Kosovo, Macedonia, Moldova, and Serbia and Montenegro in South East Europe, and in Kenya, Namibia, Uganda and Tanzania in Eastern Africa, have benefited from significant levels of international engagement, including the provision of resources and expertise. These processes can often provide important data to inform the decision-making that is required in the design of a national strategy and can have the additional benefit of building national capacities through information sharing and awareness-raising. In Kenya, the national action plan (NAP) was developed by the NFP and was a joint project between the Kenyan government and Kenyan civil society that followed an extensive ‘mapping’ of the SALW situation in the country. This mapping process involved consultations with a wide range of stakeholders including government officials, law enforcement agencies and civil society. It provided information on the level of existing resources and capacity available to address the SALW problem and led to the building of capacity at the sub-national level, including that of local law enforcement agencies as well as the development of links between local people and decision makers. Such an approach ensures the development of a national strategy that is fully informed of the realities of the SALW problem on the ground and that can be tailored to addressing the specific problems of each country.

Where they exist, national strategies or action plans tend to be relatively comprehensive. For example, the NAPs in Kenya, Tanzania and Uganda call for action on a wide range of issues including the review and amendment of policy and legislation on SALW, training, public awareness-raising, development initiatives, weapons collection and destruction, and research. Each NAP recognises the need for a broad-based approach to the SALW problem that simultaneously addresses the demand for SALW within society, attempts to reduce the number of SALW in circulation and tackles SALW supply routes.

To date, levels of implementation of national strategies or NAPs have been variable. Implementation is well advanced in Tanzania and is now in its fourth year. Significant progress has also been made in Kenya and Uganda, where provincial or regional Task Forces have been established to lead on implementation at the regional and local levels, civil society trainings are being undertaken, and the review of small arms policy and legislation is underway. Clearly, the implementation of NAPs will take many years and require significant resources and political commitment on the part of the states involved and the international community.

4.3 REGIONAL CAPACITIES²

It has become clear since 2001 that implementation of the PoA correlates with the presence of a strong regional or sub-regional agreement on SALW. In regions such as South Asia and South East Asia, where no SALW-focused sub-regional agreement exists, implementation of the PoA has, overall, proceeded slowly. In other regions where there is an active SALW focus, sub-regional and regional bodies have assisted implementation of SALW initiatives in a variety of ways.

One example of positive synergy between regional and national action can be found in the Great Lakes and Horn of Africa, where the signature in 2000 of the Nairobi Declaration³ was crucial in terms of focusing government attention on the need to tackle the SALW problem within the sub-region. The subsequent agreement of the legally binding Nairobi Protocol provided further impetus and encouragement to states *inter alia* to develop the institutional capacity that is required for effective action on SALW. Crucially, national progress on PoA implementation in Eastern Africa has also been facilitated by the development of regional capacity – now in the form of the Regional Centre on Small Arms (RECSA). This body and its predecessor, the Nairobi Secretariat, encouraged the development of national capacity as well as of strengthened SALW controls by supporting the establishment of National Focal Points throughout the sub-region and leading on the harmonisation of legislation and the development of best practice guidelines (see Chapter 3).

² For a discussion of international capacity issues see Chapters 3 and 9.

³ The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 15 March 2000, <http://www.smallarmsnet.org/docs/saaf04.pdf>

Other sub-regional SALW control agreements and associated institutional capacities have also had a positive overall effect on states' implementation of the PoA. For example, in South Eastern Europe the Regional Implementation Plan on Combating the Proliferation of SALW (RIP) has provided a co-ordinated regional approach to the issue. As with the PoA, the onus on implementation is with national governments and many of the aspects of the SALW problem addressed by the RIP closely correspond with those contained in the PoA. These include the need for strengthened legislative and regulatory frameworks governing production, storage and transfer of SALW and the need for strengthened international and sub-regional co-operation. However, while it is comprehensive in scope, the RIP nevertheless lacks clarity and specificity in terms of how it is to be implemented. As a result, its impact has perhaps been less marked than was originally hoped for.

Despite this, significant progress has been made in some countries and on a number of different aspects of the SALW problem, such as: the review of national legislative and regulatory processes; awareness-raising; stockpile management; collection and destruction efforts; and the commissioning of national SALW surveys. In this regard the establishment of regional capacity in the form of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) has played a major role. SEESAC has undertaken important work to develop standards for different aspects of SALW control, including establishing national commissions, undertaking surveys, developing legislation and supporting SALW awareness-raising programmes.

