

6: PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR ALL AUTHORISED SMALL ARMS AND LIGHT WEAPONS

6.1 INTRODUCTION

The PoA contains many commitments that recognise the responsibility of states to ensure control over all authorised small arms and light weapons while they are within state jurisdiction, from the point of manufacture onwards. The most detailed of these commitments relate to the stocks of state forces (police, military, etc), with a particular focus on stockpile management and security, and tackling unmarked and inadequately marked weapons.

Importantly, the PoA principle of responsibility for SALW under state jurisdiction extends to all authorised bodies. This could, hypothetically, include a range of private civilian actors such as private security companies and security guards. It may also be taken to extend to other authorised civilian possession: Although there are significant gaps in the PoA regarding civilian possession controls, this general principle of responsibility for authorised arms (combined with the limited specific commitments to criminalise illicit possession, manufacturing, stockpiling, and trade), implies that adequate implementation of the PoA requires stringent and effective regulation of civilian possession and the manufacturing and trade that serve it. Certainly, in practice, many states have found that ensuring responsibility for authorised small arms and light weapons requires effective national controls on civilian firearms as well as state stocks.

These basic responsibilities together represent a general commitment to ensure responsibility for all authorised small arms and light weapons, and to criminalise illicit SALW. States also have a responsibility to ensure that authorised arms are not misused in violations of human rights and international humanitarian law. All action taken by states to implement this commitment should include that responsibility.

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The PoA commitments of particular relevance here are:

- II.2.** To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
- II.3.** To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.
- II.8.** To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.
- II.9.** To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.
- II.10.** To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

II.17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons.

This chapter aims to systematically examine states' progress towards the implementation of all aspects of the PoA related to ensuring responsibility for SALW under their jurisdiction. With regard to each of the topics that it covers it will:

- Review overall progress and progress in various regions
- Examine reasons for success and failure
- Examine the extent to which any problems relate to inadequacies in the existing PoA and associated agreements and programmes
- Identify and discuss implications for the 2006 Review Conference

6.2 CONTROLS ON MANUFACTURE

Controls on manufacture are covered in several PoA commitments but have not been a major focus for national, regional or global action on SALW. States are committed to having adequate laws, regulations and administrative procedures controlling production in order to prevent illegal manufacture of SALW and their diversion to unauthorised recipients (Section II, Para 2). However, the PoA does not elaborate on what particular features of manufacturing controls would be appropriate to that task or even the various aspects of production that would be covered.

Further commitments relate to the criminalisation, under domestic law, of illicit manufacturing (Section II, Para 3). This is an area that has received greater attention as states have implemented regional agreements.

Those few PoA commitments that relate to more concrete aspects of manufacturing controls are integrated into commitments largely aimed at other issues: marking SALW as an integral part of production (Section II, Para 7); preventing the manufacture (and stockpiling, transfer and possession) of unmarked SALW (Section II, Para 8) and ensuring that adequate records are kept on manufacturing (and holding and transfer) of SALW (Section II, Para 9).

6.2.1 PROGRESS IN NATIONAL IMPLEMENTATION

Most countries for which information is available have some basic laws on the manufacture of small arms, light weapons and ammunition. In many cases, however, these are rudimentary laws that lack associated regulatory systems. They are often no more than simple decrees prohibiting production with little further provision for implementation.

Although more countries have manufacturing controls than export controls, fewer of them have revised such controls since 2001. 47 countries are believed to have reviewed the bodies of law and procedure that cover manufacturing (although not necessarily precise controls over manufacturing; in many places the same bodies of law cover export, import and/or illicit possession and trade etc.) compared with 63 who have reviewed export controls. The number that has carried out substantial revision of specific standards and procedures concerning production control appears to be considerably lower.

The majority of those few revisions of manufacturing controls that have involved the reform of significant control systems appear to be in Europe, and particularly in Southern, Central and Eastern Europe rather than (older-)EU member states. However, even in these instances, changes to manufacturing controls have not been as systematic or far-reaching as controls over other activities. In large part, this is because manufacturing controls were already in line with strong authorisation and enforcement practices. Lithuania, for example, amended its controls on production in 2002, and in 2003 approved new licensing procedures for the production of arms and ammunition and appointed responsibility to the Weaponry Fund for these procedures.¹ Similarly, Hungary introduced a new law on weapons production in 2005. Serbia and Montenegro reported in its 2005 national report on PoA implementation that a new Law on Arms and Military Equipment Production was in preparation and would be submitted to parliament by the end of 2005.

Some areas of action on manufacturing controls relate to the implementation of commitments in other areas such as stockpile management and recordkeeping. Many production facilities keep stockpiles, which may include surplus stocks. These stocks require the same standards of management and security as any others. In Bosnia and Herzegovina, in 2006, the UNDP (funded by the Netherlands) began the destruction of 200 tonnes of ammunition stored at the Vitezit factory.² In Bulgaria, amendments made during 2003 to the Law on the Control of Explosive Substances, Firearms and Ammunition requires all legal entities engaged in manufacture or trade in arms to keep a detailed register of the type, mark, model, calibre and serial number of weapons as well as the name and address of the supplier and recipient. In Slovakia, security clearance requirements for manufacturers were changed in 2004.

Other changes include the closing of loopholes, harmonising penal codes and controls relating to craft production. For instance, in Trinidad and Tobago, the 2004 Firearms Amendment Act closed a loophole in production controls that allowed the possession of component parts without a firearms licence and criminalised the unauthorised assembly of a firearm.

Craft production is an increasingly recognised aspect of illicit SALW trade, contributing to it at notable levels in, for example, Ghana, Pakistan, Philippines, and Ecuador. Measures to tackle unlicensed (and therefore illicit) manufacturing primarily involve the criminalisation of illicit activity. However, craft production, even if authorised, may often not live up to PoA commitments for marking or recordkeeping. Some illicit manufacturing occurs in licensed small businesses that repair weapons. In Guatemala, the National Disarmament Commission is examining issues related to craft production, which now accounts for the fourth most significant source of illicit SALW. In El Salvador, an express prohibition of craft production was part of 2002 law reforms in response to the widespread use of makeshift weaponry of varying degrees of sophistication by youth gangs.

Overall, however, it seems that while many reviews of legislation concerned with arms have occurred, changes to provisions related to production have not been a major focus for reform, either in the scope of national laws covering industrial manufacture alongside import, export and other measures, or in penal codes concerned with firearms offences.

6.2.2 PROGRESS UNDER REGIONAL AND OTHER AGREEMENTS

Regional and other agreements have reinforced norms of good practice on manufacturing. In particular, under the framework of the OSCE Document on SALW, Best Practice Guidelines (drafted by Russia) have been prepared on SALW manufacture, which describe various key elements of an effective control

¹ The Weaponry Fund is a state institution with a range of responsibilities related to arms.

² SEESAC Weekly Media Summary, 13 – 19 February 2006, see http://www.seesac.org/wms2006/2006-02-19.htm#Destruction_of_BiH_surplus_ammunition_starts_under_UNDP-run_project.

system. These include aspects of national legislation, procedures (including licensing requirements and conditions); the nature of licensing bodies; the nature of licences (e.g. procedures for licensing, period of validity of licences, etc.); procedures for suspension, review, renewal and revocation of licences and authorisations; controls over compliance, including monitoring and inspections; and controls at the manufacturing stage by the recipient and the manufacturer. It is worthy of note that these Best Practices also make recommendations on the control of manufacture of SALW components as well as complete weapons. In addition, the OSCE Document, the OAS Convention and others have established mechanisms for information exchange on such controls.

Other global agreements have further enhanced the PoA in important ways: the Firearms Protocol sets out ‘common procedures for the prevention and suppression of illicit manufacturing’ and the new international instrument on marking and tracing has a number of implications for manufacturing controls. The latter reinforces the PoA commitment that arms should be marked as an integral part of production, and requires that records on manufacturing be kept for a minimum of 30 years (this is longer than the minimum required for export and import records - 20 years - though in all cases records should be kept for as long as possible).

These standards apply to state manufacturers and state-authorized private companies and establish the clear responsibility of the state to ensure compliance. While the PoA alone has been proven to provide insufficient impetus to systematic review of manufacturing controls, the conducting of such reviews in the light of both the PoA and these new commitments presents opportunities for states to reaffirm and realise their responsibilities under the PoA.

