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**Implementing the United Nations  
Programme of Action on Small Arms  
and Light Weapons:**

**Analysis of Reports Submitted by States in 2003**

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## FOREWORD

I highly welcome the joint initiative of the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR) and the UN Department for Disarmament Affairs (UN DDA), to undertake an analysis of the national reports submitted by states to the UN Secretary-General in response to the General Assembly Resolution 57/72 (by operative paragraph 5).

I had the privilege to Chair the First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in July 2003. The meeting provided an excellent opportunity for states to review the progress made and to identify challenges states face in implementing the Programme of Action.

Most importantly, the national reports have proved to be an invaluable resource for information exchange. The reports illustrate steps taken by states towards implementing the Programme of Action, and serve as an important reference for both donors and affected countries in improving future actions.

The analysis of the national reports identifies major developments in the implementation of the Programme of Action, and highlights issues of concern for states. Sharing of information is a crucial element in verifying the implementation of the Programme of Action by States. As such, the analysis identifies areas where the international community could act to enhance the capacity of states to implement as well as report on the Programme of Action.

It is my fervent wish that states will make the best use of the outcome of this analysis to reinforce their commitment to reporting on their implementation of the Programme of Action, and take concrete steps to

strengthen national, regional and global efforts to control the illicit trade in small arms and light weapons in all its aspects.

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Ambassador  
Permanent Representative of Japan  
to the Conference on Disarmament

Geneva, March 2004

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## EXECUTIVE SUMMARY

### INTRODUCTION

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) marked a watershed in the fight against the illicit trade in small arms and light weapons (SALW). States agreed to a wide-ranging set of common commitments and established a follow-up process that encourages all countries to exchange information on progress made.

In 2003, 103 out of the 191 UN member states<sup>1</sup> submitted national reports on their implementation of the PoA to the UN Secretary-General through the United Nations Department for Disarmament Affairs and presented to the First Biennial Meeting of States (BMS). The reports vary widely in terms of length, level of detail and the themes addressed. While a handful of states submitted only brief letters that reiterated their support for the PoA, others sought to address almost all aspects of the PoA. It became evident from the format of some reports that the reporting assistance package that had been developed by the United Nations Development Programme (UNDP), United Nations Department for Disarmament Affairs (UNDDA) and United Nations Institute for Disarmament Research (UNIDIR) in cooperation with the Small Arms Survey, as well as the USA's matrix blueprint were beneficial in guiding states in the preparation of their national reports.

This study is intended to complement a larger project by UNDP, UNIDIR and UN DDA, entitled "Capacity Development for Reporting to the UN Programme of Action on Small Arms", which provides guidelines and a suggested template for reporting on the implementation measures of the PoA.

The goal of the study is to ascertain current levels of state commitment to the PoA by reviewing the various national initiatives underway and also to highlight the strengths and gaps of the reporting process. The disparate

nature of the information provided in the national reports makes it difficult to assess clearly the national policies in place to implement the PoA. Nevertheless, the study should help identify areas where progress is needed, and could orient the capacity-building and training efforts of states to stem the menace of SALW. Further, it could equip states and international organizations with the necessary information needed to tailor assistance accordingly.

### **SUMMARY OF INFORMATION PROVIDED IN THE NATIONAL REPORTS**

Of the total 103 countries that submitted national reports in 2003, approximately:

- 79% mention National Coordination Agencies or National Points of Contact to some degree;
- 90% refer to national legislation governing small arms control at the national level;
- 87% discuss import, export and transfers controls to some degree;
- 50% address existing brokering legislation, or described penalties for illicit brokering activities;
- 78% mention some aspects of marking and tracing;
- 75% address weapons collection and destruction;
- 71 % mention stockpile management and security;
- 41% refer to surplus weapons, as a separate theme from stockpile management and security;
- 57 % refer to public awareness efforts;
- 35 % discuss demobilization, disarmament and reintegration programmes, either directly or indirectly by describing project activities related to such programmes;
- 9% refer to the special needs of children affected by armed conflict.

From the above, it is evident that export, import and transit controls, and national legislation were the most frequently addressed PoA themes. The least mentioned were addressing the needs of children affected by armed conflict, Disarmament, Demobilisation and Reintegration (DDR) efforts, government stock surpluses and brokering. It should be noted that

some issues such as DDR as well as addressing the needs of children affected by armed conflict are not applicable to many states in terms of developing national programmes for implementation.

Additionally, the mere reference to the various themes does not necessarily mean effective implementation. However, the nature of references in the reports may well indicate which issues are considered to be more relevant, which have attracted the greatest attention and which are perceived to be the most problematic. In general, strengths in national practices are brought out considerably more than problems encountered.

## IMPLEMENTATION AT THE NATIONAL LEVEL

With regard to National Points of Contact (NPC) and National Coordination Agency (NCA), some countries, particularly in the Sub-Saharan Africa, have to a large extent amalgamated their respective functions into one institution. This action could well ensure a coordinated effort between the inter-state and intra-state coordination in combating the illicit trade and proliferation of SALW. The most cited government departments involved in the functioning of NPCs and/or NCAs are the National Police, the Foreign Ministry, the Ministry of Defense, the Ministry of Interior, and the Ministry of Public Security.

The PoA does not contain any specific commitments to maintain or strengthen national regulations relating to civilian possession of SALW. Nevertheless, about 70 countries provide information related to civilian use and trade in SALW.

Although a number of reports specifically address national legislation on SALW exports/imports and the relevant licensing authority, there is a lack of detail concerning export and import licenses, as well as end-user and transport certificates. National measures on SALW transits, transfers and re-transfers received little attention from states. Although a number of states refer to marking, record-keeping and tracing, the information provided in the report suggests that there is a lack of effective implementation in this area. As such, the common problem, identified particularly by developing countries, is the existence of clandestine artisan producers manufacturing homemade unmarked weapons.

Weapons collection, destruction and DDR programmes have been carried out in several countries since 2001, particularly in the Eastern and South Eastern Europe, Pacific region, South America and Sub-Saharan Africa. On the other hand, states barely make specific reference to addressing the needs of children affected by armed conflict in their national reports. Thus, five states define the projects they are funding on the subject, and four states identify themselves as being affected by the problem.

While conditions for effective and reliable stockpile management are well addressed by some developed countries, references to this issue, especially by the most affected states, were vague. In general, references to national measures regulating government stock surpluses were ambiguous.

In the national reports of 2003, a number of countries identify a need for financial and technical assistance particularly for curbing illicit arms production, public awareness programmes, capacity-building for law enforcement agencies as well as safe storage and the destruction of weapons.

## IMPLEMENTATION AT THE REGIONAL AND GLOBAL LEVELS

There is growing recognition of the need to develop regional and global perspectives to combat the illicit trade of small arms, and such mechanisms are slowly emerging. States are establishing and strengthening cooperation and partnerships at all levels and with regional and international organizations as well as civil society.

Although a number of regional agreements or instruments on SALW have not moved beyond the declaratory stage, the majority of states have indicated their commitment to such instruments. Reported activities related to trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies, have been undertaken within regional frameworks or bilateral agreements.

Based on the information provided in the national reports of 2003, it seems that a number of the countries most seriously affected by problems related to SALW have received financial and technical support from international NGOs, the UN, financial institutions and donor countries. Attention and assistance has been directed in particular on policies



connected with four major issues: (1) weapons collection and DDR, (2) stockpile management and security, (3) trans-border customs cooperation and networks for information sharing among law enforcement, border & customs control agencies, and (4) capacity building/research. Areas that have attracted the least amount of assistance have been: legislation, national coordination agencies and transparency.

## CONCLUSIONS

In spite of some shortcomings, notable progress in PoA implementation is underway in many countries. Positive developments are on track especially with regard to reviews of laws and administrative procedures on SALW, weapons collection and destruction and public awareness programmes. The relative progress made in the implementation of the PoA in just a two-year period may well encourage other states to strengthen their efforts in this regard and to report on their actions.

The national reports, therefore, are a crucial instrument for promoting the effective implementation of the Programme of Action. They not only promote the exchange of information among states to publicise their compliance with their obligations, but also encourage states to take further action in stemming the menace of small arms and related issues.

## RECOMMENDATIONS

### Recommendations on the Reporting Process in General

- All states are encouraged to submit annual national reports, and ensure consistency of the reporting process.
- All states are encouraged to improve the quality of their reports—for example by detailing country-specific problems, the need for assistance or special capabilities and detailing any willingness to help in specific areas.
- All states are encouraged to include in their national reports before the Review Conference in 2006, a section on thoughts about “the way forward”—what is expected of the PoA, and what countries want to concentrate on in the future.

- States could consider harmonizing PoA reporting with other appropriate regional reporting mechanisms (for example, the Nairobi Declaration).
- If the above harmonization of reporting is unfeasible, states could consider attaching other information reported on small arms initiatives and themes submitted to other bodies during the same year. For instance, some OSCE member states annexed to their national reports on the PoA information on the issue of stockpile management and security reported within the framework of the OSCE.

## RECOMMENDATIONS SPECIFIC TO THE VARIOUS THEMES

### Recommendations for National Point of Contact and National Coordination Agency

- States that have not done so should consider providing details of their National Point of Contact (NPC) to the UNDDA registry, which serves as a point of reference for states.
- States, particularly in developing and affected countries, could consider allocating a budget line from their national expenditures for the work of the National Coordination Agency (NCA), since it implies commitment by the government and indicates a sense of ownership.

### Recommendations for legislative/administrative procedures on SALW

- States that have not done so should consider providing copies of all national legislation pertaining to SALW to the UNDDA to be made publicly available on the DDA website.
- It would be useful if states could consider reporting on their national regulations on ammunition and explosives which are often an integral part of their national SALW control programmes.
- States could also consider providing clear references on how they regulate transit, transfers and re-transfers of SALW in order to avoid diversion of arms to embargoed areas, human rights abusers and criminal groups.

- States are encouraged to report on progress made in institutional capacity-building within the implementing agencies. For example, states could report on their strategies to develop competent law enforcement personnel equipped to deal with the legal issues essential for combating the illicit use and trade of SALW. These strategies could prove useful as a reference for best practices and/or lessons learned.

### **Recommendations for exports, imports and transfers**

- All states are encouraged to provide substantive reports that may include:
  - Types of end-user certificates required for arms exports;
  - Criteria on the basis of which export licenses are issued;
  - Indications of whether the state is producing and/or exporting small arms;
  - General export-import statistics on SALW.

Such information could prove useful as a reference for best practices and/or lessons learned.

- Where states are already providing data on SALW imports/exports to another forum (e.g. the UN Commodity Trade Statistics Database), they are encouraged to consider harmonizing some aspects of this information with their report on implementing the PoA.

### **Recommendations on marking, record-keeping and tracing**

- States and international organizations in the position to do so, should consider providing assistance for data-collection and a weapons register, since these areas are reported by a number of states to be in greatest need for capacity building.

### **Recommendations for arms brokering activities**

- In the lead-up to the Review Conference in 2006, it would be useful to develop common criteria for brokering regulations, which could be achieved through information sharing and experiences on brokering regulations gathered from as many countries or regions as possible.

- States should consider reporting on progress made in regulating brokers through changes to their existing national legislation or administrative measures. For example, states could report progress on defining licit and illicit brokering, the issue of extra-territorial jurisdiction, appropriate penalties and also progress on international cooperation in preventing, combating and eradicating illicit SALW brokering.

#### **Recommendations for weapons collection**

- It could prove useful if reports on weapons collection included an evaluation of whether these programmes adequately addressed the social, political, economic and environmental contexts that feed the desire to obtain or retain weapons even after a conflict has ended.

#### **Recommendations for DDR Programmes**

- Post-conflict states should consider providing a greater indication of needed DDR assistance, and to identify needs as precisely as possible, in order to give potential donors a concrete idea of what is required and whether that fits with their capacities for assistance.

#### **Recommendations for addressing the special needs of children affected by armed conflict**

- States are encouraged to report specifically on how they have addressed the special needs of children affected by armed conflict, in particular in relation to family reunification, the reintegration of child combatants into society, and appropriate rehabilitation.

#### **Recommendations for stockpile management and security**

- States are encouraged to clearly indicate what support (if any) they need for safe storage and destruction of government stocks and surpluses. This will help donor states and international organizations to provide the appropriate assistance.

### Recommendations for public awareness programmes

- States are encouraged to provide examples of any educational, civic training and public awareness programmes they have initiated to inform the public about the negative effects of gun culture and misuse of guns. States could also report on how they have addressed the socio-economic factors that influence the demand for illicit SALW. Such information could prove useful as a reference for best practices and/or lessons learned.

### Recommendations for regional and global initiatives

- States should consider providing more details on their extra- and inter-regional cooperation on small arms and related issues (e.g. transnational organized crime or terrorism). They should include any specific benefits such as:
  - Access to expertise on SALW in other regions;
  - Improved networking and information exchange arising from cross-border cooperation;
  - Resource mobilization;
  - Greater harmonization of policies and programmes.
- States should consider reporting on their progress in harmonizing SALW legislation and policies at the regional or sub-regional levels in order to reduce the risk of diversion of illicit SALW across borders as well as assist in preventing, combating and eradicating illicit trafficking in SALW. Relevant international organizations, experts, appropriate financial institutions, donors, international and regional organizations in a position to do so could then promote and support such initiatives.
- States are encouraged to report on their progress in mainstreaming small arms programmes within regional priorities such as poverty eradication, reduction of armed violence, terrorism and transnational organized crime. Such information could prove useful as a reference for best practices and/or lessons learned.
- States could consider increased channelling of capacity-building and training for parliamentarians, national points of contact on small arms, law enforcement agents and civil society through regional organizations.

- States, particularly in affected regions, are encouraged to consider establishing a “*small arms fund*” dedicated specifically for small arms programmes through regional organizations, since access to funding for small arms programmes is limited. On the other hand, appropriate financial institutions, donors, international and regional organizations in a position to do so, should seriously consider promoting and supporting such small arms funds to assist affected communities and regions.

## ACRONYMS

|          |   |
|----------|---|
| AMMTC    | ASEAN Ministerial Meeting on Transnational Crime  |
| ASEAN    | Association of South-East Asian Nations   |
| ASEANPOL | ASEAN Chiefs of National Police   |
| BMS      | Biennial Meeting of States  |
| BtB      | Biting the Bullet Project   |
| CAPERS   | Customs Asia Pacific Enforcement Reporting System   |
| CARICOM  | Caribbean Community   |
| CASA     | Coordinating Action on Small Arms   |
| CICAD    | Comisión Interamericana para el Control del Abuso de Drogas ( <i>Inter-American Drug Abuse Control Commission</i> ) |
| CICP     | Centre for International Crime Prevention   |
| CIFTA    | Convention against the Illicit Manufacture and Trade of Firearms Ammunition and Explosives                          |
| CIS      | Commonwealth of Independent States  |
| COARM    | Conventional Arms   |
| CPC      | Conflict Prevention Centre  |
| CSA      | Collective Security Agreement   |
| CSO      | civil society organization  |
| DDR      | Disarmament, Demobilization and Reintegration   |
| DESA     | United Nations Department of Economic and Social Affairs  |
| DFAIT    | Canadian Department of Foreign Affairs and International Trade  |
| DPA      | United Nations Department of Political Affairs  |
| DPI      | United Nations Department of Public Information   |
| DRC      | Democratic Republic of Congo  |
| EAPC     | European Association of Political Consultants   |
| EAPCCO   | Eastern Africa Police Chiefs Cooperation Organization   |
| ECOWAS   | Economic Community of Western African States  |
| EU       | European Union  |
| EUC      | End-user Certificate  |
| EXBS     | Export Control and Related Border Security Assistance   |
| FRUD     | Unity and Democracy Restoration Front   |
| FRY      | Former Yugoslavia   |
| FSC      | Forum for Security Co-operation   |
| GA       | General Assembly  |

|          |   |
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| IANSAs   | International Action Network on Small Arms  |
| ICRC     | International Committee of the Red Cross  |
| IDF      | Israeli Defense Force   |
| IDP      | Internally Displaced Persons  |
| IGAD     | Inter-Governmental Authority on Development   |
| INDUMIL  | Industrias Militar  |
| INTERPOL | International Criminal Police Organization  |
| IOM      | International Organization for Migration  |
| IPMT     | International Peace Monitoring Team   |
| IWETS    | Interpol Weapons and Explosives Tracking System   |
| KFOR     | Kosovo Force  |
| LTTE     | Liberation Tigers of Tamil Eelam  |
| MERCOSUR | Mercado Común del Sur   |
| MSSA     | military style semi-automatic weapons   |
| NAMSA    | NATO Maintenance and Supply Agency  |
| NATO     | North Atlantic Treaty Organisation  |
| NCA      | National Coordination Agency  |
| NISAT    | Norwegian Initiative on Small Arms Transfers  |
| NGO      | Non-Governmental Organization   |
| NFTPA    | National Firearm Trafficking Policy Agreement   |
| NPC      | National Point of Contact   |
| NZAID    | New Zealand Official Development Assistance Programme   |
| OAS      | Organization of American States   |
| OCHA     | United Nations Office for the Coordination of Humanitarian Affairs  |
| OCO      | Oceanic Customs Organization  |
| OSCE     | Organization for Security and Co-operation in Europe  |
| PCASED   | Programme for Coordination and Assistance for Security and Development  |
| PfP      | Partnership for Peace   |
| PoA      | Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects |
| PSI      | Peace and Security Initiative   |
| RACVIAC  | Regional Arms Control Verification & Implementation Assistance Centre   |
| RCMP     | Royal Canadian Mounted Police   |
| RDCF     | rapid deployment collective forces  |
| RILO     | Customs Investigation System  |
| RUF      | Revolutionary United Front  |



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|----------|--|
| SADC     | South African Development Community  |
| SALW     | Small Arms and Light Weapons   |
| SAS      | Small Arms Survey  |
| SATCRA   | Small Arms Transparency and Control Regime in Africa   |
| SEEI     | NATO South-East Europe Initiative  |
| SEESAC   | The South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons                   |
| SECI     | Southeast European Cooperative Initiative  |
| SFOR     | Stabilization Force  |
| SOMTC    | ASEAN Senior Officials Meeting on Transnational Crime  |
| SRSR/CAC | Special Representative of the Secretary-General for Children and Armed Conflict                          |
| SSAP     | Szeged Small Arms Process  |
| STANAG   | NATO Standardization Agreements  |
| SweFOR   | Swedish Fellowship of Reconciliation   |
| UK       | United Kingdom   |
| UN       | United Nations   |
| UNDDA    | United Nations Department for Disarmament Affairs  |
| UNDP     | United Nations Development Programme   |
| UNDPKO   | United Nations Department of Peace-Keeping Operations  |
| UNHCHR   | United Nations High Commissioner for Human Rights  |
| UNHCR    | United Nations High Commissioner for Refugees  |
| UNICEF   | United Nations Children's Fund   |
| UNIDIR   | United Nations Institute for Disarmament Research  |
| UNIFEM   | United Nations Development Fund for Women  |
| UNITA    | National Union for the Total Independence of Angola  |
| UN-LiREC | United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean |
| UNOPS    | United Nations Office for Project Services   |
| UNSC     | United Nations Security Council  |
| UNSG     | United Nations Secretary-General   |
| UPDF     | Uganda People's Defence Forces   |
| UPF      | Uganda Police Force  |
| USAID    | US Agency for International Development  |
| WA       | Wassenaar Arrangement  |
| WCO      | World Customs Organizations  |
| WFSA     | World Forum on the Future of Sport Shooting Activities   |
| WHO      | World Health Organization  |



## CHAPTER 1

### INTRODUCTION

United Nations member states convened in New York from 9 to 20 July 2001 for the first *United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. After two weeks of negotiation, participating states agreed on the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*.<sup>3</sup> This marked a watershed in international efforts to control the trade and proliferation of illicit in small arms and light weapons (SALW) in all its aspects, by creating a plan with a wide-ranging set of commitments to fight against the illicit trade in small arms and light weapons. In the United Nations Programme of Action (UNPoA), participating states agreed not only upon common responsibilities, but also established a follow-up process encouraging all states to exchange information on the progress made in implementing the programme of action.