In areas where sub-regional SALW control agreements exist but have lacked the support and encouragement of a strong regional SALW-focused institution, progress on PoA implementation has been less substantive. In West Africa, for example, where a Moratorium on the Import, Export and Production of SALW has been in force since 1998, implementation of the PoA has been inconsistent. The Moratorium has been criticised for its weak language and lack of enforceability. However, the failure of the Programme for Co-ordination of Assistance for Security and Development (PCASED), the original body established by the United Nations Development Programme (UNDP) that was charged with providing sustained levels of assistance to states in the implementation of SALW control measures, has undoubtedly been a contributory factor in the relatively slow rate of progress on PoA implementation in parts of West Africa. However, the establishment of a new sub-regional organisation (the ECOWAS Small Arms Project – ECOSAP) is an encouraging development, along with evidence of increasing levels of commitment to tackling SALW proliferation on the part of a number of governments (see Chapter 3).

In the Americas the Inter-American Drug Abuse Control Commission of the Organization of American States (OAS-CICAD) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLiREC) continue to support national implementation in various ways, primarily through training public officials on international standards and providing assistance to the reform of national legislation in states such as Panama. The Central American Integration System (SICA) and the UNDP have joined efforts to accelerate national implementation of UN, OAS and SICA agreements in Central America. However, neither the Andean Community nor the South American trading bloc MERCOSUR have been able to provide robust support for regional approaches to PoA implementation, despite enabling mandates on paper.

Agreements at the regional level have also provided an important framework for and support to national implementation of SALW control measures. For example, the Organization for Security and Co-operation in Europe (OSCE) has concluded, through its Document on Small Arms, one of the most comprehensive international agreements to tackle the uncontrolled spread of SALW. Since 2001, OSCE participating states and the OSCE Conflict Prevention Centre (CPC) have worked to promote the implementation of the OSCE Document through, for example, the development of its 2003 Handbook of Best Practice Guides on SALW. The Handbook, which covers a broad range of concerns including manufacture,

marking and tracing, weapons collection and destruction and brokering of SALW was made available in the six OSCE official languages as well as in Arabic. Outreach activities were carried out in Central Asia and South Eastern Europe in the year following the publication of the Handbook in order to promote and encourage the adoption of the OSCE Best Practices on SALW. Facilitating co-operation on border control and law enforcement has also been an important part of efforts to encourage implementation of the OSCE Document and workshops, seminars and training programmes have been held in the Caucasus, Central Asia and South-Eastern Europe (see Chapter 3). However, the OSCE has not always delivered the support required by member states. Despite a request in 2003 by Belarus for assistance in the destruction of 300,000 surplus SALW, the project failed to attract donors and, by the end of 2005, the request was withdrawn (see Chapter 9).

Despite the varying impacts of regional and sub-regional SALW agreements and institutions, it is clear that progress on PoA implementation has been slowest in regions where no such agreement or capacity exists. States within regions and sub-regions where little progress has been made can now be in little doubt that action at the regional or sub-regional levels and associated capacity is vital to the overall success of initiatives to tackle SALW. The first step in this regard requires mustering the significant political will necessary for the development of a common regional or sub-regional approach.

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4.4 PARTNERSHIPS

Within the foundations discussed above, various types of partnership can aid action on SALW. These can be of different sorts and the ways in which they have developed have differed depending on the attitudes, perspectives, abilities and experiences of the actors involved as well as on the nature of the problems that are faced. These partnerships may include government-civil society partnerships and government-donor agency co-operation (including between governments) as described below (a full analysis of the extent of international co-operation and assistance to tackle SALW can be found in Chapter 9).

4.4.1 GOVERNMENT-CIVIL SOCIETY PARTNERSHIPS

Government-civil society partnerships to tackle SALW are essential if action on this issue is to be effective. Indeed, the PoA recognises the important role of civil society in activities to address the illicit trade in SALW (Section I, Para 16) and urges governments and regional and international institutions to co-operate with civil society where possible in this regard (Section II, Para 40). Since 2001, civil society has collaborated with governments and related institutions on a wide range of projects to address the spread and misuse of SALW (see Chapters 3 and 9). Indeed, in regions such as Africa, where the effects of SALW proliferation are severe and resources are scarce, governments draw considerably upon the expertise and resourcefulness of civil society to facilitate action on SALW.