6.2.3 OVERALL PROGRESS AND OPPORTUNITIES

Overall progress in this area has been limited. Generally, minor changes have occurred at the national level and have been related to criminalisation, closing loopholes and harmonising penal codes in line with regional agreements. In addition, the question remains as to whether states are actually enforcing restrictions on craft manufacture in countries with a large craft base. This low level of action on manufacturing appears to be largely because few states have seen this as a priority. There is no evident lack of understanding on elements of good practice in control systems, which have been noted by the OSCE Best Practice Guidelines and manufacturing-related commitments in other agreements.

The lack of delineation of this as a separate issue in the PoA is likely to have contributed to the fact that specific action on it has been limited. However, the question of whether this has undermined the effectiveness of controls over manufacturing, and thus created a weak point in controls over available SALW (manufacture and holdings) is difficult to answer. Opportunities to ensure that national systems are effective and living up to good practices have been missed. But further opportunities for the elaboration and further dissemination of good practices and information sharing do exist.

6.2.4 ISSUES AND PRIORITIES FOR THE REVIEW CONFERENCE

In the first instance the Review Conference should call upon all states that have not yet adopted laws, regulations or administrative procedures to ensure effective control over the manufacture of small arms, light weapons and ammunition to do so at the earliest opportunity. Beyond this, the Review Conference could establish an international programme of work to ensure that manufacturing controls cease to be a neglected element of international attention and action on SALW. This could include a process for elaborating and disseminating best practices in manufacturing control including the scope and nature of licensing systems and their enforcement; encouraging states to provide technical and financial assistance to states in revising laws and procedures on manufacturing control; and assisting states in sharing experiences and developing and enforcing effective controls over craft manufacturing.

6.3 STOCKPILE MANAGEMENT AND SECURITY

The great majority of SALW in the illicit trade or associated with destabilising flows and holdings are sourced from legal stocks. Weak stockpile management and 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. The stocks of state forces and other authorised actors are often a major source of illicit SALW in areas of conflict and contribute to high levels of armed crime. The increased privatisation of security also presents significant challenges in regard to stockpile management.

While national regulations and procedures remain the key to good weapons management, global understandings of the requirements of good management and security of stocks were already well advanced in 2001. Since then, there has been a widening acceptance among states that stockpile management and security is a legitimate area of international concern. Greater action has taken place at the national and regional levels, although much remains to be done. While this has been an area of PoA implementation that has received significant support, it has been ad-hoc, fragmented, and remains below the level required for adequate implementation.

PoA commitments on stockpile management and security are clear and relatively well developed. The main commitment in this area includes a clear statement of the core elements of a system of stockpile management and security that would meet the responsibility of ensuring authorised bodies' SALW are appropriately safeguarded (Section II, Para 17). According to the PoA, these core basic elements should relate to, among other things:

- “Appropriate locations for stockpiles
- Physical security measures
- Control of access to stocks
- Inventory management and accounting control
- Staff training
- Security accounting and control of small arms and light weapons held or transported by operational units or authorized personnel
- Procedures and sanctions in the event of thefts or loss.”

Significantly, these commitments cover *all authorised bodies*, and clarify important elements of stockpile management and security.

6.3.1 NATIONAL IMPLEMENTATION

Most states (102) have laws and/or procedures establishing systems of stockpile management and security. However, many continue to face significant challenges in implementing these standards. In some states basic standards are contained in laws; in others, each state force (army, navy, air force, police forces and others) have their own internal procedures and regulations (that are not subject to independent oversight). Global commitments related to stockpile management and security do not state which form is preferable. Both within and between states, therefore, there is a wide variation in the nature of systems for stockpile management and security. Many of these standards are likely to be insufficiently detailed and fail to cover the range of key foundations of effective stockpile management and security outlined in the PoA. In addition, both states with detailed systems elaborated in national standards and states with less formalised systems may struggle to implement them to a high standard.

Adequate implementation of the PoA commitments to ensure effective control over stocks requires the review and, where necessary, the revision of systems for stockpile management and security. Since

agreeing to global commitments to ensure the adequacy of their stockpile management and security systems, only 30 states appear to have undertaken such a review. During this period, many states have experienced considerable losses from stocks that have been made possible by ineffectiveness and inefficiency in their stockpile management and security systems. Much more remains to be done on this issue.

National reviews of stockpile management have taken many forms. Some have simply been routine and periodic upgrading of systems and procedures, or the tackling of one or two of the many aspects of stockpile management and security that can contribute to the illicit trade in SALW. Other reforms have included the complete (re-)construction of physical stockpiles and regulations and systems for management. Of the more systematic reforms of all stockpile management and security systems, some were responses to significant losses from stocks, such as in Papua New Guinea and Moldova, while others have been integrated within parts of post-conflict security sector reform and reconstruction (e.g. EU-ASAC and the Regional Assistance Mission to the Solomon Islands).

National reviews have covered one or more of the following:

- Physical security measures
- Procedures for accessing stocks
- Systems of record keeping and inventory management
- Efforts to harmonise the procedures of different bodies

Of these, the reform of physical security measures appears to be both the most common area for action and the most commonly supported by donors. This has included building new more secure stockpiles as in Cambodia, the Solomon Islands and Argentina. It has also included upgrading security equipment, as has been the case in Russia and Cambodia. Such security equipment has ranged from sophisticated computerised security systems, to simple locking gun-racks. Some upgrades have involved ensuring that physical structures are sound or preventing water leakage and unsafe electrical wiring in places where explosive materials are stored.

In some cases reform of the physical security of state stocks has targeted the *system* of weapons management rather than particular depots. In Albania, for example, a number of storage depots have been closed in order to reduce the number of stockpiles (from 167 in 1998 to 57 in 2005) and make management of them easier and more secure. However, both here and elsewhere, significant problems with stockpile management and security persist, and reports claim that none of these enhanced depots are fulfilling all the main requirements of effective stockpile management and security.³ In contrast, the whole-scale reconstruction of weapons management structures in Papua New Guinea has effectively reduced leakage, having been provided with seven new armouries by Australia through its Defence Cooperation Programme in 2002 and 2003. Costing US\$2.3million to build, there have reportedly been no losses from these new secure armouries.⁴ This is in strong contrast to significant losses of small arms from Papua New Guinea Defence Force stocks in previous years.

Physical security measures may limit the unauthorised removal of weapons from stocks, but some leakage from stockpiles occurs through authorised access and subsequent theft or loss. In addition to physical security measures, the tightening of procedures for accessing stocks and for removing weapons from stockpiles is therefore essential. Slovakia acted on this issue in 2002 when it introduced new security clearance procedures for persons accessing stocks.

³ Centre for Peace and Disarmament Education and Saferworld, *Turning the Page: Small Arms and Light Weapons in Albania*, London, Saferworld, 2005.

⁴ Alpers, Philip, *Gunrunning in Papua New Guinea: From Arrows to Assault Weapons in the Southern Highlands*, Geneva, Small Arms Survey, 2005.

It is important that any losses of arms and ammunition do not go unnoticed. Sometimes the mere fact that attention is paid to stockpile security sends a warning to corrupt officials that they will be under increased scrutiny, therefore dissuading them from continuing, permitting or contributing to such losses. Often, however, systems for recordkeeping and inventory management are badly developed. These gaps in SALW management hinder investigations into losses, hamper the tracing of weapons and ammunition and allow weak points in stockpile security to remain unaffected by attempted reforms. Some reforms of stockpile management and security have therefore aimed to tackle these issues, in particular through the centralisation and computerisation of recordkeeping, as in Brazil, Benin, Cambodia, Latvia, and Tanzania. Some projects, however, have been hampered by a lack of resources: for example, the Senegalese National Commission's project to computerise the Army's register on state agencies' weapons and the Interior Ministry's register on civilian weapons have stalled because of funding constraints.

While it is not a specific commitment in the PoA, several states have felt it necessary to harmonise the various stockpile management and security systems of different authorised bodies, aiming to raise the overall level of security, ensure that there are no weak points that exacerbate leakage and facilitate more effective recordkeeping and management processes. For example, in Slovenia efforts have been made towards the national harmonisation of levels of security and Argentina moved towards the harmonisation of registries and other systems in 2004. However, while a few states have made progress in harmonising and raising the levels of security of their stockpiles, many more systems remain fragmented. Levels of implementation of PoA commitments with regard to the basic characteristics of stockpile management and security outlined in the PoA are often uneven within countries and military forces frequently operate under doctrines of national security that refuse to expose their own practices to civilian oversight.