This paper surveys the national reports on the UNPoA implementation submitted by United Nations member states to the United Nations Secretary-General in response to the General Assembly Resolution 57/72 (by operative paragraph 5) in 2003. It analyzes states' actions on the national as well as regional and international levels. Where appropriate, information provided in the national reports is compared with other available information. Additionally, special emphasis is given to areas where assistance from states or international organizations has been given or received in the implementation of the programme of action.

There are no agreed criteria for the sort of information states are to provide in their national reports. Consequently, the national reports vary considerably in terms of length and detail. The disparate nature of the information provided in the national reports makes it difficult to assess clearly the national policies in place to implement the UNPoA. Nevertheless, the study aims to ascertain the current state of states' commitment to the UNPoA by reviewing the various national initiatives underway and identifying their strengths and gaps. Numerical data, charts

and selected examples in tables and boxes provided in the different sections of the paper are meant to help demonstrate general trends and the level of progress rather than scrutinize and rank performance. It should also be noted that some issues such as Disarmament, Demobilisation and Reintegration (DDR) as well as addressing the needs of children affected by armed conflict are not applicable to most states in terms of developing national programmes.

This study should help identify areas where progress is needed, and orient the capacity-building and training efforts of states to stem the menace of SALW and equip those states and international organizations in a position to provide assistance with the needed information. Additionally, this analysis is intended to complement the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR) and the United Nations Department for Disarmament Affairs (UNDDA) project "Capacity Development for Reporting to the United Nations Programme of Action on Small Arms".

Overall, the study finds that after the first year of rather languid reporting, the year 2003 saw a remarkable increase in reporting activity. While the number of states participating in the reporting process is encouraging, the information states provided varies widely both in terms of content and scope. Strengths in national practices are brought out considerably more than problems encountered.

This study is divided into four parts. The first part gives a brief background to the UNPoA, presenting its structure, objectives, and follow-up actions. It will also give an overview of United Nations member states' participation in the 2001 Conference and the First Biennial Meeting of States of 2003, as well as provide an outline of national reporting in 2002 and 2003.

The second part examines the UNPoA implementation process at the national level, by summarizing the information provided in the national reports, identifying gaps in reporting and implementation, indicating developments underway, as well as identifying areas where assistance has been received or given.

The third part explores the progress made at the regional and global levels by taking into account information shared by states in their national reports and ongoing programmes in the field.

The fourth part outlines some key conclusions and recommendations arising from the analysis of the national reports. It is hoped that this analysis will assist in improving future national reporting and implementation of the UNPoA.



## CHAPTER 2

### BACKGROUND AND RESPONSE TO UNPOA

#### 2.1 BACKGROUND TO THE UNPOA

The problem of the illicit trade in small arms and light weapons was first raised in the United Nations forum in a 1995 General Assembly resolution (A/RES50/70B). Following that, two expert groups, established by the Secretary-General, issued reports on the subject. The first expert group, “Panel of Experts on Small Arms”, presented its report to the General Assembly in 1997 (A/52/298), and the second, “*Group of Governmental Experts on Small Arms*”, presented its report in 1999 (A/54/258). Small Arms issues were again acknowledged in the Millennium Summit and Millennium Declaration (in September 2000).

#### **Box 2.1: Definition of small arms and light weapons**

The 1997 Report of the United Nations Panel of Government Experts on Small Arms provides the most widely accepted definition of small arms and light weapons. This distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several persons serving as a crew.

- The category of small arms includes: revolvers and self loading pistols, rifles and carbines, assault rifles, sub machine guns and light machine guns.
- Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibres less than 100mm.

In its resolution 54/54 V of 15 December 1999, the General Assembly decided to convene the 2001 Conference, and to establish a preparatory committee open to all states that would solicit national views on procedures for the Conference and on a Programme of Action. The preparatory committee held three sessions prior to the Conference in July 2001, where the participating states agreed to adopt a “*Programme of Action to Prevent, Combat, and Eradicate the Illicit trade in Small Arms and Light Weapons, in All Its Aspects*”.<sup>4</sup>

Following the Conference, in September 2001, the United Nations Security Council welcomed the adoption of the UNPoA, and called on all member states to take the required measures to promptly implement its recommendations.<sup>5</sup>

The UNPoA has also been acknowledged by the United Nations General Assembly (GA), which in its resolution 56/24 V of 24 December 2001 welcomed the adoption of the programme of action and called upon its implementation by all states. Subsequent GA resolutions 57/72 and 58/241 have further emphasized the importance of early and full implementation of the programme of Action.

## OBJECTIVES OF THE PROGRAMME OF ACTION

In the Programme of Action, states agree to confront the proliferation of illegal small arms and light weapons by reinforcing and further coordinating efforts against the illicit trade in SALW at the national, regional, and global levels. The UNPoA addresses national legislative and administrative measures and refers also to concrete actions such as the destruction of confiscated, collected, and surplus weapons. In addition, regional and international cooperation and assistance are taken into account to strengthen the ability of states in combating different aspects of the illicit SALW trade.

Thus the UNPoA aims to, *inter alia*, develop measures at the international, regional and national levels to prevent illicit SALW trafficking; stem illicit transfers of SALW to unstable regions; promote state responsibility in the import, export, transit and re-transfer of SALW; raise awareness of the threat and problems related to illicit SALW; and secure the



maximum participation by states in all efforts to reduce this threat to the human race.

Reaching a consensus on the Programme of Action reflected that states recognise the urgent need to stem the scourge of small arms as well as their willingness to cooperate for a common cause. The Chairman of the 2001 Conference, Ambassador Camilo Reyes Rodriguez, noted in his statement following the adoption of the UNPoA that national delegations were, at the end, able to put aside their many differences and reach a consensus on all parts of a Programme of Action.<sup>6</sup> However, there were also areas where further agreement had been expected but could not be reached, such as the need to establish and maintain controls over private ownership of small arms and the need for preventing sales of such arms to non-state groups.

#### **Box 2.2: Structure of the PoA**

- I Preamble**
- II Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects**
  - At the national level
  - At the regional level
  - At the global level
- III Implementation, international cooperation and assistance**
- IV Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**
- V Annexes**
  - Initiatives undertaken at the regional and sub-regional levels
  - Statement by the President of the Conference

The UNPoA addresses the following issues and recommendations on how to deal with the problem of SALW, inter alia:

#### **National Level**

- Laws, regulations and administrative procedures;
- Criminalizing illicit activities;
- National Coordination Agencies and National Points of Contact;
- Marking, record-keeping and tracing;

- Export, import and transfer controls;
- Brokering;
- Embargoes;
- Collection and destruction;
- Stockpile management;
- Surplus weapons;
- Public awareness and confidence-building programmes;
- Disarmament, Demobilization and Reintegration;
- Special needs of children affected by armed conflict.

### Regional Level and Global Level

- Regional points of contact;
- Information exchange and sharing;
- Strengthen and establish, where appropriate and as agreed by the states concerned, of Moratoria or similar initiatives in affected regions;
- Legally binding instruments or similar initiative, including international legal instruments against terrorism and transnational organized crime;
- Trans-border law enforcement cooperation;
- Regional mechanisms to promote stockpile management and security;
- SALW legislation and regulation at the regional level;
- Conflict prevention;
- Cooperation;
- Capacity building and action-oriented research;
- Financial and technical assistance.

An essential element of the UNPoA is its follow-up procedures. In 2006, United Nations member states will come together to evaluate the implementation process, review the PoA and decide on future action to enhance states' capability to fight illicit trafficking of small arms. The 2006 Review Conference is preceded by biennial meetings in 2003 and 2005, during which states are able to discuss the implementation process and exchange experiences in curbing the illicit trade of SALW.

**Box 2.3: Follow-up to the UNPoA****Biennial Meeting of States 2003**

Gathering of states, inter-governmental organizations and non-governmental organizations (NGOs) to review the progress made in implementing the PoA.

**Biennial Meeting of States 2005**

The second gathering of states, inter-governmental organizations and NGOs to review progress in implementing the PoA.

**Review Conference 2006**

Gathering of states, inter-governmental organizations and NGOs for a full review of the PoA and to assess progress made in its implementation.

**Regional events**

Conferences, workshops, and other meetings for governments, inter-governmental and international organizations, as well as NGOs.

**RESPONSE TO THE UNPOA****The First Biennial Meeting of State Parties in 2003**

The First Biennial Meeting of States to “Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects” convened at the United Nations Headquarters in New York from 7 to 11 July 2003.

During the Conference 10 plenary meetings were held, of which the first five were devoted to national statements. The sixth session was allocated to NGOs represented by the International Action Network on Small Arms (IANSA) and the World Forum on the Future of Sport Shooting Activities (WFSA). The seventh session was designated to international and regional organizations. There were two sessions devoted to thematic discussions within the framework of implementation, international cooperation and assistance. These discussions centered around 14 main themes, including (1) weapons collection and destruction, (2) stockpile management, (3) DDR, (4) capacity building, (5) resource mobilization, (6) institution building, (7) marking, record-keeping and tracing, (8) linkages [terrorism, organized crime, trafficking in drugs and precious minerals], (9)

import and export controls, (10) illicit brokering, (11) human development, (12) public awareness and culture of peace, (13) children, women and elderly and (14) others.

During the Conference's tenth and concluding session, the Chair of the Biennial Meeting of States (BMS) presented a final report based in the proceedings of the meeting, annexed with chairperson's summary.<sup>7</sup>

### States' Participation in 2001 and 2003 Meetings

A total of 169 United Nations member states participated in the 2001 Conference. The level of participation stayed almost unchanged at the First Biennial Meeting in 2003, with 139 participating states. As can be seen from Table 2.1, there were no major changes in regional representation of countries either.

**Table 2.1: Participation in 2001 and 2003**

| State Participation in the 2001 United Nations Small Arms Conference and the 2003 Biennial Meeting <sup>8</sup> |                 |                        |           |                         |           |
|---|-----------------|------------------------|-----------|-------------------------|-----------|
|   |                 | 2001 Conference        |           | 2003 BMS                |           |
| Regions   | Total countries | State participation    | %         | State participation     | %         |
| Africa  | 52              | 41                     | 79        | 32                      | 62        |
| Americas  | 35              | 30                     | 86        | 27                      | 77        |
| Asia  | 29              | 27                     | 93        | 19                      | 66        |
| Europe  | 48              | 47                     | 98        | 44                      | 92        |
| Middle East   | 14              | 13                     | 93        | 11                      | 79        |
| Oceania   | 14              | 11                     | 79        | 6                       | 43        |
| <b>Total</b>  | <b>192</b>      | <b>169<sup>9</sup></b> | <b>88</b> | <b>139<sup>10</sup></b> | <b>72</b> |

### Statements in 2001 and 2003

Out of the 169 states participating in the 2001 Conference, 124 delivered statements. In 2003, 100 states made national statements (see Table 2.2).

Table 2.2: Statements in 2001 and 2003

| National Statements on National Implementation of the United Nations Programme of Action <sup>11</sup> |  |                                      |           |
|--|--|--------------------------------------|-----------|
| National Statements in 2001  |  |                                      |           |
| Regions  | Number of national statements from this region | Total number of states in the region | %         |
| Africa   | 32   | 52                                   | 62        |
| Americas   | 24   | 35                                   | 69        |
| Asia   | 18   | 29                                   | 62        |
| Europe   | 37   | 48                                   | 77        |
| Middle East  | 9  | 14                                   | 64        |
| Oceania  | 4  | 14                                   | 64        |
| <b>Total</b>   | <b>124<sup>12</sup></b>                        | <b>192</b>                           | <b>65</b> |
| National Statements in 2003  |  |                                      |           |
| Africa   | 27   | 52                                   | 52        |
| Americas   | 22   | 35                                   | 63        |
| Asia   | 14   | 29                                   | 48        |
| Europe   | 27   | 48                                   | 56        |
| Middle East  | 8  | 14                                   | 57        |
| Oceania  | 2  | 14                                   | 14        |
| <b>Total</b>   | <b>100<sup>13</sup></b>                        | <b>192</b>                           | <b>52</b> |

### Reporting 2002 and 2003

As a part of the follow-up process to the UNPoA, all states are encouraged to exchange information in the form of national reports. As noted in the UNPoA:

[States] request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action (UNPoA, Sec. II, para. 33).

Ideally, reporting on the implementation of the Programme of Action could be an integral part of the activities carried out to prevent and combat the illicit trade in SALW in all its aspects. National reports provide an opportunity to take stock of the measures taken at various levels by relevant organs of the state. The reporting process is also an opportunity to review achievements and identify areas where further action or assistance for the implementation of the UNPoA might be desirable. Therefore, all countries are encouraged to report annually on the progress made in the PoA implementation.

During the first reporting year, 2002, only 16 countries submitted reports to the UNDDA (see Table 2.3). Year 2003 saw an encouraging increase in reporting, with a total of 103 countries submitting national reports.<sup>14</sup> Of these, 98 were submitted in time for the First Biennial Meeting, and were included as official documents of the meeting (A/CONF.192/BMS/2003/CRP. 1 to 98).

Since the reporting exercise on SALW to the United Nations is new to most states, the procedures for submitting reports were not clear to a number of states. There have been indications that some countries have intended to submit a report, but for one reason or another, the document failed to reach the intended recipient within regional organizations or at the United Nations.

Submitting reports is voluntary, and countries have the liberty to choose the form of reporting, as well as the areas they wish to cover in the report. This is evidenced by the wide variation of reports submitted in 2003: some are several dozen pages long, while others take the form of brief letters to the Secretary General. For example, Lebanon and Qatar produced 'nil reports' indicating that they had nothing to report on the implementation of the PoA (see Table 2.3).

The US developed a reporting matrix, which was taken up by some other countries such as the Netherlands and the United Kingdom. As part of the project entitled "Capacity Development for Reporting to the United Nations Programme of Action on Small Arms", UNDP, UNIDIR and UNDDA, under the auspices of CASA [Coordinating Action on Small Arms] and in cooperation with the Small Arms Survey as a technical consultant, also developed a reporting template for states.

**Table 2.3: Reporting in 2002 and 2003**

| State Reporting on Implementation of the United Nations Programme of Action <sup>15</sup> |                 |                                   |            |                     |            |
|---|-----------------|-----------------------------------|------------|---------------------|------------|
|   |                 | Reporting year 2002 <sup>16</sup> |            | Reporting year 2003 |            |
| Regions   | Total countries | Reports                           | Regional % | Reports             | Regional % |
| Africa  | 52              | 3                                 | 6          | 23                  | 44         |
| Americas  | 35              | 3                                 | 9          | 18                  | 51         |
| Asia  | 29              | 2                                 | 7          | 12                  | 41         |
| Europe  | 48              | 7                                 | 15         | 37                  | 77         |
| Middle East   | 14              | 0                                 | 0          | 10                  | 71         |
| Oceania   | 14              | 1                                 | 7          | 3                   | 21         |
| <b>Total</b>  | <b>192</b>      | <b>16</b>                         | <b>8</b>   | <b>103</b>          | <b>54</b>  |

In the reports, some countries followed the UNPoA paragraph by paragraph, explaining mainly the administrative structures in place to control the illicit trade in SALW. Other countries approached reporting from a more practical point of view—setting out the problems faced in implementation, and identifying areas where special emphasis would be needed. Some countries begin the report with an overview of the respective country and its SALW situation. Many countries attached annexes to the report, either in the form of providing statistical data such as, collected or exported weapons, or by presenting excerpts of relevant legislation or national statements given in regional meetings.

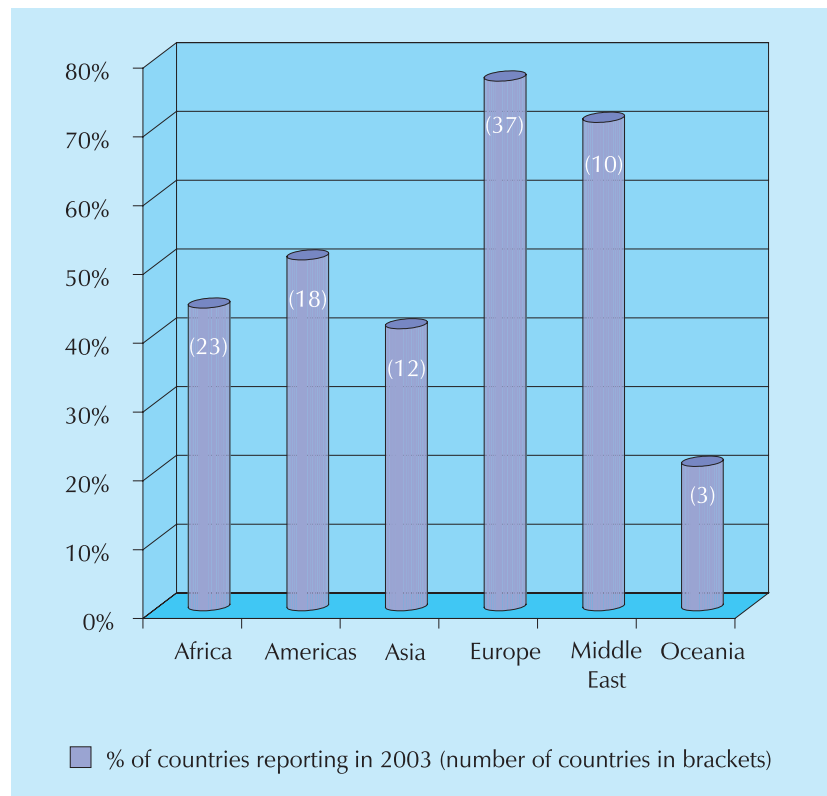
As indicated in Graph 2.1, countries in Europe and the Middle East produced most reports. 77% of European countries and 71% of Middle Eastern countries produced reports; while in other regions, with the exception of the Americas, the percentage of reporting was under 50%.

Reports submitted to the UNDDA in 2003 vary widely in terms of their length, level of precision, and also the themes addressed. Generally, they could be divided into four categories:

- Nil reports or reports submitted in the form of a brief one-page letter to the Secretary General;

- Reports covering main themes of the PoA, general notions about the situation and development;
- Reports following all PoA paragraphs and addressing (almost) all themes and sub-themes;
- Reports concentrating on specific problems encountered in the reporting country or/and giving recommendations for future action.

**Graph 2.1: Reporting in 2003 by regions**

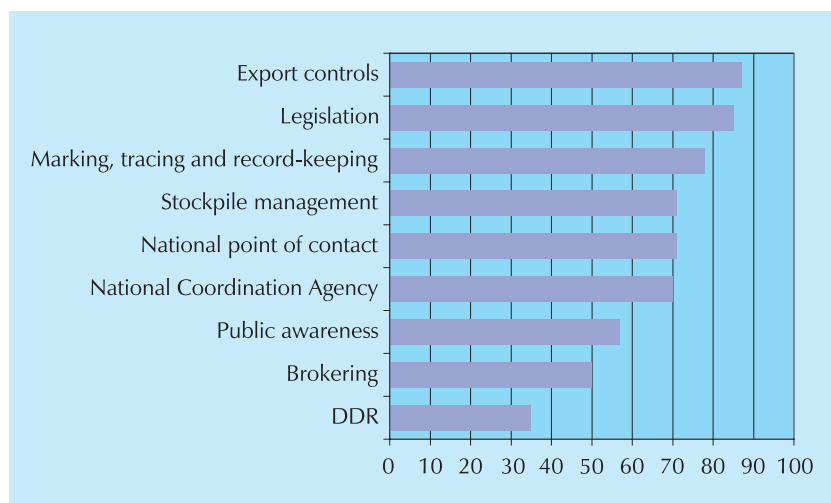


Additionally, there were discrepancies in the number of references made to different themes addressed in the UNPoA. As evidenced in the Graph 2.2, Export, import and transit controls, and national legislation were



the most frequently addressed themes of the UNPoA. The least number of references in the 2003 reports were made to disarmament, demobilization and reintegration efforts, and brokering. The mere references to the various themes do not necessarily imply effective implementation. However, the nature of references in the reports may well give an impression that those areas are perceived by the state as problematic or relevant.