At the policy level, partnerships have been developed in a number of ways, for example through the involvement of civil society in national co-ordination agencies (as is the case in, for example, Ghana, Kenya and Sri Lanka) or by regular dialogue with concerned ministries (as occurs in the UK and Finland). Many of these partnerships are based on the recognition in government circles that civil society organisations have an important role to play in the consideration and development of SALW policy.

In terms of practical action, civil society organisations have worked in partnership with governments on the development and implementation of a range of different types of SALW projects. Many of these partnerships have developed where civil society organisations have expertise that can be useful in the execution of particular projects. Examples include:

- The close-co-operation between provincial/local authorities in Angola and the NGO Angola 2000 on raising public awareness of the dangers of SALW proliferation⁴
- The important role that civil society organisations have played in Kenya, Namibia, Tanzania and Uganda in partnering the National Focal Point to carry out the extensive mapping and national assessment to uncover the nature and extent of the SALW problem
- The catalytic role played by the Institute of Education for Sustainable Development (IEPADES) in Guatemala in the development of a comprehensive effort for disarmament and small arms control and the creation of a National Disarmament Commission⁵
- The co-operation between the Cambodian Government and the NGO Working Group on Weapons Reduction on a new Arms Law, which came into effect in April 2005
- The partnership between Sri Lankan civil society and the National Commission to promote gun-free elections in 2005 through the mass media and a national banner campaign

Although less common, civil society collaboration on the development and implementation of SALW projects in partnership with operational agencies, such as the police, is also expanding. For example, Community Based Policing projects have been undertaken in Malawi and Kenya and have involved sensitisation and awareness-raising amongst the police and local communities regarding the dangers of SALW proliferation and misuse as well as building trust between civil society and the police. In Brazil a National Disarmament Campaign which included a voluntary weapons collection drive in 2004 and 2005 involved close co-operation between police and NGOs such as Viva Rio. In order to help overcome some of the mistrust in parts of the local community in Rio the police were provided with a base in Viva Rio's offices where they could receive weapons handed in by members of the public.

An increasing number of governments are now recognising that the development of partnerships between government and civil society organisations (CSOs) on SALW control is likely to yield more positive, sustainable outcomes than when initiatives are conceived and imposed by governments without reference to the concerns or views of civil society. CSOs often have valuable expertise and experience that can be of significant benefit such as in the development of SALW control policy or legislation. Furthermore, involvement of CSOs in implementation of SALW projects can help build trust with communities and, through dialogue, ensures that projects are responsive and produce outcomes with positive impacts over the short and long term. CSOs can also play an important role feeding into SALW policy development processes at national, regional and international level. It is therefore disappointing that CSO involvement in the PoA review process is undervalued by some states that have objected to civil society representatives attending the Preparatory Committee meeting and Biennial Meetings of States.

4.4.2 GOVERNMENT-DONOR AGENCY (INCLUDING GOVERNMENT-GOVERNMENT) CO-OPERATION

There are numerous examples of partnerships between governments of states that are affected by SALW and between such governments and donor agencies on SALW initiatives. However there is little doubt that this co-operation could and should be far more extensive. While there is a profound shortage of funds for SALW projects, 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; in this context, developing common understandings of how best to construct and implement initiatives to tackle SALW proliferation is a major challenge.

Government-donor agency partnerships have nevertheless emerged in relation to an extensive range of initiatives, from the assessment of the SALW problem in particular countries, to the development of

⁴ For more information see International Action on *Small Arms 2005: Examining Implementation of the UN PoA*, Biting the Bullet/IANSAs 2005, p60.

⁵ For more information see Biting the Bullet/IANSAs 2005, *ibid*, p80.

national institutional frameworks for tackling SALW, to the disarmament demobilisation and reintegration of combatants, weapons collection and destruction projects, to stockpile management initiatives and public awareness raising projects. Important examples illustrating the range of such initiatives include:

- The UNDP support for the establishment of National Commissions in Bosnia and Herzegovina, Ghana, Serbia and Montenegro and Sri Lanka
- The National Transitional Government of Liberia and the UN Mission in Liberia (UNMIL) working together on the disarmament, demobilisation and reintegration of combatants in 2003 and 2004 with support from the UNDP, the EU, the United States Agency for International Development (USAID), the United Nations Children's Fund (UNICEF) and the governments of the UK, Sweden and the US
- The 'Arms for Development' programme established by the government of Sierra Leone and UNDP with support from the governments of Norway, Canada, the UK and the Netherlands, in which communities were given incentives to run community arms collection projects
- The 'Arms Control Programme' in Albania including public awareness-raising and information on SALW, development projects, logistic support to a weapons collection team and a pilot database project for weapons control, run by the government of Albania and UNDP with support, inter alia from the government of Finland
- The EU ASAC⁶ and JSAC⁷ programmes, which have supported weapons collection, stockpile management, awareness-raising and the drafting of a new Arms Law in Cambodia