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6.3.2 REGULAR REVIEWS OF STOCKS

Without regular reviews of stocks held by state forces and of other authorised bodies' stockpiles, systems for the management and security of stocks cannot effectively reduce the leakage of weapons and ammunition into the illicit trade. In addition to the key basic elements of systems of stockpile management and security listed above, states therefore made a separate commitment to regularly review their stocks (Section II, Para 18). This commitment integrates other critical issues within the framework of effective stockpile management and security, in particular the identification of surplus stocks and ensuring that they are appropriately disposed of, with a strong preference given to destruction as the means of disposal. (see Chapter 7)

69 states claim to regularly review stocks. Stocks should be checked regularly in order to:

- Detect any losses
- Ensure effective management and recordkeeping
- Identify any surplus stocks
- Assess the safety of stocks (primarily of ammunition)

Regular identification of surplus weapons is essential to maintaining effective stockpile management and security. In some states the identification of surplus arms is a routine part of stockpile management systems. In Slovakia, for example, a list of surpluses in stockpiles is produced each month, after which the Ministry of Defence decides what, if any, action to take regarding their disposal. However, in other states, procedures for the identification of surplus are lacking. Some types of stocks, such as ammunition may pose particular challenges to conducting inventory checks and identifying surplus or unsafe stocks.

The regularity of stock checks varies considerably within and between states. Because of differing regulations, some stocks are supposed to be checked daily, while others are subject only to annual inspections. The regularity of stock reviews should depend upon a range of factors, including the size of the stock, what it contains and the level of risk of leakage or other problems; there are thus no easy rules to how regular checks should be.

The frequency with which reviews of stocks are carried out varies enormously even within a state. In Lithuania, for instance, military stocks are reviewed monthly at company level, and twice a year by the Material Source Department of the Ministry of Defence. An internal audit of police weapons is carried out four times a year. The local police check weapons held by private bodies (including arms dealers and private security companies) twice yearly.

However, it is clear that in many cases, while such standards are laid out in regulations, reviews of stocks may, in practice, be insufficiently regular and insufficiently rigorous. There remains wide scope for improvement, both in systems for checking stocks and associated procedures and recordkeeping, in training and in the implementation of those systems.

In addition to routine regular reviews of stocks, it is occasionally necessary to conduct full inventory checks. Some stockpile management procedures set out timeframes for such checks. However, in some countries, particular losses or other events have prompted special stock checks to augment and make up for gaps in systems of weapons management that appear strong on paper but may be weak in practice. Russia, for example, theoretically has a strong multi-layered system of accounting, control and storage of SALW. However, in practice there are some significant problems. In March 2004, a 'special inspection' of arms stocks held by the Control Department of the Presidential Administration found significant problems, particularly in relation to large losses through theft. In Moldova, following allegations of thefts from National Army depots in late 2004, a complete inventory was conducted covering all military, police and security agencies' SALW and ammunition holdings.

6.3.4 'OTHER AUTHORISED BODIES': PRIVATE SECURITY COMPANIES

States have committed themselves to ensuring control over the stocks of other authorised bodies. Thus, for instance, in Argentina, there are two systems: one for the military forces, and the other, the RENAR (Argentine National Registry of Weapons) system, for the police and other all authorised bodies including private security companies and individual civilians. In most cases ensuring responsibility for the arms of other authorised bodies does not entail integrating their stockpiles into the same systems of management and security that cover military, police, paramilitary or other government bodies' stocks. Nevertheless, while information on this area of stockpile management and security is more limited, it is clear that for many states these issues are recognised as important for ensuring effective controls over stocks from which thefts and other leakage lead into illicit trade and misuse.

One of the most common forms of authorised bodies is the private security company. Many states have legal frameworks for the registration of such companies, although these are often limited. In many countries, private security companies are run by retired senior officers and police authorities may be hesitant to scrutinise the actions of their former superiors. Many private security companies' staff are former or serving military and police personnel, creating possible tensions and a lack of clarity in the use of authorised weapons. Ensuring responsibility for these companies' weapons is often a challenging task, and one that appears to have received scant attention.

In some situations, the control of weapons and ammunition stocks of private security companies relates to basic legal frameworks on secure storage and recordkeeping. In others, the management of their

weapons and ammunition and their security are considered to require more active measures. In Mozambique, for instance, firearms used by private security guards are supposed to be controlled by the hiring company. Each company is subject to a monthly inspection of its stocks by the Mozambican National Police.⁵ Similarly, in Brazil, private security companies are inspected periodically by the Federal Police to detect any undeclared thefts or losses from their stocks.⁶

6.3.5 REGIONAL AND INTERNATIONAL COMMITMENTS AND ACTION

In addition to being among the most elaborated set of PoA commitments at the national level, the importance attached to stockpile management and security by the PoA is underlined by specific explicit commitments for implementation at the regional and global levels. It is one of only a few commitment areas to be explicitly reinforced in this way. States agreed, for example, that they would work at the regional level “to encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, regional and sub-regional mechanisms in this regard” (Section II, Para 29). However, the practical implementation of this PoA commitment has varied. In spite of this type of reinforcement, the level of regional support for stockpile management and security has varied and the development of global programmes has been relatively poor.

A number of regional and sub-regional agreements include commitments on stockpile management and security. Europe’s OSCE Document and the Stability Pact Regional Implementation Plan and Africa’s SADC Protocol and Nairobi Protocol commit member states to enhancing their own stockpile management and security, and also to co-operating and assisting each other to do so. For example, in the Nairobi Protocol, state parties undertake to “establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons” (Article 6a). The degree to which these types of commitments have fostered concrete action on stockpile management and security within the region, however, has varied widely.

In Europe, numerous regional frameworks overlap to reinforce good practice and establish concrete programmes for co-operation and assistance and have facilitated substantial regional action. NATO standards in stockpile management and security appear to have been an important influence amongst countries that have been working to achieve NATO membership. In South East Europe the UNDP SEESAC Programme has actively promoted the adoption of useful international standards. Overarching and reinforcing this throughout all of Europe is the OSCE Best Practice Guide on the issue, established in 2003-4, which provides an important reference point for improving standards, setting out clear and strong guidance on elements of stockpile management and security systems and offering practical advice. Further, the OSCE has developed and adopted a framework for providing assistance to help a member government address and manage the challenges it has identified, especially those related to the surplus of SALW.

In July 2003, Belarus was the first participating state to request OSCE assistance in destroying surplus SALW and improving its stockpile management. Later, the OSCE’s Forum for Security Co-operation assembled a team of small arms experts from the UK, Spain and Switzerland which, between December 2004 and March 2005 conducted four visits to Belarus in order to assess national SALW stockpile storage facilities and determine the viability of assistance programmes. Another two requests for assistance came in 2004 from Tajikistan⁷ and Kazakhstan. Preparations have begun to engage with these requests; three assessment visits have been conducted in Tajikistan and an expert workshop to form recommendations was conducted in Kazakhstan in June 2005.

⁵ Leão, Ana, Weapons in Mozambique, Reducing Availability and Demand, ISS Monograph 94, South Africa, Institute for Security Studies, January 2004.

⁶ Information provided by Pablo Dreyfus, Viva Rio/ISER.

⁷ As many as 20,000 units of SALW collected in Tajikistan in the post-civil war period need to be expeditiously destroyed due to very poor storage facilities and the risk they pose to surrounding residential areas (some of which are located just 100 metres from the storage sites).

In June 2005, states in the Great Lakes sub-region of East Africa adopted Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons, which include detailed recommendations on policy and practice that provide states with a comprehensive guide to stockpile management. However, there has been less practical action in support of enhancing realisation of these best practices in this region than there has been in the OSCE, which developed similar best practices.

Regional action on stockpile management and security has been important even in places where regional agreements do not contain elaborated commitments on these issues. In the Americas, the OAS Convention on Firearms does not contain specific commitments on SALW stockpile management and security. Nevertheless, UN-LiREC serves as a facilitator for Latin American countries looking to obtain financial and technical support for improving stockpile management practice. In its Lima Challenge 2006, UN-LiReC has provided assistance for enhancing stockpile management and security to Argentina, Brazil, Paraguay and Uruguay.

In the Pacific region, most donor support to island states in the area of stockpile management and security has come from regional states. Australia and New Zealand have given assistance on this to at least half of the Pacific Island Forum (PIF) states, including the construction of new stockpiles, improvements to existing stockpiles and the provision of technical training in stockpile control.

