

# EXECUTIVE SUMMARY

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## INTRODUCTION

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons In All Its Aspects (PoA) was agreed in July 2001. As the key international agreement on the illicit trade in, and misuse of, small arms and light weapons (SALW), the PoA is a vital instrument for addressing the urgent problems relating to SALW which underlie thousands of deaths each week, hinder development, undermine human rights and restrict good government across the world.

This report aims to provide a comprehensive and up to date review and analysis of progress towards implementation of the PoA, and of the consequent issues and priorities for the 2006 Review Conference. Building on the findings of the 2003 and 2005 Red Books, it outlines and assesses progress towards implementation of the PoA, and analyses relevant local national, regional and international processes. Specifically, it aims to be a useful resource for states, regional and international organisations, civil society groups, experts and citizens by:

- Providing a broad, detailed and reliable empirical overview of progress towards implementing the PoA and associated national, regional and international commitments across all regions of the world since 2001
- Illustrating experiences and identifying and analysing lessons learned in each of the regions
- Identifying and enhancing international understandings of emerging strengths and weaknesses in implementing the PoA across each of its key thematic areas
- Examining the adequacy of existing PoA commitments and opportunities for urgent or useful further development, revision and reinforcement of such commitments, including the launch of additional international initiatives, programmes or guidelines
- Examining the extent to which problems with the implementation of the PoA are linked to inadequacies of the PoA and associated international agreements and the implications of this for the agenda and objectives of the 2006 Review Conference
- Examining progress in developing and using partnerships to promote implementation, including partnerships between government and civil society, those between aid donors and recipients and those developed through regional organisations and agreements
- Providing a resource to support efforts to promote the awareness, implementation and development of the PoA

## THE UN PROGRAMME OF ACTION

The PoA establishes an international framework that is relatively comprehensive in scope, including almost the full range of issues related to the illicit trade in SALW. Thus it contains substantial agreed norms, standards and programmes on a number of topics including:

- Preventing and combating illicit SALW production and trafficking
- Ensuring effective controls on the legal production, holding, and transfer of SAL;
- Weapons collection and destruction
- Management and security of official and authorised SALW stocks
- SALW control in post-conflict situations and
- Information exchange and confidence-building

The PoA provides strong implicit recognition of the considerable interconnections between illicit and legal production, flows and accumulations and misuse of SALW and the need for a comprehensive approach.

However, the scope of the PoA in some areas has been left somewhat vague and has some important gaps. Nevertheless, the PoA is complemented by a range of regional agreements on SALW and the UN Firearms Protocol that reinforce global action on SALW. Full implementation of the PoA would make a big impact on the scale of SALW-related problems.

## AIMS OF THE REPORT

The 2006 Red Book has a more critical goal than the 2003 and 2005 reports, which is appropriate in view of the importance of the Review Conference. This report focuses on thematic examinations of progress towards implementation of the PoA in a way that aims to be of the most use to inform debates at the Review Conference.

Including more information and analysis in thematic chapters implies a smaller chapter reviewing national and regional implementation. As this report is published only one year after the 2005 Red Book, much of the information in the latter's major chapter on national and regional implementation remains valid and relevant. While the thematic discussion and analysis draws fully on *all* available information on implementation since 2001, this year's review of national and regional progress confines itself to overall analyses and new information or recent progress. However, the global tables, in which the information is now organised by region rather than alphabetically, remain comprehensive and have been fully updated.

The research undertaken during the production of this report includes data from a wide range of primary and secondary sources, enabling the report to cover over 180 countries. The research was primarily conducted by the Biting the Bullet project team (International Alert, Saferworld and the University of Bradford) in co-operation with over 100 members of the International Action Network on Small Arms (IANSA) and other experts from around the world. Systematic efforts were made to verify information and assessments.

## OVERALL ASSESSMENT

Previous editions of the Biting the Bullet "Red Book" have indicated that while some significant steps have been taken towards implementing parts of the Programme of Action, progress on the whole has been inadequate. This report finds that progress to date is only marginally more encouraging and remains disappointing in many areas. Overall, implementation of the PoA has been mixed globally, regionally, nationally, and thematically. While it is important to recognise some positive developments ('the glass has begun to be filled'), it is at least as important to face the fact that implementation is not on track towards overall effective action ('the glass remains almost empty').