**Graph 2.2: Number of references to the various PoA themes made in the national reports**





## CHAPTER 3

# IMPLEMENTATION OF THE UNITED NATIONS PROGRAMME OF ACTION ON SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS AT THE NATIONAL LEVEL

### 3.1 NATIONAL COORDINATION AGENCIES AND NATIONAL POINTS OF CONTACT

In the Programme of Action, states undertake to establish a National Point of Contact (NPC) and a National Commission or a Coordination Agency (NCA) on small arms. Indeed, these are often the first steps taken for the implementation of the United Nations Programme of Action on Small Arms in All Its Aspects (UNPoA). A national coordination agency is to be in charge of internal cooperation and to ensure transparent and effective functioning of different governmental bodies, while the NPC is to act as an external liaison between countries and other international actors in small arms and light weapons (SALW) related matters. In the beginning of 2004, at least 59 states had established a National Commission or a Coordination Agency, and at least 122 National Points of Contact for SALW<sup>17</sup> were in place. This suggests that while there have been developments with regards to establishment of both types of organs, states have been more active in establishing NPCs than NCAs.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

#### At the national level:

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

brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.

**(PoA, Section II, para. 4)**

And:

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

**(PoA, Section II, para. 5)**

As described in the UNPoA, National Coordination Agencies or National Commissions are to be set up in participating countries to:

- coordinate small arms policy and activities within the state (policy guidance, research, monitoring); and to
- produce outputs such as collection and destruction of small arms and light weapons and public awareness.

The NCA can be established to coordinate all SALW related aspects. There are examples of NCAs, which have risen from the need of special coordination over certain areas, such as overseeing disarmament processes. For example, the Joint Military Commission in Angola is overseeing the demobilization of National Union for the Total Independence of Angola forces (UNITA). Similarly, the National Committee for Disarmament, Demobilization and Reintegration in Sierra Leone is responsible for the disarmament, demobilization and reintegration programmes.

The principal role of the National Point of Contact is to:

- coordinate with other states the issues relating to the implementation of the Programme of Action; and
- exchange information with other states and international/regional organizations on national practices and systems for SALW.

The UNPoA leaves the composition, roles and responsibilities of NPCs and NCAs to be determined by member states based on country specific needs and the existing governmental structures, without burdening them with mechanisms that would go beyond their national capacity.

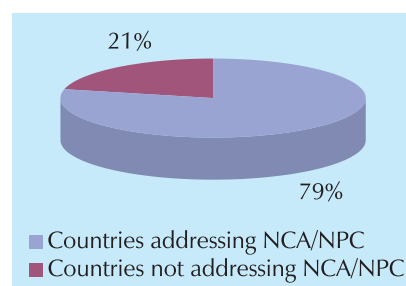
National Points of Contact have in practical terms often been operating already before the UNPoA, since the person responsible for, *inter alia*, the control of conventional weapons or arms control and disarmament in the relevant governmental body has followed the small arms dossier by exchanging information and attending regional meetings prior to the adoption of the PoA.

### REPORTING IN 2003

NPCs and NCAs are among the most widely covered issues in 2003 national reporting: 81 (79%) out of the total 103 states that submitted reports to in 2003, address NCA or NPC in some form. This count includes also states that describe the activities of a NCA without specifically calling it National Coordination Agency, as well as states that merely note that they do not have a National Coordination Agency or National Point of Contact in place.

Unlike the discussion in other themes, the following sections will provide an overview on the situation with NCAs and NPCs by referring to the national reporting in 2003, and simultaneously comparing it with other available information, to formulate as accurate picture of the situation as possible. It has to be noted, that while many states provide information about the composition and activities of the NPC or NCA in their national reports, the actual functioning of the bodies is difficult to assess.

Graph 3.1: Reporting in 2003

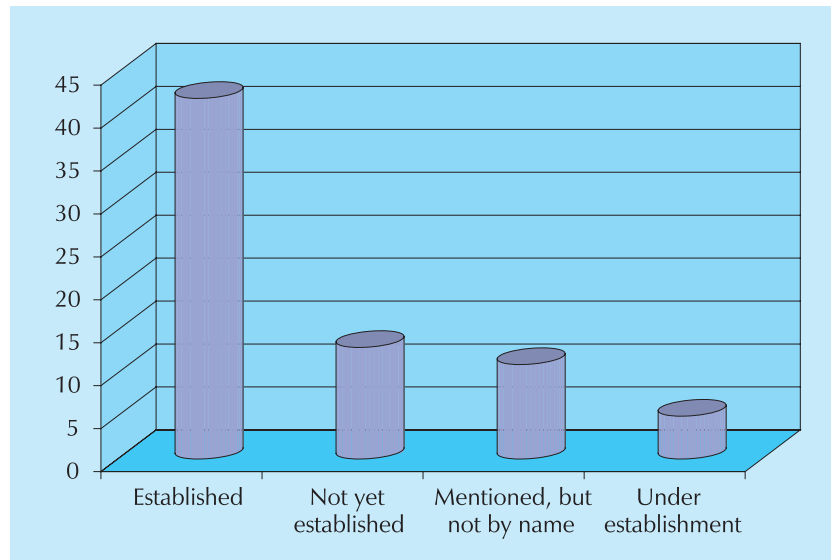


### National Coordination Agencies

In total, 71 states address national coordination agency in some form in their national report for 2003 (see Graph 3.2). Of these, 42 states indicate that they already have a functioning NCA, whereas 11 states describe coordination activities without specifically calling the body “National

Coordination Agency". A considerable number of states indicate that they do not currently have a National Coordination Agency in place or that it is under establishment: In addition, five states note that the need for some form of NCA has been discussed and that such a coordination body is under establishment, while 13 indicate that they do not have a NCA.

**Graph 3.2: Division of references to National Coordination Agencies (71 in total)**



In addition to the established 42 National Coordination Agencies mentioned in the national reports of 2003, information gathered from the civil society suggests the existence of at least 17 additional Coordination Agencies.

In 2003, the Biting the Bullet Project (BtB)<sup>18</sup> in partnership with the International Action Network on Small Arms, collected information from non-governmental organizations (NGOs) in 156 countries. This information, collected from civil society, suggests that at least 37 states<sup>19</sup> have designated National Coordination Agencies.<sup>20</sup> Comparing national

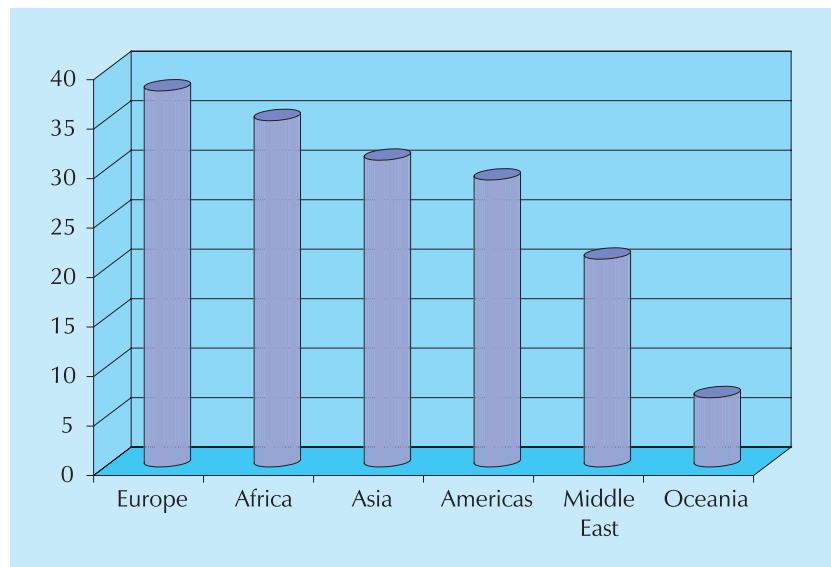
reports of 2003 with the BtB Report reveals that there are 17 states, which according to the BtB Report have a NCA, but did not either submit a report in 2003, or did not mention NCA in their national reports. Table 3.1 presents information derived from both the national reports submitted in 2003, and the BtB Report. The information suggests that at least 59 states, i.e., roughly one third of states, have established a National Coordination Agency for SALW.

**Table 3.1: Regional division of national coordination agencies**

| Regions      | National coordination agencies <sup>21</sup>           |  |  |
|--------------|--|--|--|
|              | Number of National Coordination Agencies in the region | Total number of states in the region <sup>22</sup> | Percentage of states having established a National Coordination Agency |
| Africa       | 18   | 52   | 35   |
| Americas     | 10   | 35   | 29   |
| Asia         | 9  | 29   | 31   |
| Europe       | 18   | 48   | 38   |
| Middle East  | 3  | 14   | 21   |
| Oceania      | 1  | 14   | 7  |
| <b>Total</b> | <b>59</b>  | <b>192</b>   | <b>31</b>  |

There are notable regional differences in the establishment of national coordination agencies: According to information derived from national reports and the BtB Report, about a third of states in Europe, Africa, the Americas and Asia have established a national coordination agency. While less than 10% of states in Oceania have a national coordination agency on SALW (see Table 3.1 and Graph 3.3).

**Graph 3.3: Percentages of states in different regions with national coordination agencies**



In their reports, many states went beyond mere mentioning the establishment of a National Coordination Agency and provided details on its composition (see Box 3.1).



### **Box 3.1: Example of Reporting on National Coordination Agency: Benin**

#### **National Coordination Organ**

##### **Creation**

Following the ECOWAS Moratorium, signed in Abuja on 31 October 1998, Benin assigned a National Commission on Small Arms by Decree NE2000-106 on 09 Mars 2000, which was established in February 2003 by the President and placed under his High Authority. Before the establishment of the National Commission, the fight against the illicit trade in SALW was conducted by different organs of the Army, the Gendarmerie, the Police, the Customs and the Water and Forest branches.

##### **Composition**

The National Commission against the proliferation of Small Arms is directed by commanding officer of the Armed Forces and composed of 26 representatives from all ministerial departments dealing with questions of security, development and civil society, designated by Decree NE2003-193 of 10 June 2003. Ministries represented are listed in the report: the Office of the President; Ministry responsible of Security; Ministry of National Defence; Ministry of Foreign Affairs and African Integration, Ministry of Finance and Economy, Ministry of Public Works and Transports; Ministry of Agriculture and Fisheries; Ministry of Commerce, Arts, Crafts and Tourism; Ministry in charge of Communication; Ministry of Justice, Legislation and Human Rights; Ministry of National Education and Scientific Research; Ministry of Public Health; and Ministry of Youth, Sports and Leisure; together with three representatives from the civil society, working on promoting the culture of peace, tolerance and reconciliation.

**National Report of Benin, 2003**

#### **National Action Plans**

In the national reports, a handful of states refer not only to the establishment or composition of an NCAs, but report on having agreed upon or considering the adoption of a national plan of action on small arms. While the exact meaning of this varies from one country to another, in general the national action plan refers to a plan agreed upon at the national level, comprising of several elements related to the implementation of the PoA.

### **Box 3.2: Examples of Reporting on National Action Plans: Albania and Sudan**

#### **Albania**

"In January 2002 the Council of Ministers adopted the 'National Action Plan' which obliges all State institutions to take appropriate measures, seek cooperation and harmonize actions with other line Ministries and government institutions in order to assure better coordination of dealings against terrorism and Illegal trafficking. In this regard within each of the 12 Police District (Qarku) Directorates has been established a Regional Office for Fighting against Terrorist Acts." The report also notes that in fact, there are two action plans: "Gathering of Light Arms and Ammunitions" and "PLOUGHSHARES". In addition, the report indicates that there are some local operations by local police as well as other operations at national level.

**National Report of Albania, 2003**

#### **Sudan**

The Sudanese National Office for SALW is operating under the following terms of reference: (a) to impose the necessary monitoring of small arms and light weapons and to draft systematic rules for their possession, import, export and transfer; (b) to draft rules for the process of manufacture and production; (c) to draft the necessary rules to safeguard the stock of weapons and rules for its management; (d) to endeavour to seize illegal weapons and to prevent their use or destroy them; (e) to promote public awareness and encourage sections of society through the media to step up their opposition to the illicit trade in weapons; (f) to promote a culture of peace and reject the culture of violence and; (g) to coordinate with national offices in States of the region and the world and to exchange information and experience with them and conduct joint trans-frontier operations.

**National Report of Sudan, 2003**

Information about NCAs can undoubtedly best be transmitted precisely through national reporting, since domestic control of SALW policies and activities that have not been transmitted to other states could be done effectively through the reporting system.

### **National Point of Contact**

The United Nations Department for Disarmament Affairs collects information on National Points of Contact and maintains a regularly updated list of their contact details. As of 29 January 2004, 113 states had

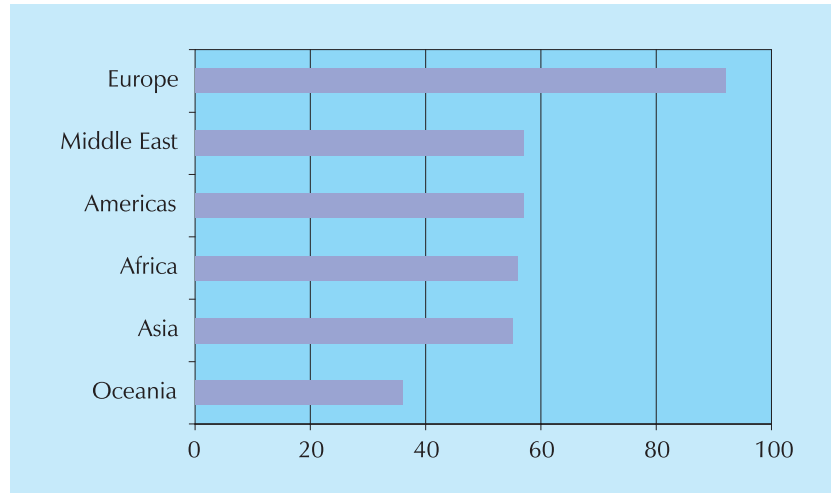
submitted contact details of their NPC to UNDDA<sup>23</sup> However, in the national reports of 2003, only 71 states (69%) reported about the establishment a National Point of Contact. Information from both sources reveal that over 45 states that have established NPC did not either submit a national report in 2003 or did not mention NPC in their national report. On the other hand, some states<sup>24</sup> mention the establishment of an NPC in their national reports, but have not submitted contact information to the UNDDA list.

Combining information provided in national reports of 2003 and the DDA website with information gathered from the civil society<sup>25</sup> suggests that at least 122 states (64% of all UN member states) have established a National Point of Contact (see Table 3.2).

**Table 3.2: Regional division of National Points of Contact**

| Regions      | National Points of Contact <sup>26</sup>           |  |   |
|--------------|--|--|---|
|              | Number of National Points of Contact in the region | Total number of states in the region <sup>27</sup> | Percentage of states having established a National Point of Contact |
| Africa       | 29   | 52   | 56  |
| Americas     | 20   | 35   | 57  |
| Asia         | 16   | 29   | 55  |
| Europe       | 44   | 48   | 92  |
| Middle East  | 8  | 14   | 57  |
| Oceania      | 5  | 14   | 36  |
| <b>Total</b> | <b>122</b>   | <b>192</b>   | <b>64</b>   |

As can be seen from Table 3.2 and Graph 3.4 above, there are notable regional differences in NPCs: almost all European countries have named a contact point for SALW issues, while in Oceania, less than half of the states have a SALW contact point.

**Graph 3.4: Percentage of states with NPCs in different regions**

#### NPCs within a country

Usually the National Point of Contact is a government official or a small group or officials within a relevant governmental body. The majority of states that have a National Point of Contact, have given the responsibility to the Ministry of Foreign Affairs. Within the Foreign Ministry, the most common locations are the units for Arms Control, External Relations, or International Security. In addition to the Foreign Ministry, the Ministry of Defense or the Police are also common sites for NPC. A few states refer to the Armed Forces or for example the Committee of Military Affairs. In a few cases the Ministry of Interior, Secretariat for Justice, and the Ministry of Public Order are mentioned as the sites for NPCs (see Table 3.3 and Graph 3.5). A few states have appointed two to four contact points.<sup>28</sup> In the national reports, over 15 states have identified more than one contact person, either within the same governmental branch or from several state agencies.

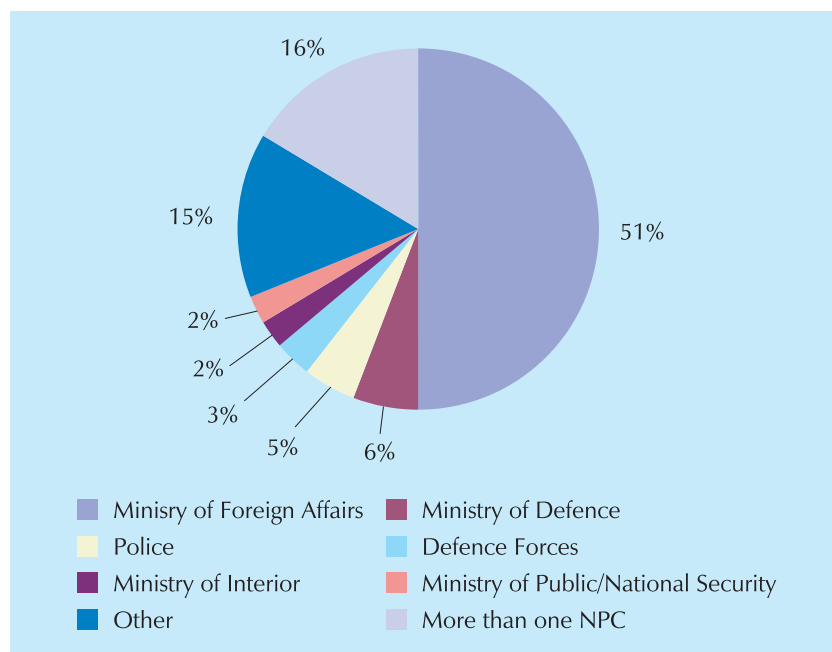
Some states have assigned a single department or agency to act both as the National Coordination Agency and as the National Point of Contact. Examples of this practise was indicated by states, including Benin, Burkina

Faso, the Democratic Republic of Congo, Guinea, Haiti, Indonesia, Kenya, Slovenia, and Uganda.

**Table 3.3: Location of national points of contact**

|                                      | Number     | Percent of Total |
|--------------------------------------|------------|------------------|
| Ministry of Foreign Affairs          | 61         | 51               |
| Ministry of Defense                  | 7          | 6                |
| Police                               | 6          | 5                |
| Defence Forces                       | 4          | 3                |
| Ministry of Interior                 | 3          | 2                |
| Ministry of National/Public Security | 3          | 2                |
| Other (or not indicated)             | 18         | 15               |
| More than one NPC                    | 20         | 16               |
| <b>Total number of NPCs</b>          | <b>122</b> |                  |

**Graph 3.5: Domestic division of national points of contact**



## CONCLUSION

Based on available information, it seems that over 60% of states have established a National Point of Contact for SALW. This is an encouraging development after the adoption of the UNPoA. The activity around NCA is less compelling: about a third of states have indicated that they have a National Coordination Agency. However, although this is significantly less than the number of NPCs, it can also be viewed as a positive development that may well continue during the period leading to the 2005 Second Biennial Meeting and the 2006 Review Conference.