Other regions are currently lagging behind. Although some regional fora have taken constructive steps in this area, co-operation and assistance has been inadequate and ad-hoc. In South East Asia, Cambodia has received the most assistance, provided by the EU through the European Union Assistance on Curbing Small Arms and Light Weapons (EU-ASAC) project in Cambodia and also within the region by Japan through the Japan Assistance Team for Small Arms Management in Cambodia (JSAC) project. JSAC has provided assistance in stockpile management and security to the police, co-ordinating with EU-ASAC, which provides such assistance to the military.

Overall, the number of reviews of stockpile management and security systems does not appear to be significantly related to the presence of a regional agreement. Further, while some regions have systematic frameworks for supporting improvements in stockpile management and security, much of the more comprehensive assistance (across the range of stockpile issues) has been provided on a regional basis, but not through a regional organisation (for example, JSAC in South East Asia or Australia and New Zealand's assistance in the Pacific).

6.3.6 INTERNATIONAL ASSISTANCE AND CO-OPERATION

Importantly, the PoA reinforces its commitments on stockpile management and security with an international level commitment to develop international programmes (Section III, Para 8):

“Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.”

Substantial assistance has been provided in this area. Some of this assistance has been across the weapons management system, for example, EU-ASAC in Cambodia, NATO's Partnership for Peace (PfP) in Albania and Australia in Papua New Guinea. In other cases it has been more focused: for example, UN-LiREC has provided assistance for stockpile infrastructure in Mendoza, Argentina.

While a number of national and regional projects have taken steps towards achieving the aims of this commitment, it remains inadequately implemented. In particular, no serious effort has been made to build long-term international programmes. While several donor states have provided assistance on various aspects of stockpile management and security, and some regional organisations have tackled these issues, no co-ordinated global programmes for specialist training have occurred. The failure to implement this commitment does not appear to stem from any ambiguity or limitation in the way that it is framed; rather, it has fallen foul of broader problems in international co-operation and assistance (see Chapter 9).

The assistance provided on this issue has been ad-hoc in nature: these international programmes could have enhanced the effectiveness and efficiency of assistance and provided essential impetus to the expansion of such support to levels adequate to the task taken on in the PoA.

6.3.7 INTEGRATION OF STOCKPILE MANAGEMENT IN OTHER POA COMMITMENT AREAS

One indication of how well the PoA is acting as a framework for action on stockpile management, and indeed on other issues is the extent to which it is seen as integrative rather than as a list of boxes to be ticked in implementation. For instance, the degree to which stockpile management and security issues are taken into account during the implementation of other relevant commitments is indicative of the further potential for the enhanced implementation of the PoA. On this note, it is important to examine whether stockpile management and security are being effectively integrated into relevant programmes such as those related to weapons disposal and destruction such as marking, tracing and recordkeeping, and vice-versa.

A key element of good stockpile management is the designation and disposal of surplus, decommissioned or unusable weapons and ammunition stocks. 39 states have a policy of destroying all or most surplus SALW and/or ammunition (see Chapter 7). OSCE Best Practices on disposal and destruction emphasise their integration into stockpile management and security. Many programmes of support in this area, such as the Lima Challenge, link assistance in stockpile management and security with assistance for the destruction of surplus, seized, collected and confiscated arms. Overall, these links are potentially beneficial. However, within such programmes, a preference for higher visibility projects has contributed to significant support being given to destruction and the longer-term enhancement of management and security systems being relatively neglected. Indeed, assistance has tended not only to de-emphasise stockpile management and security, but also to miss key opportunities and efficiencies that could be gained by approaching destruction and disposal tasks as being located *within* rather than parallel or in addition to such systems. Nevertheless, some programmes such as the EU-ASAC project has pursued the two aspects together.

Another PoA commitment, to ensure that unmarked weapons are not in state stocks, also reinforces the need for a systematic review of stocks of SALW held by the armed forces, police, and other authorised bodies. In addition, recordkeeping systems as part of inventory management should link effectively with other aspects of recordkeeping systems required by the International Tracing Instrument on marking and tracing.

While stockpile management is now seen as a legitimate area for international discussions and action, national militaries and other bodies in many states continue to see such issues as squarely within their professional domain. As a result they may be resistant to suggestions from elsewhere in government or internationally that they need to thoroughly review and tighten their stockpile management and security procedures. Thus there is a need for international programmes that aim to reassure such concerns by

locating improvements in stockpile management and security within the frameworks of broader professional co-operation and security sector reform; or, in some cases, linking such programmes with integration in to the EU, or NATO membership.

6.3.8 OVERALL PROGRESS AND OPPORTUNITIES

Good practices in this area are fairly well developed, and there is no significant disagreement over what elements stockpile management and security should cover. Further, the fact that national management and security of stocks is a legitimate issue for international discussion is one of the PoA's successes that appear to have been reinforced over the past five years.

Assistance has been focused primarily on a small number of countries, particularly those with the most obvious problems with maintaining secure storage of SALW. Tens - perhaps hundreds - of thousands of SALW are still kept in insecure or inadequately managed circumstances. Assistance programmes for stockpile management improvements are lacking in many but the most affected countries.

Overall, programmes to promote good stockpile management have been ad-hoc and limited, possibly because of a lack of well-developed international mechanisms for promoting and assisting such programmes. The key in this area is therefore new action at the international level to capitalise upon existing progress and solidify it through more systematic international mechanisms and assistance. The PoA commitments in this area, and the need for more systematic international mechanisms imply a responsibility to regularly review and assess the adequacy of procedures and practice. This should be done with a view to states with pressing needs in this area coming forward to request assistance.

Furthermore, on some specific issues there may be lessons to learn through sharing experiences of enhancing controls over 'other authorised bodies' apart from those under direct control of ministries of defence (military and any linked official paramilitary such as gendarmerie, presidential guards, etc.) the interior (police, penal system, etc.) and manufacturers. In particular, the extension of state-like standards and procedures to authorised private security companies and associated challenges appears to be one area where fruitful information sharing could take place. This, however, would be an area within a broader strengthening of the implementation of existing PoA commitments that reinforces understandings of the scope of the commitment and new programmes of assistance.

There has been significant progress in some parts of the world on establishing and raising awareness of required standards for management and security of SALW stockpiles, and useful lessons have been learned about the opportunities and challenges for programmes to improve the situation.

6.3.9 PRIORITIES FOR THE REVIEW CONFERENCE

What is urgently needed is a substantial scaling-up of efforts at all levels to ensure adequate security and responsible management of SALW held by state agencies and all authorised bodies alike. This will not be achieved on the basis of existing PoA commitments and measures. More concerted international programmes need to be launched in order to disseminate, promote and implement effective standards and mobilise the resources required. The ad-hoc and limited nature of most efforts to promote SALW stockpile security and destruction of surplus or confiscated arms is, in part, linked to the lack of well-developed international mechanisms for promoting and assisting such programmes. Only by implementing such mechanisms will there be realistic prospects of substantially reducing the problems of inadequate SALW stockpile security in the foreseeable future.

6.4. AMMUNITION STOCKPILE SAFETY AND SECURITY

International commitments and measures to prevent, reduce and combat uncontrolled or illicit SALW holdings and flows are widely understood to encompass not only weapons but also their ammunition. Although there are some disagreements on whether the PoA should cover it, ammunition falls squarely within the scope of the problems that the PoA seeks to address, and within efforts to implement its commitments. This is reinforced by the UN Firearms Protocol and regional agreements on SALW, which mention ammunition specifically.

Unfortunately, in practice, ammunition has often been treated as a residual category and is not effectively dealt with. This may in part be due to the lack of explicit mentions of ammunition in the PoA and the particular challenges that it often poses. Stocks of SALW ammunition may be hundreds of times bigger than those of small arms and light weapons. Many countries have accumulated enormous stocks of ammunition over the years and, since the end of the Cold War, stocks of surplus ammunition have increased dramatically as armed forces have been downsized. Stocks of hundreds or thousands of tonnes of ammunition that are well beyond their shelf life are common.