Beyond the provision of donor assistance, governments have collaborated on a bilateral and multilateral basis in order to tackle specific SALW-related issues of common interest:

- The South African Police Service has worked with police forces in other Southern African countries on the development of various curricula including a firearms identification course and a cross-border firearms recovery and destruction course in 2002-3.
- The OSCE and participating states have implemented several projects aimed at combating cross-border trafficking of SALW and, between 2002 and 2004, training programmes covering all aspects of illegal cross border trafficking were organised for law enforcement officials on the Uzbek-Afghan, Uzbek-Kyrgyz and Uzbek-Tajik borders.
- Since early 2004 there has been increased co-operation between the governments of Yemen and Saudi Arabia on issues including border controls, to reduce the level of weapons smuggling, joint initiatives include running joint border patrols, establishing security checkpoints and erecting observation towers.
- Australia provided seven new armouries in Papua New Guinea through its Defence Co-operation Programme in 2002 and 2003, costing US\$2.3million to build; there have reportedly been no losses from these new secure armouries.

4.5 CONCLUSION

Developing the capacity of states to implement the PoA is a fundamental challenge to effective action on SALW. While a majority of states fail to have in place the basic institutional requirements of the PoA there can be little prospect of the same states making effective progress on the full range of SALW concerns addressed within the PoA. Moreover, since it is now widely accepted that the existence of strong regional and sub-regional mechanisms for addressing SALW proliferation is a key stimulus to effective action at national level, the development of regional agreements, institutions and capacity is also critical. Partnerships between governments, between governments and international agencies and between governments and civil society are also an important feature of sustainable and progressive action on SALW and these also need to be developed and supported as widely as possible.

⁶ EU Assistance of Curbing Small Arms and Light Weapons to the Kingdom of Cambodia.

⁷ Japan Assistance Team for Small Arms Management in the Kingdom of Cambodia.

4.5.1 POA INFRASTRUCTURE

More needs to be done to engage those states that have failed to fulfil the basic requirement of establishing national points of contact (NPCs) in the PoA process. Specific outreach programmes could be developed with a view to bringing on board those states that have yet to show an interest in PoA implementation. With regard to the lack of operability of a significant number of NPCs, UN DDA could periodically check the functionality of each one that is listed and could follow up on non-responding NPCs. States should also be encouraged to provide a secondary NPC as a backup. In terms of national reporting there is a clear need for improved and more substantial and systematic information to be provided by states, many of which will require the development of increased capacity and expertise. At the same time, more effective use of the information provided by states is also important in order to identify and address weaknesses in PoA implementation (see Chapter 9).

The 2006 Review Conference will provide an important opportunity to reinforce the importance of states establishing and maintaining a fully functioning NPC and also of providing reports on PoA implementation. The Review Conference should reaffirm the necessity of states fulfilling their commitments in these respects and should provide space for the sharing of experiences among states on the issue of establishing these basic foundations for action on the PoA. There is, as yet, also no formal mechanism for checking the accuracy and reliability of information in national reports. There is therefore scope to use the Review Conference to address the issue of the quality of reporting, in order that national reports may be comparable in a way that is useful for monitoring, analysis and informing policy development.

4.5.2 NATIONAL CO-ORDINATION AGENCIES

The need for increased attention to be paid to the issue of developing national co-ordination agencies in order to maximise the potential for national action on SALW is clear, particularly in countries that are most affected by SALW. A widespread drive towards the establishment of National Commissions or the equivalent will require greater engagement of international agencies in countries where there is little institutional capacity. There is a need to raise awareness among the wider donor community and national governments of the need to support institutional capacity and to recognise how SALW impacts upon development, governance, security and justice sector reform, etc. Research into the SALW problem at the national level also needs to be supported, provided that the research and its findings are owned by the government.