Concerning the roles and functions of National Contact Points and National Coordinating Agencies, information provided in some national reports does not clearly distinguish between the two terminologies. Moreover, some states use their own terminology when referring to these bodies, for example “National Contact Center”, which could refer to either/or to NCA and NPC.

Furthermore, some states have to a large extent combined the functions of NPC and NCA. This initiative, particularly in developing countries be could explained by a lack of sufficient resources to manage two bureaucratic bodies and the evident complementarity of their functions; or to ensure a coordinated effort between the inter-state and intra-state coordination in combating the illicit trade and proliferation of SALW.

## RECOMMENDATIONS

- States that have not done so should consider providing details of their National Point of Contact (NPC) to the UNDDA registry, which serves as a point of reference for States.
- States, particularly in developing and affected countries, could consider allocating a budget line from their national expenditures for the work of the National Coordination Agency (NCA), since it implies commitment by the government and indicates a sense of ownership.

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### 3.2 NATIONAL LAWS AND REGULATIONS ON SALW

This section attempts to review the information states provided in their national reports with regards to the sorts of national legislation covering manufacture, exports, imports, transfers, transits as well as licensed civilian possession governing small arms and light weapons (SALW). It is out of the scope of this review to analyse the effectiveness or enforcement of national legislation and regulations on SALW. Rather, it aims to give an overview of legislative initiatives addressed by states in their reports and identify the gaps in reporting on the theme. It will further assess the weaknesses and developments in the legislative process, taking into account issues of concern for states.

It should be noted that information provided by states on national legislation and administrative measures on SALW, mostly covered civilian trade and use of SALW. Consequently, most of the information provided on the subject does not reflect norms pertaining to the military or other government entities.

#### NATIONAL LEGISLATION ON MANUFACTURE, EXPORTS, IMPORTS, TRANSFERS, RETRANSFERS, TRANSITS AND CIVILIAN POSSESSION

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

##### At the national level:

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.

**(PoA, Section II, para. 2)**

In addition to the above mentioned reference, the UNPoA Section II, paragraphs 11, 12, 13 and 14 make further reference to ensuring the

effective state control on export, transit and activities of brokering and end-user certificates, taking into account relevant international law and the risk of weapons being diverted into illegal trade.<sup>29</sup>

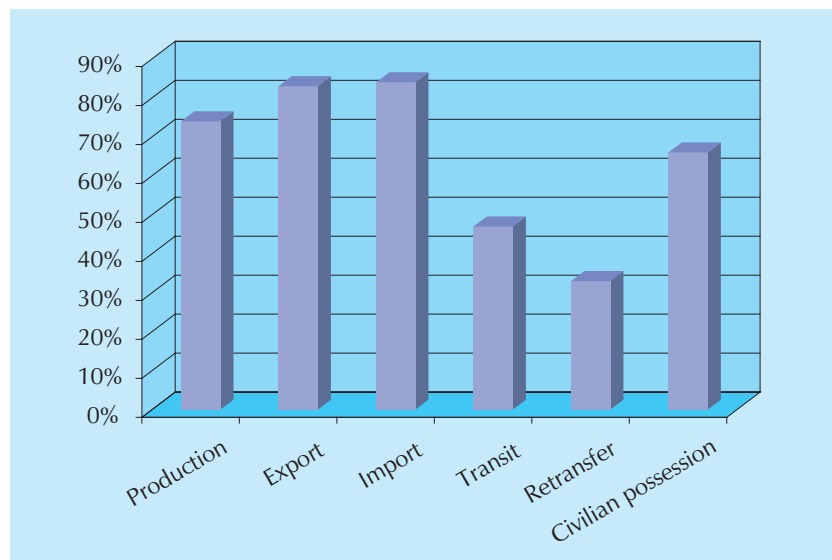
### Reporting in 2003

#### Summary of information

About 90% of states that submitted national reports, make some reference to national laws, regulations and administrative procedures governing small arms control at the national level. Out of the 103 countries:

- At least 78 countries provide information on Production /Manufacture;
- At least 86 countries provide information on Export;
- At least 87 countries provide information on Import;
- At least 50 countries provide information on Transit;
- At least 33 countries provide information on Retransfer;
- At least 69 countries provide information on Civilian Possession.

**Graph 3.6: Reporting in 2003**





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### Gaps in reporting

As is evident in Graph 3.6, states poorly address the UNPoA provision on retransfers and transit in their 2003 reports. Information provided in the national report on the subject, mostly tend to discuss transits and retransfer in terms of general trade. Information on legislative and administrative procedures on particularly, retransfer is hardly mentioned by any state. In this way, a relevant question to pose would be how should states differentiate between these activities, particularly if they are transit countries or have cases of retransfers.

To this end, Kenya is among the few countries that address transit quite specifically. Kenya has a deep-water seaport, which serves Uganda, Rwanda, Burundi and even the Eastern Democratic Republic of Congo. As a result, legitimate arms imported by these countries are often transited through Kenya. The current regulations provide for such goods to be escorted until they leave the Kenyan territory.

Additionally, states barely address the UNPoA provision on national measures, regulations and administrative procedures governing unmarked and inadequately marked weapons regarding manufacture, stockpile, transfers and possession. Only a handful of countries, make some reference to national measures, regulations and administrative procedures governing such activities. As such, most of these states indicate that they adhere to strict marking systems at the time of manufacture; others strictly prohibit all unmarked and inadequately marked weapons. The USA and Turkey indicate that all seized unmarked weapons must be marked. On the other hand, Iran, Armenia, Bulgaria and the Netherlands mention that all confiscated or collected unauthorized small arms or inadequately marked weapons are to be destroyed.

Table 3.4 provides a general breakdown of the national laws and regulations on manufacture, exports, imports, transfers, retransfers, transits and civilian possession covered in the national reports. It should be noted that not all issues in the table are applicable to every state. Additionally, the information in the table is not comprehensive since it quite difficult to clearly interpret some national policies described in the reports. The information in the table is not meant to rank states but rather to help demonstrate the overall general trends of SALW legislation on the national level.

Table 3.4: National laws and regulations

| Country                        | National laws and regulations |                 |                 |                 |                 |                 |
|--------------------------------|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                | Ma <sup>a</sup>               | Ex <sup>b</sup> | Im <sup>c</sup> | Tt <sup>d</sup> | Tf <sup>e</sup> | Cp <sup>f</sup> |
| Albania                        |                               |                 |                 |                 |                 |                 |
| Algeria                        |                               |                 |                 |                 |                 |                 |
| Argentina                      |                               |                 |                 |                 |                 |                 |
| Armenia (Republic of)          |                               |                 |                 |                 |                 |                 |
| Australia                      |                               |                 |                 |                 |                 |                 |
| Austria                        |                               |                 |                 |                 |                 |                 |
| Bangladesh                     |                               |                 |                 |                 |                 |                 |
| Barbados                       |                               |                 |                 |                 |                 |                 |
| Belarus                        |                               |                 |                 |                 |                 |                 |
| Belgium                        |                               |                 |                 |                 |                 |                 |
| Benin                          |                               |                 |                 |                 |                 |                 |
| Bolivia                        |                               |                 |                 |                 |                 |                 |
| Brazil                         |                               |                 |                 |                 |                 |                 |
| Bulgaria                       |                               |                 |                 |                 |                 |                 |
| Burkina Faso                   |                               |                 |                 |                 |                 |                 |
| Burundi                        |                               |                 |                 |                 |                 |                 |
| Cameroon                       |                               |                 |                 |                 |                 |                 |
| Canada                         |                               |                 |                 |                 |                 |                 |
| Central African Republic       |                               |                 |                 |                 |                 |                 |
| Chad                           |                               |                 |                 |                 |                 |                 |
| China                          |                               |                 |                 |                 |                 |                 |
| Colombia                       |                               |                 |                 |                 |                 |                 |
| Congo                          |                               |                 |                 |                 |                 |                 |
| Congo (Democratic Republic of) |                               |                 |                 |                 |                 |                 |
| Costa Rica                     |                               |                 |                 |                 |                 |                 |
| Côte d'Ivoire                  |                               |                 |                 |                 |                 |                 |
| Croatia                        |                               |                 |                 |                 |                 |                 |
| Cuba                           |                               |                 |                 |                 |                 |                 |
| Czech Republic                 |                               |                 |                 |                 |                 |                 |
| Djibouti                       |                               |                 |                 |                 |                 |                 |
| Ecuador                        |                               |                 |                 |                 |                 |                 |
| Egypt                          |                               |                 |                 |                 |                 |                 |
| El Salvador                    |                               |                 |                 |                 |                 |                 |

| Country                                     | National laws and regulations |                 |                 |                 |                 |                 |
|---|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|   | Ma <sup>a</sup>               | Ex <sup>b</sup> | Im <sup>c</sup> | Tt <sup>d</sup> | Tf <sup>e</sup> | Cp <sup>f</sup> |
| Equatorial Guinea                           |                               |                 |                 |                 |                 |                 |
| Estonia                                     |                               |                 |                 |                 |                 |                 |
| Finland                                     |                               |                 |                 |                 |                 |                 |
| France                                      |                               |                 |                 |                 |                 |                 |
| The Gambia                                  |                               |                 |                 |                 |                 |                 |
| Germany                                     |                               |                 |                 |                 |                 |                 |
| Greece                                      |                               |                 |                 |                 |                 |                 |
| Haiti                                       |                               |                 |                 |                 |                 |                 |
| Honduras                                    |                               |                 |                 |                 |                 |                 |
| Hungary                                     |                               |                 |                 |                 |                 |                 |
| India                                       |                               |                 |                 |                 |                 |                 |
| Indonesia                                   |                               |                 |                 |                 |                 |                 |
| Iran (Islamic Republic of)                  |                               |                 |                 |                 |                 |                 |
| Ireland                                     |                               |                 |                 |                 |                 |                 |
| Israel                                      |                               |                 |                 |                 |                 |                 |
| Italy                                       |                               |                 |                 |                 |                 |                 |
| Japan                                       |                               |                 |                 |                 |                 |                 |
| Jordan                                      |                               |                 |                 |                 |                 |                 |
| Kenya                                       |                               |                 |                 |                 |                 |                 |
| Korea (Republic of)                         |                               |                 |                 |                 |                 |                 |
| Latvia                                      |                               |                 |                 |                 |                 |                 |
| Lebanon                                     |                               |                 |                 |                 |                 |                 |
| Lithuania                                   |                               |                 |                 |                 |                 |                 |
| Luxembourg                                  |                               |                 |                 |                 |                 |                 |
| Macedonia (the former Yugoslav Republic of) |                               |                 |                 |                 |                 |                 |
| Malaysia                                    |                               |                 |                 |                 |                 |                 |
| Mali  |                               |                 |                 |                 |                 |                 |
| Mexico                                      |                               |                 |                 |                 |                 |                 |
| Moldova (Republic of)                       |                               |                 |                 |                 |                 |                 |
| Monaco                                      |                               |                 |                 |                 |                 |                 |
| Morocco                                     |                               |                 |                 |                 |                 |                 |
| The Netherlands                             |                               |                 |                 |                 |                 |                 |
| New Zealand                                 |                               |                 |                 |                 |                 |                 |
| Nicaragua                                   |                               |                 |                 |                 |                 |                 |

| Country                  | National laws and regulations |                 |                 |                 |                 |                 |
|--------------------------|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                          | Ma <sup>a</sup>               | Ex <sup>b</sup> | Im <sup>c</sup> | Tt <sup>d</sup> | Tf <sup>e</sup> | Cp <sup>f</sup> |
| Niger                    |                               |                 |                 |                 |                 |                 |
| Norway                   |                               |                 |                 |                 |                 |                 |
| Oman                     |                               |                 |                 |                 |                 |                 |
| Pakistan                 |                               |                 |                 |                 |                 |                 |
| Paraguay                 |                               |                 |                 |                 |                 |                 |
| Peru                     |                               |                 |                 |                 |                 |                 |
| Philippines              |                               |                 |                 |                 |                 |                 |
| Poland                   |                               |                 |                 |                 |                 |                 |
| Portugal                 |                               |                 |                 |                 |                 |                 |
| Qatar                    |                               |                 |                 |                 |                 |                 |
| Romania                  |                               |                 |                 |                 |                 |                 |
| Russian Federation       |                               |                 |                 |                 |                 |                 |
| Rwanda                   |                               |                 |                 |                 |                 |                 |
| Sao Tome and Principe    |                               |                 |                 |                 |                 |                 |
| Saudi Arabia             |                               |                 |                 |                 |                 |                 |
| Senegal                  |                               |                 |                 |                 |                 |                 |
| Serbia and Montenegro    |                               |                 |                 |                 |                 |                 |
| Slovakia                 |                               |                 |                 |                 |                 |                 |
| Slovenia                 |                               |                 |                 |                 |                 |                 |
| Solomon Islands          |                               |                 |                 |                 |                 |                 |
| South Africa             |                               |                 |                 |                 |                 |                 |
| Spain                    |                               |                 |                 |                 |                 |                 |
| Sri Lanka                |                               |                 |                 |                 |                 |                 |
| Sudan                    |                               |                 |                 |                 |                 |                 |
| Sweden                   |                               |                 |                 |                 |                 |                 |
| Switzerland              |                               |                 |                 |                 |                 |                 |
| Syrian Arab Republic     |                               |                 |                 |                 |                 |                 |
| Tajikistan               |                               |                 |                 |                 |                 |                 |
| Thailand                 |                               |                 |                 |                 |                 |                 |
| Trinidad and Tobago      |                               |                 |                 |                 |                 |                 |
| Turkey                   |                               |                 |                 |                 |                 |                 |
| Uganda                   |                               |                 |                 |                 |                 |                 |
| Ukraine                  |                               |                 |                 |                 |                 |                 |
| United Kingdom           |                               |                 |                 |                 |                 |                 |
| United States of America |                               |                 |                 |                 |                 |                 |

| Country | National laws and regulations |                 |                 |                 |                 |                 |
|---------|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|         | Ma <sup>a</sup>               | Ex <sup>b</sup> | Im <sup>c</sup> | Tt <sup>d</sup> | Tf <sup>e</sup> | Cp <sup>f</sup> |
| Yemen   |                               |                 |                 |                 |                 |                 |

<sup>a</sup> Ma: Manufacture; <sup>b</sup> Ex: Export; <sup>c</sup> Im: Import; <sup>d</sup> Tt: Transit; <sup>e</sup> Tf: Transfer; <sup>f</sup> Cp: Civilian possession.

It is evident from Table 3.4 that only 17 out of the 103 countries that submitted reports—namely, Australia, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Finland, France, Israel, Latvia, Lithuania, Monaco, Pakistan, Romania, Saudi Arabia and Spain—attempt to address all the issues indicated below. Additionally, approximately 60% of states that submitted reports in 2003 refer to national legislation on manufacture, export and import of SALW. While transit and transfer of SALW is covered by approximately 29% of countries.

#### Structures of legal systems: legislative source/implementation

In examining the information provided by states on legislative procedures in the national reports, it is evident that legal controls on SALW have developed unevenly depending on the specific procedures of varying national and regional systems. In some states, arms control regulations exist solely as administrative directives, proclamations, or decrees rather than as formal legislation. Legislative procedures in most countries are largely subject to the respective constitutional and legal systems or are generally based on certain regional or international frameworks such as the European Union (EU). Code of Conduct on Conventional Arms Exports; EU Schengen/Dublin Guidelines; OSCE criteria on Conventional Arms Transfers; the OSCE Document on SALW; Wassenaar Arrangement; Convention against the Illicit Manufacture and Trade of Firearms, Ammunition and Explosives (CIFTA); decisions taken by the United Nations Security Council, the United Nations Protocol on Firearms etc.<sup>30</sup>

In addition, depending on the specific procedures in each national system, the structure of the legislative system applicable to the control of the production, export, re-export, import and transit of SALW in a territory, is coordinated by a number of relevant government agencies. In some instances, the Head of State or the government is the highest authority in

the country that issues the directive or decree on “Arms Act”. Otherwise, the relevant ministerial or legislative bodies issue the directive or decree.

In most instances, the state regulates or authorizes the production, export, import, transportation and transfer of SALW. For example, in Djibouti, only the state is permitted to import firearms into the country in order to equip the security forces. Alternatively, the state authorizes a body responsible for regulating arms trade or developing government policy on arms. In Colombia, production, export, import, transportation and transfer of arms fall under the control of the Colombian state, via its Weapons Industry—“INDUMIL” as the sole state body developing government policy on arms, as set out in the National Constitution.

In some cases, relevant government ministries coordinate on the processes of granting a license for production, manufacture, export or import of arms. Either the Ministry of National Defense, Ministry of Interior, Department of National Security etc. has the authority to issue production licenses for arms production and trade. In Turkey, for example, the Ministry of National Defense requests for the assessment and consent of the Ministry of Interior and the Ministry of Industry and Trade regarding the application of licenses. In Austria, authorization is granted by the Federal Minister of the Interior, in agreement with the Federal Minister for Foreign Affairs and the Federal Minister of Defense. Similarly, in Argentina, the Ministries of Foreign Affairs, Defense, and Economy authorize arms exports.

In some cases, the source of SALW legislation is usually from the Head of State, the executive body or parliament. Responsibility for implementation and enforcement of legislation is mostly set up under the coordination of the relevant government departments responsible for national security issues or competent state authorities. For example, in Israel, the Ministries of Defense, Interior, Internal Security, Justice, the Police, Transport and the Customs are the competent authorities that bear responsibility for the implementation and law enforcement of SALW regulations and legislation. Similarly, Armenia has its Ministry of Defense, Department of National Security, as well as the Police Department enforcing implementation.

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## Weaknesses and developments

### *Outdated and weak legislation*

Although most states have laws covering small arms and related issues, in some instances the legislation is weak or out of date. In most cases, firearms are addressed under the general administrative and legislative procedures governing the production, export and import of all goods and services as a whole. To this end, the existing legislation either does not specifically deal with firearms or it does not adequately address the current security and social needs of the state and region. For example, the Kenyan trade licensing Act, Chapter 497 (1968), governing production, does not specifically apply to SALW. In the Republic of Benin, national legislation of SALW dates back to 1877 and 1961.

Thus, a number of states with weak legislative procedures indicate the need for assistance to review and revise its current legislation on SALW in order to bring it up to date with the requirements contained in international and regional standards, and to ensure that national legislation covers the specific needs and requirements of the country. For example, the Republic of Congo indicate that it was necessary for the state to revise its national legislation to take into account all the aspects linked to illicit trafficking and proliferation of weapons particularly related to retransfer, marking and destruction of surplus SALW.

A number of countries indicate that because it had no authorized production, export or transfers of weapons in its territory, existing national legislation did not address these issues. Additionally, some states pointed out that illicit craft or 'home made' weapons production is emerging as a huge problem, which needs attention.

Despite the setbacks related to weak and outdated national legislation on SALW, numerous efforts are under way to strengthen national firearms legislation in a number of countries including significant producers and exporters of SALW. For example, in **Brazil**, laws and regulations on manufacture imports, exports, transport and trade have been periodically reviewed to incorporate new provisions. At the time of reporting, the legislation in force in Brazil was Decree 3.665, dated 20 November 2000 and Ministerial Act 22, by the Army's Military Material Department, dated 15 September 2000.