In some states, up to 50% of ammunition stocks are surplus. In many cases they are poorly controlled and becoming unsafe. In many Central and East European states and Central Asian republics, old Soviet-era stocks are vast and problematic. In Russia, 140 million rounds of small arms ammunition were reportedly designated for disposal 2002-2005, with stocks in excess of 100,000 tonnes of ammunition in Kaliningrad Oblast alone.⁸ In Ukraine, estimates suggest that up to 2.5 million tonnes of ammunition may be stored in Ukrainian depots that were designed to store far less than that amount,⁹ leaving a significant proportion in exposed and unstable conditions within inappropriately equipped storage facilities. The government of Belarus has declared to the OSCE that some 97,000 tonnes of conventional ammunition needs to be disposed of, while Ukraine, Kazakhstan and Uzbekistan have approached NATO for assistance in disposing of some 130,000, 36,000 and 54,000 tonnes respectively. Similarly Albania, Bosnia and Herzegovina and Bulgaria are estimated to have ammunition stockpiles of 180,000, 67,000 and 153,000 tonnes respectively, of which over half is identified as surplus.

Safety problems relating to the risk of explosion are prime among the challenges specific to ammunition. Ammunition contains explosive material that may be unstable if poorly managed, which places particular technical and safety requirements upon stockpile management and security systems. Accidental explosions of ammunition stocks occur frequently around the globe, often causing numerous deaths. These issues create technical requirements for the safe and secure storage of ammunition that do not exist for arms. This, in turn creates particular challenges for the physical construction and location of stockpiles, the training of personnel who manage, monitor and dispose of ammunition stocks, and for all other key elements of stockpile management and security.

In addition to safety concerns, all the issues discussed above concerning systems for stockpile management and security also exist for ammunition. However, ammunition poses additional challenges to these systems and their review and implementation. While these are often pressing, they have seldom been appropriately prioritised and, in some places, basic good practices, such as storing weapons and ammunition separately, are not implemented. This contributes to the risk of theft from state and other authorised stocks.

⁸ Egorov, I. and Mikhailov, V., 'Prodaite patrony', *Gazeta*, 30 May 2002, cited in: Pyaduchkin Maxim and Pukhov, Ruslan, *in Disposal of Surplus Small Arms: A Survey of Policies and Practices in OSCE Countries*, London and Russia, Small Arms Survey, BICC, Saferworld, and BASIC, 2004.

⁹ NATO Expert Team (NET), 'Feasibility Study to Destroy Surplus Munitions and Small Arms and Light Weapons in Ukraine (estimates 2 million)'; Ukraine Defence Minister, Yevgeny Marchuk, quoted in: 'Ukraine has Trouble with Ammunition Utilization', Rosbalt News Agency, Saint-Petersburg, Russia, 7 June 2004, available at: <http://www.rosbaltnews.com/print/print?cn-66809>

6.4.1 NORMS AND ACTION ON AMMUNITION

Most significant regional agreements on SALW include ammunition within their scope, including the OAS Convention, the Bamako Declaration, the ECOWAS Moratorium (and the draft ECOWAS Convention), the Nairobi Protocol; the OSCE Document, the Stability Pact Regional Implementation Plan; the EU Joint Action and others. In the SADC region, for example, the SADC Protocol stresses the need to maintain effective control over ammunition (not only that related to SALW), especially during peace processes and in post-conflict situations, and to establish and implement procedures for ensuring that firearms ammunition is securely stored, destroyed or disposed of in a way that prevents it from entering into illicit circulation. Similarly, the EU Joint Action of 12 July 2002 explicitly identifies SALW ammunition as a cause for concern and recognizes the importance of safe storage as well as quick and effective destruction of SALW ammunition.¹⁰

Of all regional organisations and SALW frameworks, only European organisations, in particular the OSCE and SEESAC, have taken systematic steps to address specific ammunition issues. In 2002, the OSCE began to address the security risk arising from stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction in the OSCE area. The FSC devoted a major portion of its agenda in 2003 to addressing this concern and in November 2003 the OSCE agreed a Document on Stockpiles of Conventional Ammunition. This Document adopted general principles and procedures, including possible indicators of surplus, indicators of surpluses at risk, and measures for transparency and assistance in securing or destroying at risk stocks. As with the OSCE Document on SALW, a framework has been created whereby a state can request assistance to address ammunition stockpile management and security and safety challenges. Requests for assistance are often made in both the framework of the OSCE Document on SALW and the Document on Stockpiles of Conventional Ammunition. Thus in theory and in practice there are strong institutional and practical links between the two frameworks. Assistance has been provided through the OSCE since 2003 to projects within these frameworks, as discussed above.

While ammunition safety and security has been given most attention in Europe (particularly with regard to the Caucasus and Central Asian republics of the OSCE, as well as South and Eastern Europe), ammunition has been tackled in other regions. For instance, Paraguay has destroyed significant amounts of arms and ammunition, such as, for example, 4 tonnes of small calibre ammunition on 5-11 May 2005, in Piribebuy. In the Pacific, the Regional Assistance Mission to the Solomon Islands destroyed over 300,000 rounds of ammunition that had been collected and confiscated during the DDR programme. In Southern Africa, as part of Operations Rachel – a joint operation by the police of the Republic of Mozambique and the South African Police service to destroy arms caches left over from the Mozambican civil war – a total of 24,170,353 rounds of small arms ammunition were destroyed between 1995 and 2005. However, in many cases such efforts appear to have been part of broader SALW destruction programmes rather than part of stockpile management and security reforms paying particular attention to the specific demands of ammunition stocks.

Destruction programmes for unsafe and at-risk stocks of ammunition have received particular attention. Given the scale of some at-risk stocks, this is understandable. One of the largest such projects ever conducted is currently being developed in Ukraine. This is a 12-year NATO PfP project for the safe destruction of 133,000 tonnes of conventional munitions, 1.5 million SALW and over 1000 MANPADS. The project is supported by the USA, UK, Germany and Canada and will cost an estimated 8 million.¹¹ MANPADS have been the particular focus of a number of destruction efforts, as some donors such as

¹⁰ Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, Official Journal of the European Communities, 2002/589/CFSP), Preamble 1 and 2, Article 4

¹¹ NATO PfP Trust Fund Status, at http://www.namsa.nato.int/inits/ammo_trust_e.htm, information accessed 16/05/2005.

the United States see them as a particular threat. Ammunition stocks collected in DDR and other disarmament programmes may pose a particular technical challenge, which the organisers of these programmes are ill-equipped to meet. In Afghanistan, under the auspices of the UN-backed Afghanistan New Beginnings Programme (ANBP), efforts are now underway to collect more than 100,000 tonnes of ammunition at identified sites.¹² Any ammunition will initially be separated out for use by the Afghan army, although a reportedly large fraction of this stock is dangerous and unstable¹³

While destruction projects often receive a higher profile, reviewing and enhancing systems for the safety and security of ammunition stockpiles is crucially important. In some cases both issues have been tackled at the same time. In Afghanistan, for example, during and after the DDR process a number of demobilised soldiers worked as guards, keeping control over nine ammunition dumps in Panjshir. Reportedly, these guards went unpaid for 10 months, but the ANBP resolved this issue with the Ministry of Defence in February 2006.¹⁴

At the national level, few states appear to have prioritised ammunition stocks (rather than weapons) for action on stockpile management and security. Bulgaria has reportedly reviewed stockpile management and security systems only for SALW ammunition. In many places, however, the capacity to effectively secure and manage ammunition stocks is lacking and the issue does not appear to have received a high profile in reviews of stockpile management and security. The extent to which other national reviews of all arms stockpile management and security regulations and systems have taken sufficient account of the challenges of ammunition is unclear. What is clear, however, is that ammunition stocks are a largely neglected area of international action, and one for which the need for action is urgent.

Both the destruction of ammunition stocks and the building of capacity to safely and securely manage ammunition stocks are important and closely linked. Both are integral to ensuring the safety and security of ammunition stocks. Thus, in Bosnia and Herzegovina, the Stabilisation Force (SFOR) 'Operation Armadillo' destroyed large quantities of unserviceable and obsolete ammunition and also provided training to soldiers to dispose of ammunition themselves. In a number of cases the handling of ammunition within broader stockpile management and security programmes has had some successes but has been limited by problems with the broader programmes of which it is part. For instance, in Albania, as noted above, a number of stockpiles have been merged together to enhance security. However, in some cases this has exacerbated the historic over-stocking of ammunition depots, thereby worsening the risk of explosion.¹⁵ Further, while Albania has received some training in ammunition disposal, many of the 25 staff trained by NATO in Explosive Ordnance Disposal (EOD) between 1999 and 2002 have since retired, as part of broader army reforms. Some EOD teams are thus reportedly engaging in disposals they are not trained for, and with inappropriate equipment. It appears that avoidable errors in the design of broader programmes and limited sustainability of training have limited the effectiveness of assistance provided (see Chapter 9).