In order to be effective, the development of future national co-ordination agencies needs to be based on best practice and lessons learned from existing mechanisms. For example, when established, national SALW co-ordination agencies need to involve all major stakeholders with representation from a full range of relevant ministries and interests, including where appropriate: development; justice; health; refugees; disaster preparedness; gender; youth; culture; disability; women; family; media and civil society. In this regard, SALW national co-ordination mechanisms should also be integrated within national frameworks for addressing development, security and justice, governance and health. The function of national co-ordination agencies also needs to be clear. This may be restricted to information sharing or policy co-ordination amongst competent agencies in states not severely affected by SALW proliferation or it may be to act as a functional agency itself with responsibility for development and implementation of a full range of SALW control measures. Regular meetings ought to be held in order to ensure consistency and sustainability of approach.

International assistance should be available to any state wishing to establish a national co-ordination agency and a mechanism should be established to allow states with experience in this field to share this

with others. Donors should understand that supporting joined-up government on such sensitive issues as SALW proliferation takes a long time to produce results and often commissions work at the same pace as other government machinery. Thus, in states with slow bureaucracies, National Commissions will also be slow. This should be factored into support plans.

The 2006 Review Conference should reassert the importance of states establishing national co-ordination agencies and issue a strong statement regarding the links between SALW and development, governance, security and justice sector reform and how these can be addressed in a holistic fashion through the establishment of a National Commission. A call for donors to fund institutional development as well as practical programmes would also be important. In this regard the 2006 Review Conference should establish a mechanism whereby assistance for this purpose can be requested and received.

4.5.3 NATIONAL STRATEGIES

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Where states are experiencing serious difficulties with regard to the proliferation and misuse of SALW, a significant number of states have recognised that effective progress can be achieved by conducting a national assessment of the nature and extent of the problems faced and by developing a national strategy or action plan on SALW. While it is too early to fully evaluate the positive effects that have accrued from such processes in most states, where national assessment efforts and NAP development process are inclusive and bring together all relevant stakeholders, a broad-based agenda for action will often result. This greatly enhances prospects for the implementation of long-term sustainable solutions to the SALW problem. At the same time, international assistance is of paramount importance since many states with pressing SALW problems do not have the resources or technical capacity to take forward an assessment or to develop a NAP independently. The development by SEESAC of a series of survey protocols that have been employed in the context of national assessments of the SALW problem across South Eastern Europe is significant. Other methodologies have also been adopted elsewhere and the agencies and other actors involved should endeavour to exchange information and share lessons learned with those considering a national SALW assessment and/or development of a NAP.

The Review Conference should make a clear recommendation to states to consider development of a national SALW strategy or action plan. At the same time, the significant technical and financial resources that are required to develop and implement an NAP suggest that this could be a priority area for increased international assistance. The Review Conference should therefore encourage international donors to consider supporting the development of NAPs, including through co-ordinating the comprehensive mapping and surveying of the SALW problem in affected countries.

4.5.4 REGIONAL CAPACITIES

It is clear that where states in a sub-region are in a position to come together and recognise the need for co-ordinated action on SALW, these states tend also to be more proactive at the national level. As well as recognising their common interest in working to tackle the proliferation of SALW, the establishment of regional agreements and capacities to tackle SALW are a demonstration of significant political will. In some sub-regions where conflicts have recently ended this co-operation has overcome significant political and historical barriers. While sub-regional agreements and institutions do not represent a panacea, those sub-regions that have developed a common approach have, almost without exception, a better record of PoA implementation than those sub-regions where SALW agreements are absent.

The Review Conference should provide space for states from different sub-regions to share information on their approaches to the SALW problem, including the imperatives behind the development of specific agreements and institutional mechanisms. The Conference Outcome Document should, moreover, stress

the need for the development of sub-regional dialogue leading to the establishment of comprehensive agreements on tackling SALW proliferation. It should also encourage the provision of assistance for the establishment and support of sub-regional and regional mechanisms that have a specific mandate for addressing the SALW problem.

4.5.5 PARTNERSHIPS

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 to the benefit of all who have an interest in tackling the spread and misuse of SALW.

The Review Conference needs to place much greater emphasis on the importance of partnerships in efforts to tackle SALW. Indeed there is a case for arguing that virtually all SALW initiatives need to be a partnership of some sort. The Review Conference should discuss the benefits of international partnerships on SALW and recommend increased investment in all types of partnership. It should also provide for the establishment of a mechanism whereby states and international institutions can exchange information on lessons learned arising from partnerships on the SALW issue.