In October 2002, **China** amended the 1997 *Regulations of the People's Republic of China on the Administration of Arms Export* in light of the changing situation, and produced an *Export Control List* as its annex, to further strengthen the control over the export of conventional arms, including SALW. The *Regulations* reiterated China's three principles on the export of conventional arms, namely, the export should be conducive to the legitimate self-defense capability of the recipient country; the export should not have negative impact on the peace, security and stability of the region concerned and the world as a whole; and the export should not be used as a tool to interfere with the internal affairs of the recipient country.

The **(Federal Republic) of Germany**, in pursuance of a restrictive policy on arms exports, adopted *Political Principles Governing the Export of War Weapons and Other Military Equipment* (hereinafter: "Political Principles") to provide the licensing agencies with guidelines for the scope of and limits to the discretion open to them. In addition, Article 26(2) of the Basic Law (War Weapons Control Act) of 20 April 1961 has been amended.

The control over the production of small arms and light weapons in the **Russian Federation** is carried out in accordance with instructions issued by the Russian Agency for Conventional Weapons on the basis of the 1996 Federal Act on Weapons. Additionally, the government adopted a number of legislative acts in the field of production, export, import, transit and re-export of SALW in accordance with the Programme of Action's recommendations. They include, in particular, the following regulations approved by Government decisions taken on 21 June 2002 on the:

- Licensing of activities in the field of weapons and military equipment;
- Licensing of the production of weapons and basic parts for firearms;
- Licensing of the production of cartridges for weapons and component parts of cartridges.

Export of Goods (Control) Order 1994, which regulates export of SALW from the **United Kingdom**, has been amended. The amendment includes provisions, which prohibits the export without a license to all destinations of military, security, para-military goods and arms, ammunition and related material listed in "The Military List".



In addition, some affected states have made remarkable efforts developing effective legal controls and administrative procedures on trade and production of SALW. Most countries in Eastern Europe, Sub-Saharan Africa, Latin America, the Pacific and South Asia have either improved on existing legislation or introduced entire new national legislation on SALW. The most remarkable changes include, adoption of new legislation and regulations in Ukraine, Bulgaria, Romania, Moldova, Czech Republic, (the Republic) of Latvia and Armenia. Likewise, the Thai Ministry of Interior has developed a strategy to increase the effectiveness of existing laws enforcement. Repealed legislative decree No. 51 of 24 September 2001 outlawed certain types of licenses that had formerly been granted.

In addition to the above developments, a number of states are in the process of reviewing and revising existing legislation in order to effectively address the indiscriminate, trade and use of small arms. Table 3.5 depicts a handful of examples of emerging developments in legislative reform. (The list is not exhaustive but rather a snapshot of trends underway).

**Table 3.5: Examples of legislation under review**

| Country                | Action   |
|------------------------|--|
| Armenia                | The draft Law on export control has been drafted with input by all government agencies concerned. Following the approval by the government on 12 May 2003, the Prime Minister of the Republic of Armenia has submitted it to the National Assembly, for adoption.  |
| Australia              | Australia's federal system is to improve firearms legislation including stricter controls on access to hand guns.  |
| Bosnia and Herzegovina | Draft legislation on small arms, which includes law on import, export and manufacture of weapons and military equipment was in its final stages of approval and was to be in force by the end of 2003.   |
| Hungary                | The government Decree 48/1991 has been amended on several occasions already. The entire structure of export controls and possession of firearms is undergoing a complete overhaul with special regard to the regulations on transit controls and brokering activities. By 30 June 2003 proposals for amendments to current government decrees and ministerial regulations was to be put forward by the responsible ministries. |

| Country               | Action   |
|-----------------------|--|
| Republic of Macedonia | Draft-Law on weapons is in the advanced phase of preparation.  |
| Serbia and Montenegro | Amendment to the current legislation is underway—"The draft law on sale of arms and military equipment and dual purpose goods"—will cover export, import and transit.  |
| South Africa          | The South African Cabinet adopted a National Conventional Arms Control Bill in May 2002—the bill is currently being considered by the parliamentary committee on defense.  |
| Uganda                | Firearms Act (1970) Draft amendment is before parliament.  |
| United Kingdom        | (1) At the time of reporting, the United Kingdom was amending some of its domestic firearms law. Changes were to include the introduction of a mandatory, minimum 5-year sentence for illegal possession of a prohibited firearm and a ban on future import and sale of air weapons using the self-contained air cartridge system. <sup>32</sup><br>(2) The Export Control Act—under draft—will also be used to introduce new controls on the transfer abroad of military technology by electronic means and the transfer of technology by any means or the provision of technical assistance overseas which is or may be intended for use in connection with a weapons of mass destruction programme. <sup>33</sup> |

### Civilian possession

The UNPoA does not contain any specific commitments to maintain or strengthen national regulations relating to civilian possession of SALW. Nevertheless, most states address issues relating to national measures on civilian trade and use of SALW.

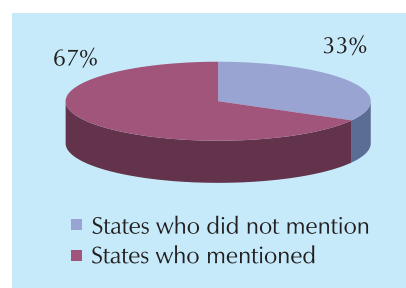
At least 69 countries provide information related to civilian use and trade in SALW. Graph 3.7 indicates that almost a third of the countries that reported at the BMS recognised the relevance of addressing regulation of civilian possession. This signifies that most states recognise their responsibility to ensure sufficient controls on civilian use and trade in SALW to stem the flow of illegal weapons.

Information provided on national legislation for this issue varies widely. Some national norms and regulations clearly state the type of weapons to be acquired by civilians as well as restrictions to military style weapons. In

addition, an authorised government-licensing organ following a specified set of procedures by the state grants licence for civilian trade and use of SALW.

National measures, regulations or administrative procedures vary from country to country. However, most states apply, as a minimum standard, the requirements stipulated by the United Nations International Study on Firearms Regulations (1998), which are considered as norms for domestic licensing procedures worldwide (see Box 3.3).

**Graph 3.7: References to civilian possession**



**Box 3.3: United Nations International Study on Firearm Regulation (1998)**

According to the *United Nations International Study on Firearms Regulation 1998*, the majority of countries around the world require, proof of identity, references, training certification, the payment of a fee, a photograph, a mental health exam, information on proposed storage and a background check for a criminal or domestic violence record. (As part of the application process for civilian possession of firearms.)

*Examples of strengthened legislative and regulatory procedures on civilian possession*

Numerous countries have strengthened their legal controls on civilian possession, as well as efforts to enforce them. Notable examples are:

- The government of **Australia** has agreed on further measures to reduce the circulation of small concealable handguns such as “pocket pistols” and to strengthen significantly the controls on access to handguns by sporting shooters. The reforms do not affect access to handguns by official agencies such as police or private security firms. Nevertheless, a review of the allocation of handguns

and storage practices in the private security industry will be conducted;

- In **Jordan**, local committees have been formed to regulate the possession of legal weapons and civilian firing ranges have been established where marksmanship can be practiced as a form of sport in accordance with the principles and rules necessary for such an activity;
- In **Thailand**, several amendments have been introduced to the laws relating to civilian possession of arms. These include the amendment to the ministerial regulations of the Ministry of Interior (number 15), which increased the fee for possessing guns and carrying guns. Furthermore, the Ministry of Interior imposed stricter criteria for gun ownership to refine the qualification of the gun owners, and the permit license can be withdrawn anytime if it can be proven that the gun owner has acted inappropriately. Moreover, there is the pilot policy to stop issuing permit license to carry all types of guns into tourist provinces by starting in Phuket, where the authorities have stopped issuing the permit licenses since 1999. If this policy works successfully, it will be applied to other provinces;
- The **US** law enforcement agencies maintain lists of organizations and individuals with prior convictions and/or those that are suspected of involvement in illicit activities including, firearms possession. With the adoption of the *Brady Handgun Control Act*, firearm dealers are now required to conduct background checks on potential buyers through the National Instant Criminal Background Check System operated by the Federal Bureau of Investigation (FBI).

## CONCLUSION

About 90% of states that submitted national reports, made some reference to national measures governing small arms control at the national level. It is encouraging that a number of states have recognized the need to review national legal controls on SALW with a view to bringing them into line with obligations under regional and international commitments, so as to assist in combating the illicit trade in SALW.

Additionally, states' overwhelming concern with civilian use and trade in SALW, indicates a strong interest in having adequate measures for regulating civilian use and trade in SALW at the national level.

However, putting in place adequate national legislative and regulatory measures on SALW does not necessarily signify their effective enforcement. Effective enforcement depends on developing appropriate mechanisms for policy implementation.

## RECOMMENDATIONS

- States that have not done so should consider providing copies of all national legislation pertaining to SALW to the UNDDA to be made publicly available on the DDA website.
- It would be useful if States could consider reporting on their national regulations on ammunition and explosives which are often an integral part of their national SALW control programmes.
- States could also consider providing clear references on how they regulate transit, transfers and re-transfers of SALW in order to avoid diversion of arms to embargoed areas, human rights abusers and criminal groups.
- States are encouraged to report on progress made in institutional capacity-building within the implementing agencies. For example, states could report on their strategies to develop competent law enforcement personnel equipped to deal with the legal issues essential for combating the illicit use and trade of SALW. These strategies could prove useful as a reference for best practices and/or lessons learned.

## 3.3 CRIMINALIZING ILLICIT ACTIVITIES

Considering the relationship of criminalizing illicit activities to national laws and regulations on SALW, this section is in many ways a continuation of the section on national legislation and administrative procedures covering SALW. The section attempts to review the national measures to

penalize illicit activities including violations of United Nations Security Council arms embargoes.

Gravely concerned about the devastating consequences of illicit activities related to SALW, many states have taken measures to penalize illegal SALW activities under its domestic laws. The UNPoA refers to criminal activities related to SALW as engagement in the illegal stockpiling, manufacturing, possession, financing for acquisition, trade and transfers, and acts contributing to the violation of arms embargoes.<sup>34</sup>

It is important to note that there is not a standard for “criminalization” related to SALW; rather it includes a whole range of phenomena with respect to differing national/regional systems. The nature of a criminalization regime depends on the subjective context of small arms issue in a particular society or region. In examining the information provided in the reports, criminalizing illicit small arms activities often reflect the state of licit/illicit manufacturing of, trade in and acquisition of SALW in the country. Thus, analysis of the status of implementation by states given below, with regards to legal controls and penalties, should therefore be understood in consideration of the context of the offences, national capacities and specific needs within varying social systems.

### **ILLICIT MANUFACTURE, TRADE, TRANSFER, STOCKPILING, POSSESSION AND FINANCING FOR ACQUISITION**

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

#### **At the national level:**

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 .

**(Section II paragraph 3)**

To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals .

**(Section II, para. 6)**

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 .

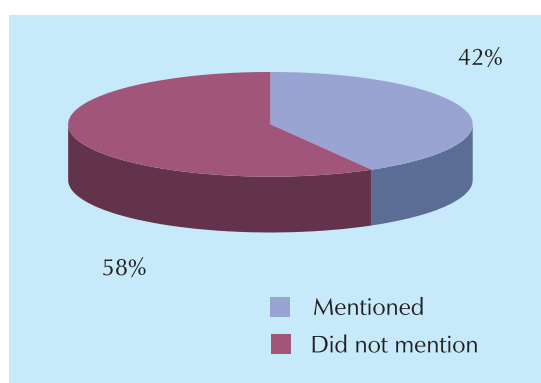
**(Section II, para. 8)**

### Reporting in 2003

#### Summary of information

With respect to the 103 countries that submitted reports at the BMS, at least 43 states submitted information on necessary legislative or other measures in place under their domestic law to prevent the illicit manufacture, stockpiling, trade, transfer and possession of SALW. As evidenced in Graph 3.8, 42% out of all states that submitted reports, provide information on criminalizing illicit activities on small arms, as well as the type of penalties imposed.

**Graph 3.8: An overview of how states reported on penalizing illicit activities**

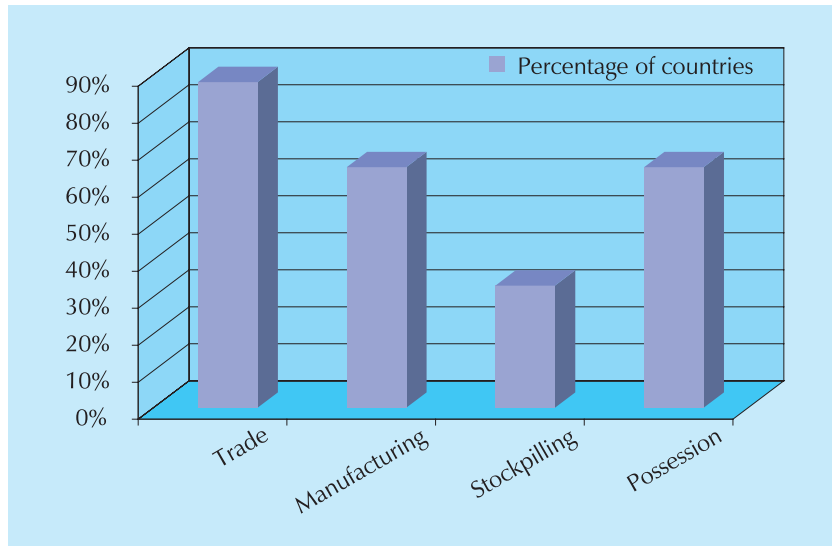


Although 43 countries submitted reports on the penalizing illicit activities, it is important to note that states did not necessarily address all the issues on illicit activities in their national reports:

- At least 14 out of 43 countries provided information on illicit stockpiling;
- At least 28 out of 43 countries provided information on illicit manufacture;
- At least 38 out of 43 countries provided information on illicit transfer and trade;
- At least 28 out of 43 countries provided information on possession and financing for acquisition.

According to Graph 3.9, the area which was least addressed was the issue of national legislation governing illegal stockpiling. The sections that follow examine further the details provided on the various issues relating to illicit activities.

**Graph 3.9:** Percentage of countries that addressed specific themes





### Illegal stockpiling

National stocks of small arms and light weapons are to be held by armed forces, police and other authorised bodies. Additionally, stocks held by these competent national authorities or authorised bodies are to be managed and secured under adequate standards and procedures. The UNPoA encourages states that have not already done so, to put in place the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal stockpiling 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.

At least 14 out of the 43 countries that submitted information on the subject indicate that they have adequate legislation or measures under their domestic law governing illegal stockpiling. Illegal stockpiling also constitutes a criminal offence in **Argentina, Belgium, Brazil, Canada, Colombia, Democratic Republic of Congo, Hungary, Lithuania, Mexico, Paraguay, Peru, Russia, Slovenia** and **Spain**. As such, groups, companies and individuals engaged in such activities are identified and prosecuted under the domestic penal legislation established in their respective countries.

**Argentina** penalizes persons who stockpile firearms that are classified as weapons of war as well as stockpiling ammunition for weapons of war or pieces of such ammunition.

**Lithuania** has broadened the scope of its Criminal Code and introduced a separate chapter relating to criminal offences on illegal stockpiling (came into force 1<sup>st</sup> May 2003).

**Canada** points out that although it has no distinct offence provision in the criminal code that addresses the issue of stockpiling, the offence provisions of the code that deal with illegal manufacture and illegal possession would also prohibit the illegal stockpiling of firearms.

**Table 3.6: Some examples of penalties specifically applying to illicit stockpiling**

| Country   | Penalty  |
|-----------|--|
| Argentina | 4 to 8 years imprisonment.   |
| Belgium   | 1 month to 3 years imprisonment and a fine of 100 to 10,000 francs.  |
| Brazil    | 1 to 4 years imprisonment.   |
| Lithuania | Up to 5 years imprisonment.  |
| Peru      | Not less than six years and not more than 15 years (also applicable to manufacture, trade and possession). |
| Russia    | Up to 8 years imprisonment.  |
| Slovenia  | One to ten years.  |

### Illegal manufacture

The state regulates or authorizes arms manufacture or production. In most instances, the state authorizes a body or bodies responsible for regulating arms production. The UNPoA advises states that have not already done so, to put in place the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal production or manufacture 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.

With regards to the illegal manufacturing of SALW, 28 out of the 43 states that submitted information indicate that they had adequate legislation or measures under their domestic law. Illegal manufacture constitutes a criminal offence in **Belgium, Bolivia, Brazil, Canada, Colombia, Democratic Republic of Congo, France, Greece, Germany, Finland, Hungary, Latvia, Lithuania, Mexico, Moldova, Monaco, Pakistan, Paraguay, Peru, Philippines, Russia, Slovenia, Solomon Islands, South Korea, Spain, Sri Lanka and the USA.**

**South Korea** mentions that although the country has had no cases of organized illicit production and transfer of SALW, individuals charged with the illicit modification of SALW have been punished accordingly.

**Lithuania** has broadened the scope of its Criminal Code and introduced a separate chapter relating to criminal offences on illegal manufacture. The amendments to the Lithuanian Criminal Code came into force 1<sup>st</sup> May 2003.

**Table 3.7: Some examples of penalties specifically applying to illicit manufacturing**

| Country                  | Penalty  |
|--------------------------|--|
| Canada                   | Fines up to US\$ 2,000,000 per day and imprisonment for up to 10 years or both.  |
| Germany                  | <i>Standard case:</i> Imprisonment (6 months-5 years).<br><i>Major (serious) case:</i> Imprisonment (1-10 years).<br>[Germany's War Act and War Weapons Control Act are applicable on SALW not qualified as war weapons and SALW qualified as war weapons respectively.] |
| Latvia                   | Imprisonment of up to ten years, and depriving of the right to engage in certain types of business for a time of two to five years.  |
| Moldova                  | According to the new Criminal Code that is to enter into force, the criminal liability for illegal manufacture will increase from 5 years to 10 years imprisonment (applicable to trade and possession).   |
| Monaco                   | One to five years imprisonment and a fine of 9,000 to 18,000 euros.  |
| Peru                     | Not less than six years and not more than 15 years (also applicable to trade, stockpiling and possession).   |
| Philippines              | Maximum prison sentence and a fine not less than 15,000 pesos (30,000 pesos for high powered firearms).  |
| Russia                   | Imprisonment up to 8 years.  |
| Solomon Islands          | Fine of US\$ 5,000 or imprisonment for 10 years or both.   |
| United States of America | Fines and imprisonment for 10 years.   |

### Illegal trade and transfer

The legal import, export, transfer and transit of SALW are key in reducing the risk of weapons diverting to the illicit market. There is no single

model for an export control system. However, adequate laws, regulations and administrative procedures over different aspects of SALW transfers are to be guaranteed in order to effectively reduce the risk of weapons diverting to the illicit market.

The UNPoA encourages states that have not already done so, to put in place the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal trade and transfer 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.

With regards to illegal trade and transfers, 38 out of the 43 states that submitted information on the subject indicate that they had adequate legislation or measures under their domestic law governing illegal trade and transfers. Illegal trade in SALW constitutes a criminal offence in **Australia, Austria, Barbados, Bolivia, Belarus, Belgium, Brazil, Canada, Colombia, Djibouti, Democratic Republic of Congo, Finland, France, Germany, Greece, Hungary, Indonesia, Japan, South Korea, Latvia, Lithuania, Macedonia, Moldova, Monaco, Pakistan, Paraguay, Peru, Philippines, Russia, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Switzerland, Syria and Ukraine.**

In **Djibouti**, a law on the development of a new criminal code was enacted on 5 January 1995 in the context of modernizing the trade and transfer of SALW legislation.

The **Republic of Slovenia** has determined that Article 310 of the penal code is incomplete, and will therefore propose amendments to the legislator to include the illicit sale and brokerage in weapons and explosive materials as criminal offence. Similarly, **Lithuania** has broadened the scope of its Criminal Code and introduced a separate chapter relating to criminal offences on trade and transfer. **Moldova** has also enacted a new criminal code, which will enter into force in the near future and will increase criminal liability for illegal SALW activities from 5 years to 10 years imprisonment.