6.4.2 THE LIMITATIONS OF THE POA AND THE COSTS OF INACTION

Although the PoA (reinforced by the UN Firearms Protocol) provides an important global normative basis for safe, secure storage and responsible disposal of ammunition, the obligations in it are quite general and inadequately specified. Overall, the development of norms on this issue at the global level has been neglected. The specific challenges of ammunition stocks require the development of elaborated understandings and specific programmes on ammunition, within the broader context of enhanced

¹² The ANBP Ammunition Survey Team has surveyed hundreds of caches, totalling over 930,000 rounds of boxed ammunition and over 4.6million rounds unboxed. See Afghanistan's New Beginning Programme website at <http://www.undpanbp.org/index.html>, accessed 14 March 2006.

¹³ UN Office for the Co-ordination of Humanitarian Affairs, 'Afghanistan: UN to deal with ammunition stockpiles', Press Release, Friday 7 January 2005, accessed at: <http://www.irinnews.org/print.asp?ReportID=44901>

¹⁴ 'Guards of Ammunition Depots in Panjshir to Receive Salaries', Afghanistan's New Beginning Programme Press Release, 13 February 2006.

¹⁵ Centre for Peace and Disarmament Education and Saferworld, *Turning the Page: Small Arms and Light Weapons in Albania*, London, Saferworld, 2005, p III.

programmes on SALW as a whole, but paying particular attention to these challenges. While some modest progress has been made by the OSCE in Europe, other regions and the international community as a whole are lagging behind.

The failure of the PoA to effectively draw out these issues and consolidate norms contained in other frameworks has limited its effectiveness as a framework for international action. As a result, it seems that priority cases of unsafe and insecure ammunition stocks have been missed, and avoidable deaths have occurred. Further, 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.

6.4.3 OVERALL PROGRESS AND OPPORTUNITIES

Best practices for ammunition storage are well developed, and include NATO standards and OSCE best practices amongst others. However, in many cases, the potential costs of getting stockpiles up to NATO standards are prohibitive. According to Ukrainian estimates, for example, ensuring the reliable security and protection of just one ammunition storage facility would require between 500,000 and two million euros. Similarly, the training of individuals to the level of an ammunition technician is expensive, and when trained these individuals are highly marketable within the international community. Nevertheless, relatively limited donor investment in tailored infrastructure and procedural development plus staff training can make a significant impact on risk reduction and this should be the initial aim, rather than trying to achieve 'NATO standards' of storage or ammunition management. In many cases, careful decisions need to be made on what might be acceptable compromises on these standards, while still ensuring responsibility, safety and security, and cost-benefit analyses to inform decisions on whether to destroy stocks or secure them. In this regard, a recent project by CICS (Centre for International Cooperation and Security, University of Bradford UK), SEESAC and UNIDIR developed a framework for informing such decision-making.

The scale of the problem is so large that 'emergency' standards are needed. A critical part of this will be the identification of surplus stocks that are at risk. Indeed, the OSCE Document on Conventional Ammunition reinforces this issue, indicating that key aspects of the state's capacity for stockpile management and security are crucial factors in determining whether a stock is at risk. Here the issue is not just what ammunition is surplus to predicted requirements, but what levels of ammunition storage are beyond the state's capacity to ensure safety and security.

The foundations for such action have already been laid in the PoA and have recently been reinforced in the UN General Assembly. The UNGA Resolution (A/Res/60/74 of December 2005) 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. It further encourages states to assist the elimination of stockpiles or 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.

Given the technical nature of many of the specific challenges of ammunition storage, management, and disposal, expert training should be supported. International assistance should endeavour to include such

experts in assessment missions, and include such training (e.g. EOD training) as an integral part of broader assistance packages. This, however, will require a substantial scaling up of international assistance.

These processes need to be well resourced and well linked with broader efforts to ensure control over SALW (including ammunition) stocks. The process of identifying priority at-risk ammunition stocks could also be of use to programmes identifying weaknesses in management and security systems, including those relating to large, unstable and unsafe stocks, as well as those creating weak points in overall ammunition or SALW management.

Linking with other areas of programming will be essential to the effective tackling of ammunition issues. In many unsafe, insecure and poorly managed stocks of ammunition, the distinction between SALW ammunition and other, conventional, ammunition is of limited practical utility. Stocks of all types of conventional ammunition may be stored together. Thus, although entailing some difficult diplomatic issues because of the distinctiveness of the norms and programmes related to SALW, programmes on ammunition stocks should not be restricted to SALW ammunition but should be integrated programmes in which all at-risk stocks are tackled. In order for this to be effective, international co-operation and co-ordination of assistance will be required and should be encouraged to share information and co-ordinate with international action in other related areas such as the disposal of stocks of anti-personnel landmines conducted within the scope of the Ottawa Convention. This could be most effectively achieved by an international co-ordinating mechanism or trust fund type of structure rather than the current narrow and ad-hoc donor base.

6.4.4 PRIORITIES FOR THE REVIEW CONFERENCE

The Review Conference should affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and all aspects of global and regional action on SALW, including but not only within the scope of ensuring responsibility for authorised stocks of ammunition. The Review Conference should clarify commitments and approaches in this regard.

SALW ammunition poses particular challenges for stockpile management, safety and security. The Review Conference should establish global programmes to address this, to clarify the implications of these particular challenges, and to develop and disseminate best practice. This should be in the context of follow-on processes, such as a working group or other inter-sessional process to clarify the requirements and priorities for a global programme to promote safe and secure destruction of ammunition and munitions.

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 the urgently at-risk and dangerous stocks is clear, and is an essential area for action by the Review Conference.

6.5. ENSURING RESPONSIBILITY FOR AUTHORISED ARMS IN THE HANDS OF CIVILIANS

Most small arms are possessed by civilians. Much of this possession is authorised, though national practice on what such authorisation entails, and the degree to which it contributes to the prevention of misuse and illicit trade, vary considerably. Many of the weapons that find their way into illicit markets come from authorised civilian possession and trade. Many of the weapons misused in armed violence, which kills hundreds of thousands of civilians each year have been traded and possessed legally.

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. The PoA refers explicitly to possession and trade within states' jurisdictions only in commitments to the criminalisation of illegal manufacture, possession, stockpiling, and trade of SALW (Section II, Para 3) and to the prevention of the manufacture, possession, stockpiling and trade of any unmarked or inadequately marked SALW (Section II, Para 8).

There are clear indications that a majority of states continue to see these issues as integral to the aims of the PoA and to the effective implementation of its existing commitments. States have increasingly recognised that adequate implementation of the PoA, including those commitments that arise in its recognition of the responsibility to ensure control over all authorised SALW within its jurisdiction, require effective control over the possession and trade of small arms by and for civilians. Further, in many states, particularly non-producing/non-exporting states, the issues of civilian possession and the public carrying of firearms are at the centre of public debate and action to a much greater degree than international trafficking. Thus, while the PoA's explicit handling of civilian possession issues is negligible, these issues have been recognised by a significant number of states as a central element of effective action in combating the illicit trade and the misuse of SALW.

At the global level, a range of commitments and norms existed prior to the 2001 UN Conference, such as those contained in the 1998 report by the UN Commission on Crime Prevention and Criminal Justice Resolution, and the 1999 report of the UN Disarmament Commission. Since 2001, global meetings such as the International Meeting on the Regulation of Civilian Ownership and Use of Small Arms that was held in Rio de Janeiro in March 2005, have continued to emphasise the importance of such controls, as has the UN Special Rapporteur on the Prevention of Human Rights Violations Committed with Small Arms and Lights Weapons. In addition, states have continued to emphasise these issues within the UN Small Arms process. The fact that states see action on ensuring effective controls over civilian possession and trade as inextricably and essentially linked to PoA implementation is reflected in the fact that a growing majority of states have reported on it in their national reports to the UN process. UNIDIR's analysis of reporting behaviour indicated that nearly 70% of states mentioned civilian possession laws in their national reports and statements in 2003, and the number reaches 90% for the entire 2001-2005 period. It was mentioned by numerous states at the PrepCom in January 2006. In 2005, the importance of paying greater attention to updating and strengthening national legislation in post-conflict settings was emphasised in the UN General Assembly Resolution 60/68, which received a high degree of support.¹⁶

6.5.1 NATIONAL ACTION

The PoA's commitments on these issues are among the most widely implemented. At least 134 states have laws and procedures criminalising the illicit possession of SALW. Almost all of these states, however, were in compliance with the PoA's rudimentary requirements to criminalise illicit possession, trade, and manufacture prior to the UN Conference.