A wide range of action has taken place within the PoA framework, and the UN SALW process remains the most comprehensive global framework for action on SALW. There are emerging and consolidating good practices in most key areas of PoA implementation from which lessons can be learned and action on small arms can be made more efficient and effective in the future. The PoA has, moreover, opened the way for some significant national and regional action on key issues.

As a general rule, where a sub-region has developed substantial regional agreements and programmes of action to address SALW issues, the states within that sub-region have made more progress towards national implementation. However, not all regions and sub-regions have developed these substantial agreements and programmes and where they are absent progress in PoA implementation has been generally much more limited. This highlights and reinforces the need for an elaborated global framework linked to comprehensive global programmes and initiatives to address all aspects of the illicit trade and misuse of SALW.

## PROGRESS TOWARDS IMPLEMENTATION

### PROGRESS TOWARDS ESTABLISHING THE CAPACITY TO IMPLEMENT THE POA

The basic foundations of PoA implementation include the infrastructure for co-operation, the development of co-operative relationships, and the basic structures for ensuring co-ordinated approaches that build efficient and comprehensive action to tackle SALW problems.

The PoA outlines a number of key elements of the foundations for implementing its commitments. One of these requirements is the appointment of a point of contact. While this basic requirement of the PoA has been implemented by a majority of states (150 states) it has not been achieved by a significant minority of states. Further, while many national points of contact have been appointed, many lack capacity or have lapsed into inactivity. An effectual national point of contact is key minimum for participation in global, regional and multilateral partnerships and cooperation on SALW. There is therefore a need for states to reaffirm the importance of establishing a national point of contact.

The commitment to establish or appoint “national coordination agencies or bodies and institutional infrastructure” responsible for policy guidance, research and monitoring of action on SALW has been neglected by more than half of states. 90 out of 191 UN member states have established national co-ordination mechanisms including officially designated national co-ordination agencies or bodies, including 16 states with no formal national commission but for which there is, nevertheless, evidence of significant national co-ordination. This represents a significant improvement on previous figures of 37 formal national coordination agencies in 2003 and 79 in 2005 and so overall the building of these foundations has been slow but increasing steadily.

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

An increasing number of governments are now recognising that the development of partnerships between government and civil society organisations (CSOs) on SALW control is likely to yield more positive, sustainable outcomes than when initiatives are conceived and imposed by governments without reference to the concerns or views of civil society. While the models of such partnerships vary, the benefits tend to be significant. There are also numerous examples of partnerships on SALW initiatives between governments of SALW affected states and between these governments and donor agencies. However, it is clear that this co-operation could and should be far more extensive. The international community needs to find a way of allowing lessons learned and experiences from all types of partnerships to be shared much more systematically for the benefit of all who have an interest in tackling the spread and misuse of SALW.

Overall, these basic foundations have not been built in a majority of states. This, inevitably, will have slowed the pace and effectiveness of PoA implementation. In those places where such foundations have been built, greater national synergies and successes are likely than in those states that have neglected these foundations.

## PROGRESS TOWARDS CONTROLLING SALW TRANSFERS

Effective and responsible transfer controls are key to preventing destabilising accumulations and misuse of these weapons. The PoA acknowledges this through commitments to effective regulation of the import, export, transit and brokering of SALW as well as recommending further measures relating to: assessing authorisations against strict guidelines and criteria; exercising effective end-use/end-user controls; supporting the enforcement of UN arms embargoes; and border controls.

Most states have some basic laws and procedures on export and import of SALW. Fewer (at least 79) have controls on transit and transshipment and even fewer - only 37 states - have specific controls over brokers and brokering. While a majority of states have some laws and procedures on import and export this still leaves a substantial group of between 25% and 30% of states that lack even the frameworks required to exercise control let alone the capacity to enforce them. The Review Conference needs to establish a process that elaborates on comprehensive best practice guidelines and model regulations for SALW transfer control.

Transfer controls should effectively control *all* types of SALW transfer activities including export, import, retransfer, transit/transshipment, licensed production, brokering and transportation. Such controls must be sufficiently detailed and applied with enough consistency and rigour to prevent the exploitation of loopholes by unscrupulous entities and to close opportunities for the illicit trade and misuse of SALW.