**Table 3.8: Some examples of penalties specifically applying to illicit trade**

| Country                   | Penalty   |
|---------------------------|---|
| Australia                 | A fine up to US\$ 250,000 and/or 10 years imprisonment.   |
| Canada                    | Maximum of 10 years, minimum of 1 year imprisonment.  |
| Congo (Dem. Republic of)  | 5 to 10 years imprisonment plus fine.   |
| Germany                   | <i>Standard case:</i> Imprisonment (6 months-5 years).<br><i>Major (serious) case:</i> Imprisonment (1-10 years).<br><i>Minor (less serious) case:</i> Imprisonment (not exceeding 3 years) or imposition of fine.<br>[Germany's War Act and War Weapons Control Act are applicable on SALW not qualified as war weapons and SALW qualified as war weapons respectively.] |
| Japan                     | 3 to 15 years.<br>5 to 15 years or life imprisonment and a fine of up to 10 million yen (import for profit).  |
| South Korea (Republic of) | Imprisonment no more than 10 years and a fine not exceeding 50 million Won.   |
| Macedonia                 | 1 to 3 years.<br>1 to 10 years imprisonment for larger quantities of weapons.   |
| Monaco                    | One to five years imprisonment and a fine of 9,000 to 18,000 euros.<br>When this offence is transnational in nature and was committed by an organized criminal group, a penalty of imprisonment from 10 to 20 years will be incurred, as well as a fine ranging from 18,000 to 90,000 euros, with the possibility of multiplying this maximum amount by 20.               |
| Russia                    | Up to 12 years for smuggling firearms.  |
| Slovakia                  | A fine up to 10 mil. Slovak Crowns and/or an imprisonment of up to 8 years for the violation of the law on Trading in Military Material.  |
| United States of America  | Fines and imprisonment for 10 years.  |

### Illegal possession and financing for acquisition

States have the responsibility to ensure sufficient controls on civilian use and trade in SALW to stem the misuse and illegal trafficking weapons. As such, the UNPoA encourages states that have not already done so, to put in place the necessary legislative or other measures to establish as criminal offences under their domestic law the possession, as well as financing for acquisition, of illicit 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.

With regards to illegal possession and financing for acquisition, 28 out of the 43 states indicate in their national reports that their domestic law adequately governs such illicit activities. Illegal possession and financing for acquisition of SALW constitutes a criminal offence in **Argentina, Armenia, Barbados, Bolivia, Brazil, Canada, Colombia, Democratic Republic of Congo, Finland, Germany, Hungary, Indonesia, Latvia, Lithuania, Macedonia, Mexico, Moldova, Paraguay, Peru, Philippines, Russia, Serbia and Montenegro, Slovenia, Solomon Islands, Spain, Sri Lanka, Switzerland** and the **United Kingdom**.

In **Colombia**, the minimum sentence for illegal possession and financing for acquisition will be doubled when the crime is committed under the following circumstances: when involving motorized transport; when the weapon is the product of a crime; when the weapon is used to oppose authorities; and when masks or similar items are used to hide or confuse identity.

The Royal **Barbados** Force established “The Anti-Gun Enforcement Unit” on 1 July 2002. The mandate of the Unit is to investigate all incidents of gun related activities on the island and gather intelligence relative to the movement and possession of illegal firearms.

The **United Kingdom** is amending some of its domestic firearms law. Changes will include the introduction of a mandatory minimum of 5-year sentence for illegal possession of a prohibited firearm and a ban on future import and sale of air weapons using the self-contained air cartridge system.<sup>35</sup>

**Table 3.9: Some examples of penalties specifically applying to illegal possession and financing for acquisition**

| Country   | Penalty   |
|-----------|---|
| Germany   | <p><i>Standard case:</i> Imprisonment (6 months-5 years).<br/> <i>Major (serious) case:</i> Imprisonment (1-10 years).<br/> <i>Minor (less serious) case:</i> imprisonment (not exceeding 3 years) or imposition of fine.<br/>           [Germany's War Act and War Weapons Control Act are applicable on SALW not qualified as war weapons and SALW qualified as war weapons respectively.]</p>  |
| Indonesia | Maximum sentence for misuse of arms would be death or life sentence.  |
| Latvia    | A prison sentence up to five years or a fine of up to one-hundred minimum monthly salaries, and deprivation of the right to engage in certain types of business for a period of up to five years.   |
| Peru      | <p>Not less than 10 years and not more than 20 years imprisonment (for stealing or seizing firearms, ammunitions, grenades or explosives from members of the armed forces or national security).<br/>           Not less than 8 years and not more than 15 years and loss of civil rights (For possession of firearms and ammunition intended for use by national security).<br/>           The penalty shall be life imprisonment if, as a result of seizure or theft, the victim or a third parties are killed or seriously wounded .</p> |
| Russia    | Up to 8 years.  |
| Syria     | Imprisonment between 3 and 6 years and a fine between 10,000 and 50,000 Syrian pounds (bearing and acquiring military arms and ammunition).   |

In addition to national measures and penalties in place to control and prevent illicit activities related to SALW, a number of states provide information on previously prosecuted cases and the nature of the criminal activities.

The criminal code of the **Federal Republic of Yugoslavia** and the criminal law of the **Republic of Serbia** were amended in 2003. Similarly, **Lithuania** included a separate chapter relating to criminal offences on illegal possession to its Criminal Code.<sup>36</sup> Likewise, **Peru** amended its penal code on illicit activities related to SALW in 1998 to empower the executive

branch to legislate in the matter of national security, theft of firearms or ammunition from members of national security. (See Table 3.9 for penalty.)

### UNITED NATIONS ARMS EMBARGOES

In the twelfth paragraph of the preamble of the UNPoA, states recalled the obligation to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.<sup>37</sup> Additionally, the Security Council recognises embargoes as an effective tool of preventive diplomacy. The Council underlines the importance of pursuing more vigorously the application of arms embargoes in countries or regions threatened by, engaged in, or emerging from armed conflict and of promoting their effective implementation.<sup>38</sup>

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

#### At the national level:

To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.

**(Section II, para. 15)**

#### At the global level:

To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.

**(Section II, para. 32)**

This section will summarize the information provided by states on arms embargoes, taking into account how arms producing states in particular have addressed the issue. It also gives some examples of states' response to violations of United Nations arms embargoes.



**Box 3.4: Source of United Nations arms embargo**

Under Article 39 of Chapter VII of the Charter of the United Nations, “[t]he Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Under Article 41, “[t]he Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures”. Such measures are usually referred to as sanctions. The sanctions may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.<sup>39</sup>

**Box 3.5: History of United Nations arms embargo since 1945**

The Security Council has invoked Chapter VII, Article 41, of the United Nations Charter in response to international peace and security by imposing arms embargoes in twenty-seven cases since 1945.

The United Nations Security Council adopted five sanction regimes (arms embargoes) between 1948 and 1989. The first United Nations arms embargo was placed on Egypt, Iraq, Lebanon, Palestine, Saudi Arabia, Syria, Transjordan and Yemen (1948), followed by Congo (1961), Portugal and its territories (1963), Rhodesia (1966) and South Africa (1977).

From the early 1990’s to present, the United Nations Security Council has adopted 22 sanction regimes (arms embargoes) against: Iraq (1990); Former Yugoslavia (1991, 1992); Federal Republic of Yugoslavia (1992, 1998); Liberia (1992); Libya (1992), Somalia (1992), Armenia (1993), Haiti (1993), Angola’s UNITA (1993, 1997 and 1998), Rwanda (1994), Liberia (1994), Bosnian Serbs (1994), Sudan (1996), Afghanistan (1996), Sierra Leone (1997 and 2000), Ethiopia (1999), Taliban of Afghanistan (2000), Bin Laden and associates (2002).

**See Annex 5 for States/Entities under United Nations Security Council arms embargoes and United Nations Security Council Terminated Sanctions.**

## Reporting in 2003

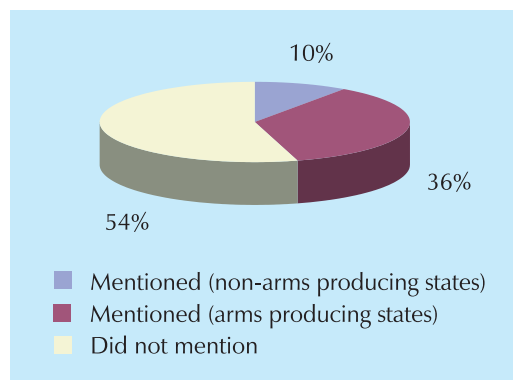
### Summary of information

The UNPoA encourages member states to enact national laws that implement United Nations arms embargoes and to prosecute violators, coupled with enhanced international cooperation against any activity that violates a United Nations Security Council arms embargo.

In total, 47 out of the 103 countries that submitted reports address national measures governing United Nations arms embargoes in their national reports. Of the 47 countries, 37 were arms producing states.<sup>40</sup> Arms embargoes cannot be successfully implemented without the primary cooperation of those states that produce or export arms. It is also equally important for all states, particularly transit states and states bordering target states to cooperate in monitoring and enforcing arms embargoes.

Graph 3.10 gives an overview of how states addressed United Nations arms embargoes, taking into account how arms-producing states in particular addressed the issue. It is encouraging to note that of the 46% of states that refer to United Nations arms embargo, 36% are arms producing states.

**Graph 3.10: Overview of how states addressed United Nations arms embargoes in national reports**



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### Examples of states' response to violations of United Nations arms embargoes

With regards to the implementation of arms embargoes or sanctions regimes imposed by the United Nations Security Council, arms producing states in particular indicate that they have adequate national measures in terms of legal controls and penalties governing such activities. In addition, they do not import from, export to or allow the transit of war material through an area where an armed conflict is taking place, threatens to take place or where other dangerous tensions exist.

A number of countries also indicate that embargoes decided by the Security Council are incorporated into national laws. In **Argentina**, for example, the National Executive issued a decree instructing federal departments and public bodies, the provinces, the municipalities and the autonomous city of Buenos Aires to adopt, within their respective jurisdictions, whatever measures may be necessary to comply with the decisions contained in the resolutions of arms embargoes.

Similarly, **Croatia** regularly informs all of its competent authorities of the provisions of the embargo resolutions as well as the requirements to fully comply with and respect those provisions. As such, Croatia has prohibited its nationals to sell or supply arms and related materials to any non-governmental parties in Sierra Leone in compliance with the embargo resolution. In addition, it prohibits the direct or indirect import of all rough diamonds from Sierra Leone.

**Estonia** established an "International Act" in January 2003, regulating the internal applications of those international sanctions imposed by the United Nations Security Council, the Council of European Union, International Organizations, as well as on the government's own initiative.

Similarly, according to Law No. 92/1967 of **Greece**, the United Nations Security Council embargo resolutions are embodied in the national legislation and implemented accordingly by Presidential Decrees. The law makes the violation of any United Nations Security Council arms embargo an offense, punishable by an imprisonment of up to five years. It also imposes the confiscation of any military item imported, exported or transported in violation of such an arms embargo resolution.

**Canada** asserts in its national report that it usually implements United Nations Security Council mandated arms embargoes through regulations made under the United Nations Act. Once regulations are in place, Canadian authorities such as the Canada Customs and Revenue Agency are responsible for inspecting and detaining goods deemed in contravention to the regulations. The Royal Canadian Mounted Police may then be called to investigate and lay charges. Violations of the United Nations Act carry a maximum penalty of 10 years imprisonment. Similarly, in the **United Kingdom**, persons found guilty of deliberately breaching United Nations Security Council embargoes within are liable to a maximum term of 7 years in prison and an unlimited fine.

**Finland** incorporates the international norms to domestic legislation by explicit references to the OSCE Principles on arms transfers, the EU Code of Conduct on Arms Exports, decisions on arms embargoes by the UNSC or the EU etc.

The **Russian Federation** established a “Decree by the President” in 1993, meaning that any military and technical cooperation between the Federation and a country under United Nations embargo is halted until the Security Council lifts the sanctions. In 2002, **Switzerland** developed a specific law governing its action on embargoes. **Lithuania** is currently considering creating a draft law on sanctions.

The government of **Ukraine** has established a National Contact Point responsible for sanctions imposed by the United Nations and other international organizations or associations. In addition, in January 2003 it established an Interdepartmental Working Group for Implementing Restrictive Measures and Monitoring Activities Relating to Combating against Terrorism.

Although **France** has no specific measures against violators of arms embargoes, a violation will be considered as an unauthorized transfer of arms and consequently prosecuted.

In addition, a few other states stated that although they fully support United Nations arms embargo, they have never applied embargoes to any countries as they do not manufacture or export arms.

## CONCLUSION

About 42% of states that submitted national reports address legal and administrative measures, against illicit activities on SALW. Additionally about 47% of states reiterate their support for United Nations arms embargoes. States have attempted to deter the illicit activities and control the indiscriminate use and trade in SALW by adopting adequate legislation on SALW and enacting stiffer penalties. However, it is unlikely that reliance on the deterrence power of criminal law and/or the threat of criminal proceedings is sufficient to stem illegal activities. More viable strategies are needed to take into account the social forces operating at different levels that lead to the illegal activities.

## RECOMMENDATIONS

- Arms-exporting countries, in particular, are encouraged to exercise the highest degree of responsibility in SALW transactions, in order to prevent the illegal diversion of SALW that may feed into activities of organized criminal groups, rebel groups, human rights abusers and regions of war and instability.
- States are encouraged to provide Sanctions Committees with available information on alleged violations of arms embargoes of other states and to cooperate with law enforcement agencies to identify and prosecute violators.

## 3.4 EXPORT, IMPORT AND TRANSIT CONTROLS

Putting in place and implementing adequate national laws and regulations is an important step in ensuring effective export controls, which are crucial in preventing the diffusion of weapons from the legal to the illicit sphere. Most governments already require some form of evidence regarding the details of the shipments, such as the quantity of goods transferred, the intended customer, and proof of delivery. However, effective export controls include also several additional aspects, like the introduction of end-user certificates or re-transfer authorization. This section will look at references made to export, import and transit controls by examining

references to the different sub-topics of the issue, namely relevant national legislation, international commitments, licensing authority, end-user certificates, and re-export notification.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake

**At the national level:**

To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.

**(PoA, Section II, para. 11)**

To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures.

**(PoA, Section II, para. 12)**

To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.

**(PoA, Section II, para. 13)**

Export controls was one of the most addressed issue at the 2001 United Nations Conference, with 80 statements calling for strict national controls of small arms transfers. Mandatory import and export licensing were referred to specifically as key tools in reducing the risk of weapons diverting to the illicit market.<sup>41</sup> In the PoA, import, export and transfer controls are referred to, not only in the paragraphs above, but also under

the more general commitment to put in place adequate laws, regulations and administrative procedures over different aspects of SALW transfers.<sup>42</sup>

The commitments made in the PoA give possibilities for information exchange in export and import controls on various themes. Thus, in general, a reporting country can address relevant national legislation to control the export, import, transfer and re-transfer of SALW in terms of national legislation. Additionally, more details can be given by identifying the licensing or authorization mechanisms and; describing the procedures in place for export or import requests and; for processing license applications, including the criteria considered when deciding whether to grant or refuse export or import permission for small arms and light weapons. Effective control over SALW transfers includes also regulations and administrative procedures in place for the period after granting the transfer permission.

There is no single model for an export control system, let alone its components, such as authenticated end-user certificates (EUCs). There are varying models of export controls due to the great diversity in national legal and administrative systems. However, a set of common rules are to be guaranteed in order to effectively fight against the illicit trade and proliferation of SALW.

### **Box 3.6: International action on SALW export, import and transit controls outside the PoA**

The most important international commitments for the control of SALW exports are set out in the United Nations Security Council (UNSC) resolutions on arms embargoes adopted under the Chapter VII of the United Nations Charter and referred to in the preamble of the PoA (I para. 12) (see the section on embargoes for a more detailed discussion).

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms Their Parts and Components and Ammunition which supplements the United Nations Convention Against Transnational Organized Crime (usually known as the Firearms Protocol) adopted by resolution A/RES/55/25 of 15 November 2000 and entered into force on 29 September 2003 is the first legally binding international convention setting out general requirements for national export import and transit authorisation or licensing systems of firearms. In this regard it also establishes common standards and procedures for international cooperation and information exchange.

EUC increases reliability in arms transfers by giving the exporting country a possibility to refuse a license in case of suspicious or undefined end-user. Authentication of a EUC means that the certificate is signed and stamped accordingly and contains all the relevant information to ensure its validity and reliability. The original version is always more reliable than a copy.

As noted in the PoA, re-exports of SALW are also to be taken into account, in accordance with national laws and practices, without prejudging the right of states to re-export weapons they have previously imported. In this case, the original exporting state is to be notified of the re-export before they are transferred, in accordance with bilateral agreements between the two states. Usually, re-export is included in the end-user certificate as a separate clause.

### **Box 3.7: Some examples of regional and sub-regional mechanisms**

Pursuant to the OSCE Document on Small Arms and Light Weapons (2000), OSCE countries have been exchanging information on their SALW transfers since 2002. Export controls were included also in the Handbook of Best Practises on Small Arms and Light Weapons, published in 2003, with separate sections on international commitments, national legislation, procedures like license requirements, applications, and licensing authority, and enforcement of export control. EUCs, post-shipment controls and re-export certificates are also included in the Handbook.

The European Union, following up the Code of Conduct on Arms Export, in line with the OSCE Guidelines and also recognizing the End-Use Assurances of the Wassenaar Arrangement, took in February 2004 a draft decision on a common core of elements to be included in end-user certificates and verification procedures with respect to transfers of small arms and light weapons.<sup>43</sup>

The Organization for American States (OAS) has CICAD Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition, developed in 1997 to assist countries in implementing the OAS Firearms Convention (CIFTA). These Model Regulations establish harmonized measures for import and export controls over commercially traded firearms provide the States in the region with comprehensive guidelines for export, import, transit and re-transfer procedures.



### REPORTING IN 2003

Import, export and transfer regulations are the most covered issue in national reporting in 2003: at least 90 (87%) out of the total 103 reporting countries discuss import and export controls in some form. Some overlapping may occur in terms of numbers with the section on national legislation—countries that mention having national legislation on exports are counted as having addressed export controls. Even though having national legislation covering the transfer of SALW is essential in guaranteeing effective control, it is only one among several necessary measures.

**Graph 3.11: Reporting in 2003**



While, national legislative and administrative measures has been discussed in Section 3.2, this section aims to give a detailed overview of reporting on SALW export controls, by separately addressing certain elements related to export controls, and raising positive examples of transparency. The issues to be discussed in this section will include:

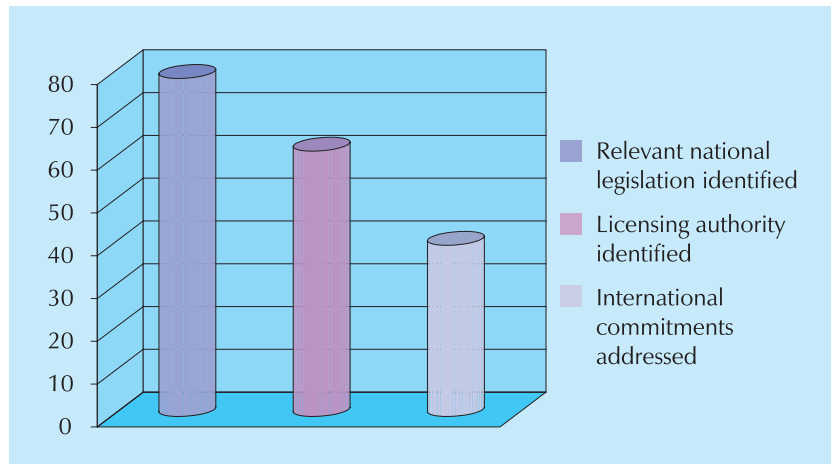
- Relevant national legislation;
- International commitments;
- Licensing authority;
- End-user certificates;
- Re-export notification;
- Non-exporting states; and
- States reporting that the government is the only authorized body to export SALW.