Action beyond the letter of the PoA on these issues has also been among the most widely undertaken national action on SALW. At least 50 states have reviewed their laws and procedures on civilian possession since 2001. Generally, such reviews have tightened restrictions and strengthened systems for their enforcement. Overall, national reviews have tended to move closer to the well-established norms, including those articulated prior to and since the 2001 UN Conference.

¹⁶ Voted for by 177 states, and against by only one.

6.5.2 SYSTEMS OF LICENSING AND REGISTRATION

In order to ensure effective responsibility for authorised arms, systems of regulation to ensure effective and appropriate control over civilian possession often involve registration of either firearm owners and/or particular firearms. Many national controls require licences for firearm owners to involve screening aimed at reducing the risk that they will misuse firearms. Typically, screening addresses criminal record, history of violence, age, and so forth. In some cases, particular attention is paid to the risk of intimate partner violence, or minimum training standards are established. Several countries have increased the rigour of their licensing process (for example Argentina) or increased the age required to hold firearms licences. Age restrictions are particularly common. Some states have amended these age restrictions. In Germany in 2002 the minimum age was raised to 21 from 18 in the wake of a high school shooting, whilst in Brazil, the minimum age has been 25 since 2003. Standards preventing certain types of convicted criminals, or those who fail to meet certain psychological tests from owning arms are a feature of many systems. The new German law in 2002, for example, also required a medical and psychological exam as preconditions for licensing. In 2005, Ireland introduced new licensing legislation that included stronger screening processes and a shift from a renewal system to a system of re-granting of firearms licences.

The *registration of firearms* is used to reduce the likelihood that legal firearms will be diverted to illegal markets and to facilitate law enforcement. While standards for registration and recordkeeping are variable, a number of countries have increased the recordkeeping requirements. A new Hungarian Firearms and Ammunition Act passed in 2004 updated provisions for firearm licensing and registration. Honduras has introduced stronger controls on registration and recordkeeping and has completely automated the registration process, reducing the amount of time required to identify the owner of a firearm used in a crime by a full month. The systems of administration of such registration have also been reviewed and changed in several countries. Jamaica, for example, has established a new Firearm Licensing Authority to strengthen controls over firearms and to provide more oversight to the function.

6.5.3 RESTRICTIONS ON TYPES AND NUMBERS OF WEAPONS AND SAFE-STORAGE

Most countries restrict certain classes of weapons. Almost all states prohibit the civilian possession of light weapons such as mortars and shoulder-fired missiles. An overwhelming majority prohibits fully automatic firearms, and many prohibit semi-automatic firearms. A 2004 survey of 115 countries showed that, of 81 respondents, 79 banned civilian possession of military assault rifles, although the definitions varied.¹⁷ This is a well-established norm. However, many countries go further and prohibit civilian possession of selective-fire military assault rifles, which can be converted from semi-automatic to fully automatic fire.¹⁸

Civilian possession of military weapons has not been the subject of many reviews of controls because most countries already restrict access to them. Nevertheless, several countries have changed the types of firearms that they authorise civilians to possess. A few countries, such as Thailand, have stated as their objective a virtual ban on civilian possession of all firearms. Similarly, Jordan has prohibited the holding of arms and arms possession in the Aqaba Special Economic Zone (ASEZ) and the port city of Aqaba, and the Palestinian Authority issued a civilian weapons ban early in 2005. Most countries recognise some legitimate possession of particular types of small arms for particular purposes. Several countries have added restrictions to certain classes of weapons; for example, Australia has banned handguns. The Japanese National Police Agency has decided to ban the ownership of powerful air guns

¹⁷ Only Yemen and Kenya did not report specifically banning some or all military weapons. Kenya will probably do so in line with the Nairobi protocol. See Cukier, Wendy, *The Feasibility of a Global Ban on Civilian Possession of Military Assault Weapons*, Report prepared for the Small Arms Working Group of the Peacebuilding and Human Security: Development of Policy Capacity of the Voluntary Sector Project for the Canadian Peacebuilding Co-ordinating Committee, 2005.

¹⁸ From a public safety perspective, there is little difference between fully automatic and semi-automatic military assault. A fully automatic AK-47 fires 20 rounds in 2.4 seconds, a semi-automatic Norinco AK-47 takes 4.6 seconds. See Cukier, Wendy, et al, *Emerging Global Norms in the Regulation of Civilian Possession of Small Arms*, Toronto, SAFER-Net, Ryerson, 2003.

in order to curb incidents involving the conversion of such guns to firearms. In Kyrgyzstan, the law was amended in 2003 to restrict civilian possession to hunting weapons only.

It is important that controls are applied to ammunition as well as small arms. Measures should ensure that ammunition is sold only to those who are entitled to legally own firearms. While there appear to be few new restrictions on sales or possession of ammunition, (save for marking requirements in countries such as Brazil for example), most regimes include some controls on ammunition, for example the requirement that a licence be presented. In some Central American countries citizens can only buy ammunition of the same calibre as the weapon for which they are legally licensed to possess and/or carry. Other countries have limited the number of rounds of ammunition that can be purchased in a given year. Nevertheless, in many places, the practical enforcement of such controls over ammunition can be more limited.

Many countries have limits on the number of weapons that can be legally possessed. Since 2001, South Africa and El Salvador have passed legislation restricting the number of firearms that an individual can own. Also, many systems include guidelines regarding safe storage that will prevent the theft of legal guns and their diversion to illegal markets. Some, such as Finland, have strengthened them.

6.5.4 RESTRICTIONS ON LAWFUL PURPOSES AND CARRYING

Most countries allow possession of firearms for a variety of lawful purposes, but some countries have reviewed their standards on what such lawful practices might be. Many countries impose particular restrictions on carrying firearms in public. For example, since the PoA was agreed, the Government of the Philippines has banned the public carrying of guns (in February 2003). Similarly, Yemen has restricted the conditions under which firearms may be carried, and in January 2002 the Somali Transitional National Government issued a proclamation prohibiting Mogadishu residents from carrying weapons in the streets of the capital. The police have been given a mandate to confiscate weapons including assault rifles. In some cases such changes have been a first step towards establishing a functioning system of civilian weapons control. In Afghanistan, for instance, in January 2002, the government began obliging people whose job requires them to carry a gun to obtain a Government ID card. Italy is one of the few countries to liberalise its gun laws during the period: the Italian parliament has passed legislation allowing people to shoot robbers in self-defence.

6.5.5 CRIMINAL SANCTIONS AND ENFORCEMENT

A number of reviews of controls have increased the punishments that can be meted out for offences in violation of these frameworks. These have included Argentina, Australia, Cambodia, Trinidad and Tobago among others.

While many countries have developed innovative approaches to legislation, there is often a gap between the law as written and the law as implemented. Contextual factors and policing and justice infrastructure have a significant influence on the implementation and impact of laws. The reform and building of the capacity of licensing authorities, registries and so forth can be an integral part of enhancing controls over civilian held weapons. In Argentina, for example, when a new law in 2004 strengthened punishments for firearms offences, the National Arms Registry and the Attorney General's office created a unit for investigating firearms crimes. A number of states have also engaged in periodic crackdowns on illegal arms possession: such moves are often controversial. Israel has begun a crackdown on legal firearm owners in an effort to reduce misuse and illicit trafficking. The Philippines National Police have been authorised to track down and confiscate an estimated 328,000 unlicensed firearms.

6.5.6 AMNESTIES AND OPPORTUNITIES FOR DISPOSAL OF UNWANTED OR ILLICIT ARMS

Many countries have completed successful amnesty programmes in tandem with or in addition to, changes to their legislation. Such amnesties can offer a safe and secure opportunity for civilians to remove dangerous and unwanted weapons and ammunition from their home environments. A new law passed in Montenegro in January 2005 provided a legal deadline of six months for all interested citizens to legalise the arms that they possessed and twelve months to return the weapons that could not be legally owned. Such amnesties can often yield significant quantities of weapons, including amounts greater than those seen in disarmament demobilisation and reintegration operations in post-conflict societies. Brazil, for example, had an amnesty buy-back which resulted in 300,000 weapons being surrendered, while in South Africa an amnesty following new controls in 2004 collected over 50,000 weapons in just three months. In some places, such as New Zealand and Finland, amnesties are permanently in effect, allowing citizens to hand in unwanted weapons at any time. As with other disarmament initiatives, it is important that collected weapons are destroyed. Guatemala recently undertook a large weapons destruction initiative, destroying firearms seized over the past decade. In addition to amnesties and amnesty provisions, some action on civilian weapons has taken the form of other civilian disarmament in both post-conflict and non-conflict settings (see Chapter 8).