The Review Conference needs to reinforce the progress made by states in relation to SALW transfer controls and should establish that stringent guidelines must be adopted with regard to authorising each SALW transfer process. The need for effective implementation systems should also be elaborated, including requirements for end-user certificates, effective border controls and strengthened capacities for states and the international community to monitor and enforce arms embargoes. In particular, further international action is also required to develop the capacity to adequately cooperate in border controls, which remains under-resourced, and enhance the capacity of the international community to effectively monitor and implement UN arms embargoes.

The Review Conference needs to encourage and facilitate the development of best practice and clear international standards on all aspects of SALW transfer controls, including the agreement of principles for national transfer controls based upon states existing responsibilities under international law. It should also acknowledge the need for an international agreement on controlling illicit SALW brokering and should recommend that the mandate of the Group of Governmental Experts reflects this imperative.

While overall progress on transfer controls has been slow at the national level, regional and global processes on guidelines are developing, and transfer controls have moved on in some specific areas, most notably in relation to MANPADS. In other areas that proved impossible to get agreement during the 2001 conference, international progress has also been made. Notably, the issue of controlling SALW transfers to Non-State Actors (NSAs), which proved so divisive in 2001, has moved on to a more constructive foundation. Nevertheless, this represents fragmented progress and many states and regions, as well as key issue areas, lag far behind even this level of progress. Thus the Review Conference is faced with several tasks to strengthen the UN SALW process' engagement with transfer control issues including many opportunities to do so strongly.

## PROGRESS TOWARDS ENSURING RESPONSIBILITY FOR AUTHORISED SALW

Ensuring responsibility for authorised small arms, light weapons, and associated ammunition has been one of the most widely implemented areas of national action on SALW since 2001. For some states this has meant the prioritisation of implementing controls over state stocks; for others, the weapons and ammunition authorised for other bodies such as private security companies, private dealers, and civilians have been the

priority. Fewer states have prioritised action on manufacturing controls and many ammunition stocks have been neglected and require urgent attention. Across the range of areas of action needed, further international support and much greater national action remains essential if the illicit trade and misuse of SALW that feeds off authorised stocks is to be curtailed.

The management and security of stocks of SALW in the hands of state agencies (military, police, paramilitary, border guards etc) and authorised bodies (such as private security companies) is central to the PoA and to reducing the illicit trade in SALW. Most states have some form of system for stockpile management and security. Many of these are, in practice, inadequate. At least 30 governments have reviewed these systems to enhance their effectiveness in line with aspects of good practice outlined in the PoA and elsewhere. Unfortunately, this implies that the great majority of states have not. International programmes need to substantially scale up efforts and assistance to ensure responsibility for all authorised SALW and ammunition by disseminating, promoting and implementing effective standards and mobilising the resources required.

Ammunition stocks are a particular challenge and the vast quantities of unsafe, insecure and at risk ammunition are an urgent priority that was not specifically addressed in the PoA. The specific challenges of ammunition stocks require the development of specific norms and programmes on ammunition. The Review Conference needs to affirm the centrality and importance of ammunition within the implementation of the PoA's commitments and should encourage the establishment of a UN based process to promote specific global action on SALW and other conventional ammunition. A priority is to establish emergency standards for and a process for identifying and disposing of urgently at-risk and dangerous stocks.

Ensuring responsibility for authorised SALW through responsible controls on the manufacture of SALW and ammunition has not been prioritised by many states. The Review Conference needs to establish a process for elaborating and disseminating best practices in manufacturing control and for encouraging states to provide technical and financial assistance to states in revising laws and procedures on controls of manufacture.

While the PoA currently contains negligible commitments on civilian possession, states have increasingly recognised that adequate implementation of the PoA requires effective control over the possession and trade of small arms by and for civilians. Many states and regions have continued to prioritise this issue as the core activity in ensuring responsibility for SALW. Several regions have taken significant steps towards ensuring harmonisation of these controls. A range of national actions have been undertaken in this regard and changes in the regulatory frameworks and their enforcement have been undertaken by at least 52 states since 2001. In spite of well-known sensitivities, there is considerable scope for action on the part of the Review Conference.