The most widely covered aspect of export controls in the reports is relevant national legislation: about 80 countries identify the laws they have in place to guarantee control of SALW export, import and transfer.

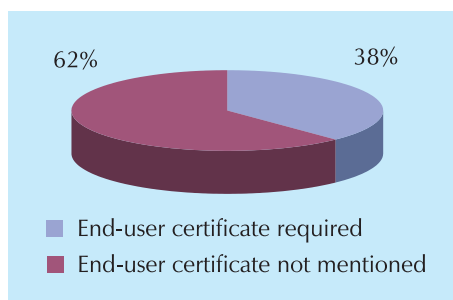
Over 40 countries address international commitments in terms of export controls, by referring for example to UNSC resolutions on arms embargoes, participation in the Economic Community of West African States (ECOWAS) moratorium, or by noting that the country follows OSCE or EU guidelines and best practises in SALW exports.

Responsible licensing authority (inter alia the National Police, the Bureau of Licensing and Registration of the Ministry of Economic Affairs) is identified in over 60 reports. The office, as well as the precision of information provided varies widely (see Graph 3.12). Therefore, one important aspect to be included in future reporting would be a note about the type of licensing regime: whether the country grants general or individual licenses and what kind of, if any, special arrangements are in place.

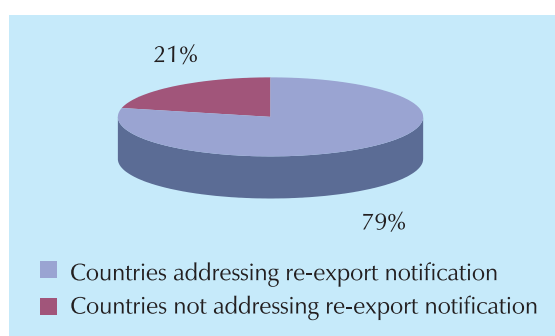
**Graph 3.12: Responsible national licensing authority**



Of all the 103 reports submitted to the UNDDA in 2003, around 40 states report that they require end-user certificates when approving export licenses (see Graph 3.13).

**Graph 3.13: References to end-user certificates**

At least 21% of the reports, mention that they have put in place a clause, which requires notification of original exporters in case of re-transfer (see Graph 3.14). However, most reports are not explicit about whether the requirements for re-export notification are put in place by the exporting or the importing state.

**Graph 3.14: Reporting on re-export notification**

The nature of information provided in the reports together with various legal and administrative structures in most states makes it quite difficult to identify the progress made in exports control.

At least eight countries report that they do not export SALW. Furthermore, a few countries report that the government is the only authorized trading body in SALW export or import. However, they do not give the necessary details on export controls, such as the decisions to grant licenses, the issues of transfers and end-user certificates etc. It would therefore be useful if future reports include additional information on export controls.

### References to Changes in National Practises since 2001

As in most other areas of UNPoA reporting, several countries refer to changes made in export legislation, regulations and practises after the adoption of the PoA in 2001. In Table 3.10 are a few example of reporting on these developments:

**Table 3.10: Reported developments**

| Country | Reported developments after 2001  |
|---------|---|
| Armenia | The draft Law on export control has been drafted with input by all government agencies concerned. Following the approval by the government on 12 May 2003, the Prime Minister of the Republic of Armenia has submitted the latter to the National Assembly for adoption. The draft Law on export control intends to support the implementation of international obligations and commonly agreed measures in order to fight the proliferation of weapons of mass destruction and their delivery systems, to guarantee the implementation of international agreements and to establish an effective export control mechanism. It also intends to create favorable conditions for integrating into world trade systems and acquiring modern technologies by promoting foreign trade and foreign investments. |
| Austria | An amendment to the War Materiel Act entered into force at the time of the United Nations Conference, July 2001. In addition, brokering activities are defined and set subject to a separate authorization by the adoption of the Foreign Trade Ordinance, and the new paragraph 4 of Section 1 of the War Materiel Act.  |

| Country      | Reported developments after 2001  |
|--------------|---|
| Belgium      | Changes in legislation (16 January 2003) modify a country's previous law on imports, exports and transit of arms, and the fight against the trafficking of arms, munitions and material, specifically designed for military use.  |
| Bulgaria     | Law on the "Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies" was amended and strengthened in August 2002, which is reported to have substantially enhanced country's exports control regime.  |
| Burkina Faso | By Decree 2001-005/PM/MAT of 24 January 2001, the country created a High Authority over imports of arms and their use to control all governmental imports, procedures in place for the end-user certificate and writing the import manifestation.   |
| Canada       | Canada is expecting to enact new legislation during 2004, concentrating the whole responsibility for the import of firearms to the Canadian Firearms Centre, and introducing new transit regulations.   |
| China        | In October 2002, the country amended the 1997 Regulations of the People's Republic of China on the Administration of Arms Export, and produced an Export Control List as its annex, to further strengthen the control over the export of conventional arms, including SALW. According to the Regulations, China institutes a unified administration system for the export of all conventional arms, including SALW. |
| Croatia      | Croatia reports having adopted on 9 May 2002 a decision accepting the principles contained in the EU Code of Conduct for Arms Exports.  |
| Cuba         | The country reports that there is a study in progress to review export and import regulations.  |
| Estonia      | Introduced New Weapons Act in March 2002.   |
| Hungary      | Reports that country's structure of export controls and possession of firearms is undergoing a complete overhaul with special regard to the regulations on transit controls and brokering activities.   |
| Ireland      | The Department of Enterprise, Trade and Employment has commissioned a review of the country's strategic controls systems with a view to recommending how to best modernize and strengthen them, address identified gaps (e.g., arms brokering) and ensure full compliance with international obligations.   |

| Country               | Reported developments after 2001  |
|-----------------------|---|
| Italy                 | The ratification of a framework Agreement (LoI) among governments of some European countries is reported to be under way. "This Agreement aims at fostering the reorganization and the activities of the European Defence industry as well as at improving the exchange procedures for defence materials within intergovernmental cooperation and industrial co-production programmes."   |
| Japan                 | Reports having signed the Firearms Protocol in December 2002.   |
| Latvia                | New procedure for export, import and transit in wholesale and retail of small arms and light weapons by the Law on Arms Circulation, which came into force on 1 January 2003. Resolution of the Committee for Control of Goods of Strategic Nature of February 2002, "On Lists of Goods of Strategic Nature". In addition, "Law on Circulation of Goods of Strategic Nature", is being drafted, which will provide the circulation of goods of strategic nature, including SALW.  |
| Poland                | The control of domestic arms manufacture and trade is regulated by the law adopted in June 2001 on economic activity in the sphere of manufacturing of and trade in explosives, arms, ammunition and technology of military or police use. The manufacture of and trade in firearms and ammunition without permit constitutes a crime, as defined in the law of 21 May 1999, was amended in February 2003, regulating private, non-commercial transportation of weapons across the territory of the Republic of Poland, their import and export, and the rules of the possession of arms by aliens. This amendment harmonizes Polish regulations with the law in the European Union inter alia by introducing the institution of the European firearms pass, principles of registration of pneumatic weapons and procedures for deactivation of firearms. |
| Serbia and Montenegro | The Draft Law on the Sale of Arms and Military Equipment and Dual-Purpose Goods provides for detailed export control. The aim of this Draft is to ensure effective control of small arms and light weapons.   |
| Switzerland           | Federal law of 22 March 2002 on the application of international sanctions.   |

| Country        | Reported developments after 2001  |
|----------------|---|
| Syria          | Granting of licenses for SALW bestowal, acquisition and use is under law adopted in 1957, and repealed by legislative decree from September 2001. This reviews the number and type of licences and the manner in which they are granted. The decree also declared an amnesty of six months, which was extended for a further six months.  |
| Thailand       | On the issue of arms registration, the Department of Provincial Administration under the Ministry of Interior is at present developing the online database system of guns. The central information database will be updated whenever the arms possession and transfer permit is authorized and registered. This system will allow the agency concerned to more accurately determine the levels of gun ownership in the country. However, there are limitations as to the types of weapons, which can be registered. |
| United Kingdom | The country reports that the Export Control Act received Royal Assent in July 2002. Under draft implementing legislation, SALW trafficking and brokering activities that take place partly or wholly in the United Kingdom will require a licence.  |

As can be seen from Table 3.10, the new EU member states and applicant countries are reporting on the updates on export legislation and practices to meet the European Union Code of Conduct. In addition, Slovakia for instance, notes that the current system of export controls in the country meets the standard common in EU member states.

Similarly, Serbia and Montenegro refer to the EU when stating: “The existing legislation on the prevention and efforts to counter illicit trafficking of small arms and light weapons is being aligned with the OSCE Concluding Document and the United Nations Plan of Action. The current level of harmonization will soon be scrutinized with the help of certain countries that have offered active support and assistance in these efforts. This is primarily true of the harmonization of domestic procedures concerning exports of small arms and light weapons with those existing in the European Union.”

One of the most thorough discussions on the issue is presented in the report of Australia (see Box 3.8).

**Box 3.8: Australia: national controls**

The Australian Government has banned the import of all prohibited handguns by sporting shooters (that is, all handguns other than those which meet the prescribed physical characteristics, including barrel length, calibre and shot capacity) by amendment to its Customs legislation. For lawful handguns (such as for the private security industry), importers now require permission from State and Territory police prior to the importation and sale occurring, and limits are placed on the stocks of newly imported handguns that importers/dealers can hold (handguns stocks over and above the set limits must be held by the Australian Customs Service). The amendments will also extend controls to handgun frames/receivers in the same fashion as complete handguns. This is to prevent the possibility of handgun frames/receivers being legally imported as parts and subsequently assembled as an operative firearm or used to convert a permitted handgun into a prohibited handgun.

Other changes to national controls

Recent significant developments in Australian firearms policy and legislation include: *National Firearm Trafficking Policy Agreement—2002 (NFPTA)*. The NFPTA reflects Australia's focus on effective control of the illegal trade in firearms by strengthening domestic legislation and increasing efforts to detect and prosecute those engaged in firearms trafficking. The NFPTA, provides for, *inter alia*:

- Increased efforts to detect illegally imported handguns through improved Customs controls;
- Significant resources to prevent the illegal importation of handguns including increasing border activity and commissioning state-of-the-art x-ray equipment at Australian ports;
- Substantial legislative penalties for illegal possession or selling of a firearm and an extended and comprehensive legislative definition of "possession";
- Consistent provisions to regulate the manufacture of firearms;
- Stricter monitoring of licensed firearms dealers including power to refuse or cancel licences where the dealer is associated with or employs persons of bad character;
- Tighter recording and reporting of transactions involving major component firearm parts to ensure firearms cannot be assembled from unregistered parts;
- National legislation to complement State and Territory laws against firearms trafficking.

**National Report of Australia, 2003**



## Assistance

The 2003 reports have few references to assistance in terms of export, import and transit controls. For example, the United Kingdom and the United States address the issue in terms of participation and support to international conferences and other meetings, as well as more practically through different training activities.

**Table 3.11: Assistance provided**

| Country                  | Reported assistance provided  |
|--------------------------|---|
| The Netherlands          | The Netherlands notes that the country has given assistance in export control to Romania and Slovenia.  |
| Norway                   | Norway notes that “Bilateral talks and cooperation between different foreign authorities such as export control officials, customs officials, etc. serve as provisions of assistance for other states regarding export controls”.   |
| United Kingdom           | The United Kingdom reports having provided financial and other support to several NGOs that are working on export controls. “These include Saferworld (focusing in particular on the EU Code of Conduct and EU accession states); Viva Rio (in Brazil and southern America) and the Small Arms Survey”. The Export Control Outreach Programme, in place, is reported to provide training and support also on export and import licensing procedures. Since 2001, over ten governments and their agencies have received support. |
| United States of America | The US reports providing assistance for over 30 countries under the Export Control and Related Border Security Assistance (EXBS) Program, including specialized licensing workshops and law enforcement training, such as customs inspection and maritime interdiction. The US mentions also funding granted for export-control related research.   |

The only country identifying need for assistance in export controls is Burundi, and even in this case the appeal is made in general terms, asking for assistance in various fields of SALW control.

## CONCLUSION

Import, export and transfer regulations are among the most covered issue in the national reporting in 2003. Most of the reports specifically address the relevant national legislation, and the responsible licensing authority. Several countries further address international commitments in export controls, such as UNSC resolutions on arms embargoes, ECOWAS moratorium, or OSCE or EU guidelines and best practices.

Several countries, particularly in Europe, report about changes in export control legislation since 2001, whereas African countries that submitted reports rarely refer to developments in export, import or transfer controls over SALW.

Furthermore, given or received assistance is not prominent in reporting on export controls. Assistance provided seems to be concentrated on technical aspects and expertise.

Different situations, resulting for example from differing legal and administrative structures, limit the possibilities of comparing the information provided in the national reports on export controls, and drawing conclusions about possible gaps or strong points. The overall impression from the reports is that there is lack of consistency concerning the types of export and import licenses, and end-user and transport certificates required by different countries.

## RECOMMENDATIONS

- All States are encouraged to provide substantive reports that may include:
  - Types of end-user certificates required for arms exports;
  - Criteria on the basis of which export licenses are issued;
  - Indications of whether the state is producing and/or exporting small arms;
  - General export-import statistics on SALW.

Such information could prove useful as a reference for best practices and/or lessons learned.

- Where States are already providing data on SALW imports/exports to another forum (e.g. the UN Commodity Trade Statistics Database), they are encouraged to consider harmonizing some aspects of this information with their report on implementing the PoA.

### 3.5 MARKING, RECORD-KEEPING AND TRACING

Appropriate and reliable marking of small arms and light weapons is a crucial aspect in monitoring their production and use, as well as combating their illicit manufacturing and trade. The importance of the issue is reflected in the national reports submitted to the UNDDA in 2003 with the majority of states referring to it. Marking, record-keeping and tracing is also one of the areas where the most assistance appears to be desired. Several countries report about changes currently underway, especially in terms of creating centralized record-keeping systems or databases.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake

#### At the national level:

To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.

**(PoA, Section II, para. 7)**

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.

**(PoA, Section II, para. 8)**

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.

**(PoA, Section II, para. 9)**

To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

**(PoA, Section II, para. 10)**

#### At the global level:

To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

**(PoA, Section II, para. 36)**

#### In terms of implementation, international cooperation and assistance:

With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information.

**(PoA, Section III, para. 6)**

States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

**(PoA, Section III, para. 10)**

States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

**(PoA, Section III, para. 12)**

#### And in follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to

enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons.

**(PoA, Section IV, para. 1c)**

As can be seen from the list of references to marking, record-keeping and tracing of SALW in the Programme of Action, different aspects of reliable marking, as well as timely tracing and adequate system of record-keeping are reiterated under various sections of the PoA, such as for instance in relation to DDR activities,<sup>44</sup> and with reference to destruction of confiscated or surplus weapons.<sup>45</sup> Tracing of SALW is also mentioned as one of the responsibilities of national coordination agencies.<sup>46</sup>

**Box 3.9: International action on SALW marking, record-keeping and tracing outside the PoA**

The United Nations Convention against Transnational Organized Crime (hereafter “Firearms Protocol”) contains practical measures to assist law enforcement by enhancing international cooperation and promoting greater transparency in legal transfers of firearms. It is a reciprocal system requiring countries to provide authorizations to one another before permitting shipments of firearms to leave, arrive or transit across their territory and enables law enforcement to track the legal movement of shipments to prevent theft and diversion. In this regard, the Firearms Protocol refers also to record-keeping, by requiring SALW records to be kept for at least 10 years.

The Protocol is referred to in many national reports, whether on its own, or, in the case of European countries, with reference to the EU. For example Spain notes that “there is now acute awareness in various European Union forums of the need to establish uniform criteria on the marking of firearms for states members with a view to signing the Protocol against the Illicit Manufacture and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.” The EC countries are presently discussing whether they should opt for a longer record-keeping period than the 10 years of the Firearms Protocol.

On the side of the Firearms Protocol, a couple of countries (see for example Albania and Croatia) refer also to the “Convention on the Marking of Plastic Explosives for the Purpose of Detection” (Montreal Convention) of 1991, even though it does not directly address SALW.

**Box 3.9: continued**

The most important international initiative for tracing SALW is an open-ended working group, established by General Assembly decision in December 2003, to negotiate an international instrument that enables states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The group is to meet three times, for a duration of two weeks each, during 2003-2005.<sup>47</sup> The working group was recognized by several states in their 2003 national reports, and many gave their support to the efforts of the group to explore the possibilities of agreeing on an international instrument on the subject. Both France and Switzerland attached as annexes to their national reports the Franco-Swiss initiative on marking and tracing, outlining possible elements of the international tracing instruments.

**Box 3.10: Regional and sub-regional mechanisms**

Regionally, marking, record-keeping and tracing has been addressed as a part of more general small arms protocols and conventions, setting political commitments to the member states:

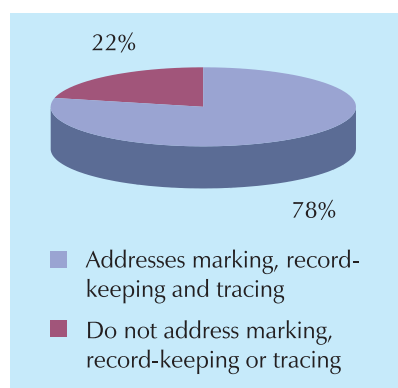
- In the Americas, the “Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials”, was adopted at the 24th Special Session of the OAS General Assembly in 1997;
- In Southern Africa, there is the “Protocol on the Control of Firearms, ammunition and other related materials in the Southern African Development Community Region”;
- Within the OSCE, address to marking, record-keeping and tracing is made as part of the OSCE Document on Small Arms and Light Weapons. In addition, the OSCE member states are exchanging information on marking and tracing, parts of which were included also in the PoA national reports by some states.

## REPORTING IN 2003

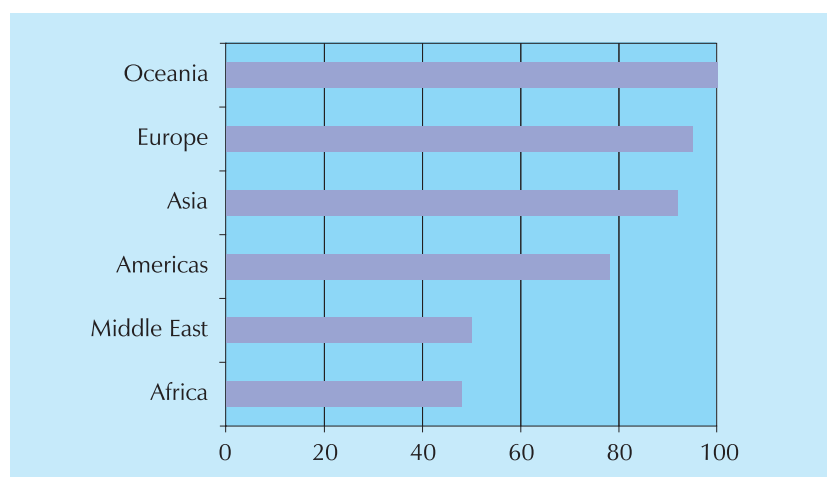
Marking, record-keeping and tracing rank among the highest in terms of the number of references to them in the national reports: at least 80 countries (78%) address at least some aspects of the issue in their report, while 23 countries refer to none of them.