6.5.7 THE PROCESSES OF REVIEWS OF CIVILIAN POSSESSION CONTROLS

Some changes in national controls of civilian possession, manufacturing, stockpiling and trade have been minor and have made only small changes to particular provisions. Others, however, have been more wide-ranging and have reformed the whole civilian possession control system. In some cases, the need for review has been identified as an essential element of national strategies on PoA implementation, due to the inextricable and profound links between authorised possession and trade and misuse and illicit trade. In Brazil, for example, the 2003 Disarmament Statute required the registration of all firearms and outlaws public firearm carrying except for limited cases. It also increased penalties and raised the minimum age for obtaining a firearm licence to 25. Such comprehensive approaches have often been integral to the purpose and action undertaken of national commissions established in line with the PoA and regional agreements. In El Salvador, a National Commission has been established to review the country's firearms laws. Processes of review may involve public consultation, which carries the potential to reinforce social norms against the misuse of arms and to raise awareness of SALW issues. The 2005 Gun Summit in Papua New Guinea was a prime example of this, involving substantial and wide-ranging public consultations.

6.5.8 REGIONAL ACTION AND THE IMPORTANCE OF HARMONISATION

While national differences need to be respected, minimum standards must be established to ensure that weak laws in one country do not jeopardise the safety of citizens in other countries. Many processes of reviews have been stimulated and strengthened by regional level commitments to ensure harmonisation in standards. This is vital to the purpose of civilian possession and trade controls affecting illicit trade in SALW and ammunition: disparities in legal frameworks and enforcement are crucial to the use of legal civilian markets as a source for illicit trafficking into neighbouring states. Several regional agreements contain significantly specific commitments on regulation of civilian possession, trade, and manufacturing.

Many sub-regional agreements include commitments on civilian possession and have explicit aims of harmonising standards. In Africa, for instance, the SADC Protocol was the first sub-regional agreement to commit member states to harmonising domestic regulations on civilian possession. It has been joined by other African sub-regional agreements such as the Nairobi Protocol, agreed in April 2004, which broke new ground on the issue. In the Americas, the Andean Plan highlighted the importance of controls over

civilian possession. In the Pacific, the Nadi Framework process emphasises the harmonisation of regulations and good basic standards therein, and a Model Weapons Control Bill has been developed and endorsed by the Pacific Islands Forum.

While the specific commitments of each of these sub-regional moves towards harmonisation are different, they share many common elements. These go much further than the PoA and provide impetus for action around concrete issues. For instance, the 12 Nairobi Protocol States have undertaken a range of commitments including:

- a ban on civilian ownership of automatic and semi-automatic rifles
- registration of all guns
- regulation of gun storage and competency testing for prospective owners
- restrictions on the number of guns a person can own
- a ban on pawning of guns
- uniform minimum standards regulating the manufacture, control, possession, import, export, transit, transport and transfer of small arms
- regulation of security companies.

Although regional practice varies, and the implementation of regional standards remains in its infancy in many places, there is a clear understanding among a significant proportion of the international community that controls on legal firearms are needed to reduce their diversion to illegal markets. This understanding is reflected in the attention given to such issues in regional agreements.

6.5.9 MISSED OPPORTUNITIES AND CURRENT OPENINGS FOR ENSURING RESPONSIBILITY

The failure of the PoA to mention the basic aspects of controls over civilian possession, manufacturing, and trade does not appear to have limited progress on these issues by states. However, given how well established elements of such systems were, and how international attention to these important issues has remained significant, it is clear that the UN small arms process has missed opportunities for supporting and enhancing the development and implementation of appropriate controls within the context of national practices.

The benefits of regional action and harmonisation are undermined by a lack of complementarity with the PoA, and by missed opportunities for broader lesson learning and co-operation. While most regional standards reflect and reinforce good practice, the UN process could have supported strengthened assistance to national and regional processes and fostered cross-regional information exchange and lesson learning for the process and content of reviews of these controls. Opportunities to support such action remain open to the UN small arms process.

Enhanced systems for ensuring responsibility for SALW authorised to civilians and the impact of those systems on preventing illicit trafficking and misuse will reinforce, and be made more effective by, good implementation of other measures that ensure responsibility for all authorised SALW. They are also intimately related to other PoA areas such as co-operation in border control and transfer controls; for instance there may be a need for information exchange processes in import/export authorisation so that transferring states can ensure that international transfers to retailers and wholesalers are consistent with laws on civilian possession.

6.5.10 ISSUES AND PRIORITIES FOR THE REVIEW CONFERENCE

Overall, there is growing regional and international cooperation and debate on these issues. While some states remain sceptical of the desirability of developing international norms on these issues, there is clear

evidence of their importance for the UN small arms process. This is a priority area for the development of regional and international minimum standards that can underpin consistent and effective national laws. In spite of well-known sensitivities, there is considerable scope for action from the Review Conference. Key areas for the Review Conference Outcome Document and follow-on processes to support greater responsibility for these weapons include:

- Agree commitments by all states to ensure sufficient national controls on civilian possession of SALW, to enable full and effective co-operation with all PoA commitments and to avoid contributing to problems of illicit trafficking and misuse experienced by neighbouring and other countries
- Produce a declaration of basic principles about the national regulation of civilian possession of SALW and encouraging the development of model regulations and best practices
- Support efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement
- Support police training and other capacity-building for enforcing existing and new controls. Particular attention should be paid to the need to collect and analyse data concerning the sources of firearms recovered in crimes to assist in promoting international co-operation among law enforcement
- Establish or endorse an international programme within the PoA framework to help to enable states that wish to cooperate on issues of controlling civilian possession to do so, including information exchange and technical assistance programmes
- Provide technical co-operation and assistance to those developing new legislation and administrative procedures and systems including examples of best practices, model regulations and so forth, both within regions and internationally

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6.6 ISSUE AND PRIORITIES FOR THE 2006 REVIEW CONFERENCE

States are committed to ensure responsibility for all authorised SALW. This requires 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 commitments should aim to ensure that SALW and ammunition do not find their way into illicit trade, are safe and secure, and are not misused by their own forces and by authorised bodies and persons. Implementing these commitments and making efforts to enhance the effectiveness of these controls have been a priority for many states. However, the UN small arms process needs further elaboration and strengthening of practical action if it is to adequately reinforce and support those efforts.

The Review Conference should ensure that manufacturing controls are appropriately prioritised and effectively developed by establishing an international programme of work to include elaborating and disseminating best practices in manufacturing control, encouraging states to provide technical and financial assistance to other states in revising laws and procedures on manufacturing control, and assisting states in sharing experiences and developing and enforcing effective controls over craft manufacturing.

There is an urgent and substantial need to substantially scale up efforts to ensure adequate security and responsible management of SALW, and the safety and security of ammunition held by state agencies and all authorised bodies. Concerted international programmes need to be launched to disseminate, promote and implement effective standards and mobilise the resources required. The Review Conference should agree mechanisms to develop international programmes for promoting and assisting effective stockpile management and security.

The Review Conference should affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and all aspects of global and regional action on SALW, including but not only within the scope of ensuring responsibility for authorised stocks of ammunition. The Review Conference should clarify commitments and approaches in this regard and begin a process to clarify the implications of the particular challenges of ammunition, and to develop and disseminate best practices. Operational opportunities for the more effective handling of ammunition within stockpile management and security and weapons disposal programmes should be identified. Global ammunition programmes would need to be co-ordinated with similar international initiatives to promote weapons destruction and secure SALW stockpile management, but they would also have their own relative autonomy. Further, urgent assistance is needed to identify and destroy at-risk stocks of ammunition.

Ensuring national responsibility for authorised arms in civilian possession is a priority area for the development of regional and international minimum standards that can underpin consistent and effective national laws. In spite of well-known sensitivities, there is considerable scope for action from the Review Conference. The Review Conference should promote the development and adoption of a declaration of basic principles about the national regulation of civilian possession of SALW, encouraging the development of model regulations and best practices, supporting regional efforts towards harmonisation around rigorous controls in terms of laws, procedures, and enforcement and establishing an international programme within the UN small arms framework to enable states that wish to cooperate on issues of controlling civilian possession to do so, including information exchange and technical assistance programmes.