## PROGRESS TOWARDS DISARMAMENT, COLLECTION AND DISPOSAL

Disarmament and disposal through destruction are key areas of programming promoted by the PoA. Programmes to promote the disarmament of ex-combatants in post-conflict situations, to collect SALW from civilians, and to dispose of SALW through destruction have been prominent areas of action since before 2001. Since 2001, 62 states have conducted some form of disarmament and 73 states have destroyed surplus, confiscated and/or collected SALW and/or ammunition. Significant gaps and opportunities remain for learning lessons from good practice and increasing the scale and effectiveness of disarmament and destruction programmes.

Across the range of disarmament initiatives and contexts there are important lessons to learn related to issues including: the use of incentives for weapons handover; the need for partnerships with civil society; the need for addressing the needs of women and children in post-conflict settings; and the safety, security and disposal of collected weapons.

Progress remains inadequate with regard to disposal processes. International support has been provided to many programmes for destruction, but their coverage and scale remains patchy and inadequate to the global task. A range of international initiatives have contributed to destruction, including through regional agreements and frameworks, such as the OSCE; or initiatives targeted at particular types of weapons such as MANPADS. However, much greater progress is required. For instance, the scale of at risk stocks of ammunition and stocks of SALW and ammunition that are prone to diversion remains large and presents an urgent challenge.

Overall, while there has been commendable progress in implementing disarmament and disposal initiatives, there is considerable scope for enhancing such programming and improving its effectiveness. For instance, there is a need for enhanced coordination between DDR and civilian disarmament, including better integration of gender and age dimensions; there is also a clear need for identified lessons to be learnt in practice in the design and implementation of disarmament programmes. These are key areas for support and elaboration from the UN SALW process. The Review Conference needs also to promote mechanisms to direct assistance towards those countries and regions where SALW collection and destruction has been weak, as well as building capacities and further institutionalising practices where efforts have already taken place. To this end, a more efficient global mechanism for providing financial and technical expertise and the establishment of UN best practice guidelines for SALW collection and destruction should also be developed.

## IMPLICATIONS OF ILLICIT PROLIFERATION AND MISUSE OF SALW

It is increasingly recognised that action on SALW should fully recognise the impacts and implications of the illicit proliferation and misuse of SALW, and – where appropriate – be integrated with broader programming that directly engages with these issues. In addition to the clear need for development and governance programming to take greater account and make more effective use of SALW programming, the converse is also crucial: specific actions on SALW need to pay greater attention to human rights, development and governance issues and impacts. While this is happening in key areas of action on SALW, such as the development of stringent transfer control guidelines, the strengthening of controls over civilian possession, and conducting weapons for development projects etc. overall this remains patchy and contained within particular initiatives. However, there are some encouraging signs of the development of global foundations for more effective handling of the linkages between action on SALW and human rights, humanitarian issues, development, governance, and security that will benefit all areas of programming.

A strengthening yet nascent area of action relates to the integration of SALW programming with development and governance programmes. To date this involves just a handful of donors, programmes, and affected countries taking steps to integrate SALW programmes with poverty reduction strategies, security sector reform programmes, and so forth. The last few years has seen greater policy attention to these issues, which build support and understanding of the implications of tackling armed violence in development programming, and ensuring that development and governance and security programmes effectively tackle the critical problems of SALW. This includes the decision by the OECD DAC to make SALW programming eligible for ODA; a March 2006 expert seminar hosted by the Government of Norway; a workshop at Wilton Park (UK) in April 2006 organised by the UNDP and the UK's DFID. Thus, there is a growing and accelerating international impetus to more effective and systematic integration of armed violence issues into development frameworks and programming.

States should be encouraged to appropriately integrate policies and programmes to address SALW associated issues of armed violence and insecurity into their national development frameworks and strategies and, where appropriate, into their Poverty Reduction Strategy Papers. States, international and regional organisations and other aid organisations, including development aid agencies and the International Financial Institutions, should also take steps to ensure that they have the policies, programmes and capacities required to support and co-operate in the implementation of such national development frameworks and strategies, which integrate tackling SALW proliferation and armed violence into development frameworks.

## PROGRESS TOWARDS INTERNATIONAL CO-OPERATION AND ASSISTANCE ON SALW

There have been significant developments in international co-operation and assistance since 2001, though many of these are only in their embryonic stages. In relation to the provision of financial and technical assistance, the donor base for assistance to SALW programmes has undergone some significant changes since 2001. A number of new donors have entered the field and the character of international assistance programmes appears to be gradually moving away from relatively inflexible and project-based donor aid to more flexible and sustained co-operation with greater scope for genuine partnerships, including south-south as well as north-south. While this is only in the early stages of becoming a feature of assistance, these first steps are encouraging.

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

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

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

While there have been numerous improvements in co-operation and assistance, in practice donors have been slow to actually learn and apply these lessons and mistakes are repeatedly made. Importantly, the international community has not realised its commitment to ensure co-ordination and synergy in actions on SALW. The scale of available assistance remains inadequate and there is a clear need to increase assistance substantially. There is a pressing need for the Review Conference to examine ways in which international co-operation and assistance can be improved with a view to ensuring complementarity in action on SALW and expanding and matching co-operation and support with needs.

## IMPLICATIONS FOR THE 2006 REVIEW CONFERENCE AND BEYOND

The 2006 Review Conference is a key opportunity to clarify, elaborate and strengthen the PoA through the supplementary 2006 Outcome document. It is also an opportunity to create and enhance further dynamism in international action by putting in place follow-on mechanisms and international programmes, and supporting action at the global, regional, sub-regional and national levels.

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

The analyses throughout this report show that many of the reasons for limited and uneven implementation reflect:

- The unevenness of the foundations for national and regional action

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

These obstacles to implementation lie within the scope of the UN SALW process and within the reach of the Review Conference. The Review Conference take the required decisions to reinvigorate and support global, regional and national action to fully implement all PoA commitments, as all measures are dependent upon continued and expanded political will from member states, and regional and international co-operation.

In order to ensure that the PoA remains a relevant and constructive framework for action, Biting the Bullet recommends that the Review Conference should:

- **Reinforce the foundations of action on SALW** in particular by supporting states in building their capacity to take effective action on SALW by ensuring that lessons are learnt from national and regional experiences on how to build such foundations effectively and efficiently.
- **Affirm and consolidate the progress made so far** by creating processes for learning lessons, and by affirming emerging and strengthening good practices. For instance, the Review Conference should reinforce the progress made by states in relation to SALW transfer controls, by acknowledging the need for all key aspects of transfers to be controlled by rigorous national systems including import, export, transit, licensed production and brokering, and should elaborate on the key components of such national systems.
- **Create or facilitate the creation of international programmes on key areas** including, for example, on stockpile management and security, implementation of the International Tracing Instrument, national controls on SALW transfers and the destruction of surplus, confiscated and collected weapons. These programmes will include information sharing, learning lessons, developing and disseminating good practices and other activities.
- **Clarify and elaborate the implications of the PoAs' commitments** in key areas, such as on principles for transfer controls based on states existing responsibilities under international law, the need to effectively tackle ammunition, and the need to better integrate action on SALW with programmes of action on related impacts and implications, especially development, security, human rights and humanitarian issues and programmes.
- **Address gaps in the PoA framework** that continue to undermine its effectiveness as a comprehensive framework for action on the illicit trade in SALW. Recognising that a majority of states support strong standards and responses to these gaps, the Review Conference should establish or permit continued and enhanced processes of international action on these issues, including transfers of SALW to Non-State Actors (NSAs), national controls on civilian possession, action on MANPADS and addressing demand.
- **Reaffirm and expand support for international co-operation and assistance** recognising that good implementation of action on SALW is reliant upon the will and capacity of states, and that international co-operation and assistance is crucial to the development of partnerships and capacities in this regard.
- **Agree strong and effective follow-on processes** including subsequent Biennial Meetings of States and a further Review Conference and Intersessional Processes and Meetings. These follow-on mechanisms should be given a strong role to ensure the continued relevance and strengthening of the UN small arms process. This should include reviewing and assessing action on small arms, including all measures related to the PoA and any international programmes and processes related to it and the Outcome Document of the Review Conference, the International Tracing Instrument etc. with a view to: learning lessons from those experiences; identifying and consolidating good practice; and proposing further recommendations and elaborating agreements to prevent the proliferation and misuse of small arms and light weapons.