There are noteworthy regional differences in terms of references to marking, record-keeping and tracing (see Graph 3.16). With the exception of two countries, all European, Asian and Oceanian countries that submitted reports in 2003, address the issue in some way. Out of the 103 countries that submitted reports, 23 countries did not address marking, record-keeping or tracing. Of the 23, twelve are from Africa and the rest are from the Middle Eastern and the Americas.

**Graph 3.15: Reporting in 2003**

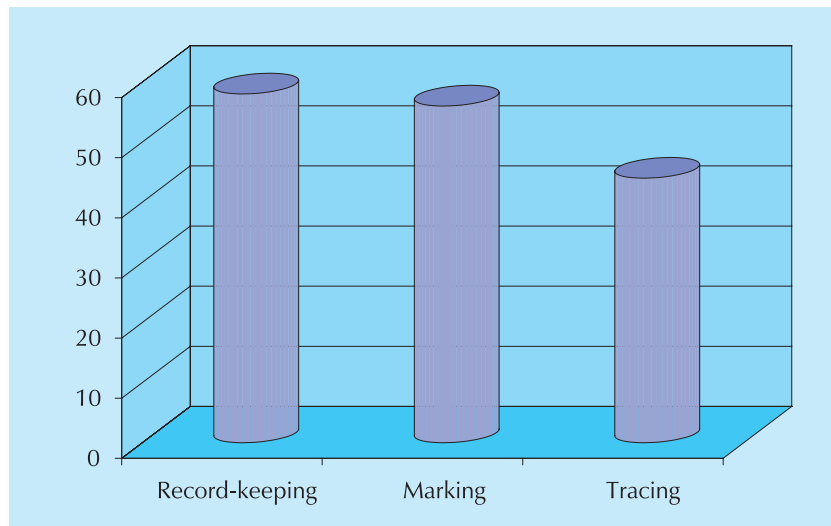


**Graph 3.16: Percentage of countries that reported from each region, in terms of references to marking, record-keeping and tracing**



In the sub-categories of marking system, record-keeping and tracing mechanisms, tracing is the least-addressed. Forty-four countries talk about the traceability of SALW, or the system for tracing in place within the country (see Graph 3.17). Preventing the manufacture of unmarked or inadequately marked SALW also receives less attention.

**Graph 3.17: References to marking, record-keeping and tracing**



Under record-keeping countries usually provide information on SALW registers and often include information about the competent authority to guard the records. At least 26 countries denote the period for which records on SALW are kept, ranging from 5 years to indefinitely. Most commonly, countries seem to keep records for 10 years, following the period set out in the Firearms Protocol.

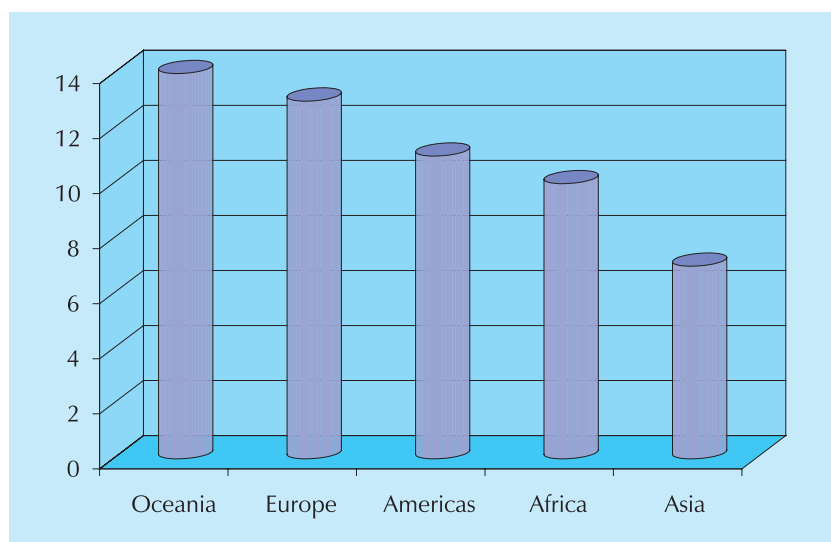
At least 15 countries report having national databases in place for SALW.<sup>48</sup> Some of the central records are kept manually and others function as electronic databases. Most central records are reported to be accessible only to relevant authorities. A few countries distinguish between the record-keeping for manufactured weapons, imported weapons, and for example weapons held by the armed forces and the police.



Information on marking systems usually includes details about the required marks such as serial number, manufacture, year and country of manufacture. Some countries limit their information on marking to manufactured weapons while others include information on required markings for imported small arms. Some countries refer only to the marking of civilian weapons, and/or only to weapons held by the police or the armed forces. In some cases, reports do not differentiate the types of SALW referred to. A handful of countries report that their laws or regulations do not currently cover the issue of SALW marking, but most of them indicate that changes in legislation and administrative procedures are being studied or currently underway.

The PoA does not refer to marking weapons imported to a country, but refers to marking in terms of the production of weapons. This is likely what caused almost 20 countries to report that they do not produce small arms, a notion often made under marking, record-keeping and tracing (Graph 3.18). However, in future reports, countries could consider reporting on issues such as marking required for imported weapons, and on systems in place for record-keeping or tracing SALW.

**Graph 3.18: Regional percentages of countries reporting that they do not produce SALW**



Geographically, most countries that report that they do not produce SALW, are from Oceania and Europe. Taken that Europe, together with the Commonwealth of Independent States (CIS) produces over 40% of SALW,<sup>49</sup> the European non-producers seem to be the most explicit in reporting that they do not produce SALW.

References to Section II, paragraph 8 of the PoA, preventing the manufacture of unmarked or inadequately marked SALW, are more scarce than references to other areas of marking, record-keeping and tracing; however, at least 27 countries address the issue. It might be that provisions for preventing the manufacture of unmarked or inadequately marked weapons are included in legislation often described in the reports, but many countries do not specifically point out what measures, if any, have been taken to address paragraph 8 of Section II specifically.

### Changes Underway

Many countries refer to changes to the national legislation or administrative procedures regarding marking, record-keeping and tracing, currently under discussion or implementation. The reports often also mention setting up or holding discussions over the possible establishment of record-keeping databases:

**Table 3.12: Changes underway**

|           |   |
|-----------|---|
| Australia | Australia reports that changes to the current IBIS system of record-keeping are considered, and that development of a National Firearms Licensing and Registration system is proceeding.  |
| Benin     | Benin notes that two laws on SALW marking are currently under review.   |
| Canada    | The country notes that the current legislation in place requires that a firearm bear a unique identifying number (whether marked by stamping or engraving or affixed with a sticker issued by the Registrar). It is reported that legislation permitting Canada to require more fulsome marking of newly manufactured or newly imported firearms has just received Royal Assent, but enabling regulations have not yet been made. |

|              |  |
|--------------|--|
| China        | China reports that building a nation-wide database on the manufacturing, holding, import and export of SALW is under consideration.  |
| Germany      | Germany notes that a Federal SALW Database is being established.   |
| Greece       | Greece reports that "competent ministries are in the process of developing relevant electronic databases".   |
| Monaco       | According to the national report of Monaco, new rules requiring the marking of weapons so as to permit their traceability will be introduced into domestic legislation.  |
| Niger        | Niger reports that the country is currently looking at formulating a national registry, "book of the arms", which will contain all the arms of the national arsenals, and their marking.   |
| Romania      | The process of issuing a new National Register for Firearms is reported to be under way. It is noted that once in place, the new system is hoped "to harmonize the standards of record-keeping of weapons existing in Romania on the basis of regulations and best practises of the EU member states".   |
| South Africa | South Africa reports that "The South African Police Service has held discussions with all the firearms manufacturers in South Africa with a view to standardize the marking of firearms." The process was reported to commence in January 2003.  |
| Sri Lanka    | "The Ministry of Interior has initiated a compilation of a list of weapons unaccounted for. The project titled <i>"Support to the Establishment of a National Commission Against the Proliferation of Illicit Small Arms in Sri Lanka"</i> is to contribute to this task by providing assistance in establishing an arms registry and a database. Under this task, armed forces and the police are expected to provide the National Commission with a list of weapons missing from their stocks, on a regular basis.     |
| Sudan        | Sudan reports that the system of SALW record-keeping is currently being computerized.  |
| Sweden       | Sweden reports, "Necessary amendments to relevant laws are being analyzed. All licensed weapons must be marked with a manufacturer's stamp. In addition all licensed weapons are required to have a unique identification number, given when the license is issued. Future permits to manufacture weapons will require that the weapons be marked with a manufacturer's stamp. All SALW procured by the Armed forces, Customs, Coast Guard and the Police are marked with the manufacturer's stamp and a unique number". |

In many reports, the reference to changes in national legislation and administrative procedures is rather brief. However, there are a couple of positive examples of more thorough reporting. For example, Switzerland gives the following information in the 2003 national report (see Box 3.11).

**Box 3.11: Changes in national legislation**

“Regulations that would cover all aspects are currently being studied. Up to now it has been possible to manufacture arms without markings and to put these into circulation. It is foreseen that the future Art. 18a of the revised law on arms will contain the following provisions on the marking of firearms:

- The manufacturers of firearms and of their main components and accessories must mark each of these objects to enable their identification and traceability;
- Each firearm as well as each main component or accessory imported to Switzerland must be clearly marked;
- All markings must be made in such a way that they cannot be removed or modified without the aid of mechanical methods;
- The Swiss government will define exceptional cases in which unmarked firearms may be imported for a maximum of one year.

Whether or not the provisions which require marking remain in the final version of the law and in what form, it is not yet possible to say.

**Schengen/Dublin Guidelines**

Negotiations are currently under way to decide on Switzerland’s eventual accession to the Schengen/Dublin agreement of the European Union. The directive 91/477/CEE of 18 June 1991 on control of the acquisition and possession of arms is important for the agreement since Switzerland would have to apply the directive if it joins. Among other things this would require the addition of a provision on the marking of firearms in the law on arms.

**United Nations Protocol on Firearms to the United Nations Convention Against Transnational Organized Crime**

Article 8 of the United Nations Protocol on firearms makes it obligatory to mark firearms for the purpose of identification and tracing. The Protocol has not yet come into force, as at the time of writing it has not been ratified by 40 states. Switzerland is expected to adhere to the Protocol, but has not yet actually done so. This too will require the adaptation of existing legislation.”

**National Report of Switzerland, 2003**

Many countries give their support to the work done by the United Nations Group of Governmental Experts in developing comprehensive SALW tracing system and enhancing cooperation among states. Many also report having participated in the work of the group. Aside from the United Nations activities, INTERPOL is often mentioned in this regard, mainly with support to the International Weapons and Explosives Tracking System (IWETS). In addition, member states to the OSCE usually mention the information exchange taken place within the OSCE.

### Assistance

Many countries that report about having given or are currently giving assistance in marking, tracing or keeping records of SALW, are doing so in terms of helping the enhancement of control in tracing illicit weapons. Special emphasis seems to be in training of police and law enforcement officials:

**Table 3.13: Providing Assistance**

|           |   |
|-----------|---|
| Argentina | Argentina reports that the Ministry of Justice, Security and Human Rights has approved a document for a programme of work entitled “Light weapons, illicit trafficking, illegal trade and criminal violence: background and implications for public security policy and the design of a national programme”, one element of which relates to providing assistance in tracing and marking, as well as in the management and security of technologies that would improve the tracking and detection of illicit trafficking. |
| Canada    | Canada notes that the Criminal Intelligence Services of Canada, together with National Police Services and the Royal Canadian Mounted Police, manage the National Tracing Unit, which can assist national and international law enforcement agencies to trace firearms. The country also reports about having created a working prototype of the INTERPOL Weapons and Explosives Tracking System <sup>50</sup> and donated it to the Secretariat of INTERPOL.   |
| Finland   | Finland notes that the country places “a particular importance on the regional cooperation on the control of trafficking of small arms by enhancing the capacity of border control authorities, customs and police”, which is reported to include inter alia assistance for technical equipment, and building data-base for arms registers.   |
| France    | France reports that assistance to other countries in this regard is provided; no details of the projects are given.   |

|                          |  |
|--------------------------|--|
| Germany                  | Germany reports having provided financial and expert support to seminars on SALW marking under the auspices of the OSCE.   |
| Russian Federation       | The country reports on interested in “developing international cooperation in the study of technologies to improve the tracing of the illicit trade in small arms and light weapons and in the adoption of measures to facilitate the transfer of such technologies to interested countries.” The Russian Federation also reports to be in favour of the exchange of information at the international level on national marking systems for SALW. In this connection, the Russian report provides examples of the marking system used in the country, as well as information on the marking and identification system is annexed to the national report.         |
| Sweden                   | Sweden reports that country’s National Police Board has participated in a project within the European Union, aiming at improving cooperation and exchange of information between police services regarding marking of arms and tracing of illicit SALW.  |
| United Kingdom           | The United Kingdom reports that about providing support to the United Nations Regional Centre for Peace, Disarmament and Development (Lima) for training of police and law enforcement officials in trafficking, record-keeping, marking, tracing and safe disposal of weapons. Country’s National Criminal Intelligence Service (NCIS) provides technical and liaison assistance in firearms trafficking efforts.   |
| United States of America | The US reports that the Bureau of Alcohol, Tobacco, Firearms and Explosives provides technical, legal, and programmatic information on currently accepted US best practices in numerous international fora. It offers for example a Basic Firearms Identification Course, providing training on marking techniques and firearms identification for international law enforcement professionals. The US National Tracing Center (NTC) assists countries in tracing arms that are of US origin, and have been used in criminal activities. Courses are also offered at country’s International Law Enforcement Academies on identification and tracing of weapons. |

Quite a few countries also address the need for assistance in marking, record-keeping or tracing, or mention some difficulties confronted on this issue (see Table 3.14).

**Table 3.14: Desiring assistance**

|                                |   |
|--------------------------------|---|
| Burkina Faso                   | Burkina Faso notes that it is in the process of establishing an arms register, following paragraph 10 of the PoA, and would need financial assistance in order to accomplish this goal. <sup>51</sup>   |
| Cameroon                       | Cameroon notes its inadequate equipments to detect illegal SALW, and lack of personnel among the difficulties in implementing the PoA. Also the absence of statistical data over artisanal production of SALW is noted in the report.   |
| Congo (Democratic Republic of) | Democratic Republic of Congo reports that it is planning to locally mark all existing illicit weapons, and that financial and international cooperation would be needed in order to undertake the operation.  |
| Republic of Moldova            | Moldova notes that the country's registry of weapons is at the moment implemented and used at territorial level, but due to the lack of financial sources, the centralized stocking and integration of the information is not yet possible.   |
| Trinidad and Tobago            | Trinidad and Tobago reports that the country would need a computerized system for data collection, storage and analysis.  |
| Uganda                         | Uganda reports being in need for assistance in developing a more effective system of firearms registry. The country's police and military have undertaken to register all the firearms under their control; however, it is noted that "assistance is needed to acquire both the computer equipment and appropriate software to improve capacity for the registration exercise. A need to develop effective ICT infrastructure for the NFP to facilitate information sharing and dissemination has been identified." |

The most common problem identified in relation to the topic is the existence of clandestine producers, manufacturing often crude country-made weapons, bearing no marking and remaining outside all tracing or record-keeping controls. For example, India, Cameroon and Benin refer to this problem. A few countries define also other problems related to marking, record-keeping and tracing of SALW.

The example of New Zealand gives an overview of country's national legislation, and the overall level of gun-ownership, linked to the registration of weapons (see Box 3.12).

**Box 3.12: New Zealand**

“While New Zealand substantially complies with the Programme of Action, legislative changes are necessary to New Zealand’s principal firearms legislation, the Arms Act 1983, and other related legislation, to bring our domestic laws fully into line. However, in the New Zealand context imposing stricter regulations on the use and ownership of firearms is a complex and controversial issue. New Zealand appears to have relatively high civilian gun ownership per capita. High range estimates put New Zealand’s ownership at 1 million guns among nearly 4 million people although such estimates are difficult to verify as 96% of all private firearms are not required to be registered (only users of firearms must be licensed in these cases). However, by international standards, New Zealand’s rates of firearm-related crime and violence are low.

In August 1998 the New Zealand government approved the implementation of a firearms control strategy based on recommendations following an independent inquiry into New Zealand’s arms control arrangements in 1996. One of the main components of the strategy was the universal registration of firearms, one of the key areas where New Zealand falls short of meeting the requirements of the Programme of Action. The Arms Amendment Bill (No 2), which was based on the strategy, was introduced into parliament in 1999. 99% of all submissions received on the Bill were opposed to it. The main themes of the objections were that registration is unnecessary, that it will be counter-productive and ineffective and that it is a precursor to the confiscation of certain firearms. These submitters argued that New Zealand’s current owner-licensing laws are rigorous and effective and envied by other countries and that emphasis should be placed on enhancing existing laws rather than formulating new ones. The Bill was on parliament’s agenda for some time but a decision was made recently not to proceed with it. The New Zealand government is presently considering the implications of implementing the Firearms Protocol to the Convention on Transnational Organized Crime, including a system for the marking and tracing of firearms, the incidental effect of which would be to implement aspects of the Programme of Action.”

**National Report of New Zealand, 2003**

**CONCLUSION**

Marking, record-keeping and tracing rank among the most commonly addressed themes in the 2003 national reports. There are noteworthy regional differences in terms of the number of references to the issue:



European and Asian countries are reporting about this the most, while the least references are made by African countries. With respect to the number of references made to the sub-themes of marking, record-keeping and tracing, there are no major differences. Legislation to prevent the manufacture of unmarked or inadequately marked SALW is not given as much attention as references to other areas of the theme.

There are still countries that report not to have legislation on SALW marking in place. Encouragingly, many countries report about current changes in legislation and administrative procedures. There seems to be little geographical differences in terms of reporting on legislative changes; reviews of laws are reported to be underway in countries in all regions. Many countries also report about either having, or being currently in the process of establishing, national databases for SALW control. This is the area where most assistance is reportedly needed. The most common problem identified is the existence of clandestine producers manufacturing non-marked craft weapons.

Countries in Europe and in the Americas report the most about having provided assistance in marking, record-keeping and tracing. Here, the emphasis seems to be in providing technical expertise rather than mere financial support. Training of law enforcement agencies and the police is mentioned in many reports. Regionally, significant assistance is apparently needed in Africa.

## RECOMMENDATION

- States and international organizations in the position to do so, should consider providing assistance for data-collection and a weapons register, since these areas are reported by a number of States to be in greatest need for capacity building.

## 3.6 BROKERING CONTROLS

Brokering activities are an essential part of international arms transfers, including small arms trade. However, there is still little control on brokering at the national level. Recent years have seen a growth in knowledge about

the role of arms brokers, and increased attention has been paid to the issue at the regional and international levels. Around half of the reporting countries referred to brokering in their national reports of 2003. References were made primarily in terms of existing brokering legislation and the registration system for brokers, or by describing penalties for illicit brokering activities.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

**At the national level:**

*To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.*

**(PoA, Section II, para. 14)**

**And at the global level:**

*To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.*

**(PoA, Section II, para. 39)**

In addition, in terms of follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects the participating countries recommend to the General Assembly:

*To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.*

**(PoA, Section IV, para. 1d)**

Brokering was also highlighted in the 2001 United Nations Conference statements, with statements addressing it, and calling for some form of

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regulation in this area, whether in the form of “standards”, “strict regulations” or in some cases “legally binding instruments”.<sup>52</sup>

In the PoA, participating states took a step forward by committing themselves to develop adequate national legislation or administrative procedures in order to regulate SALW brokers. As in other themes, the details of legislation or procedures are left for the countries to decide. However, it is noted that the relevant measures should include such basic common approaches as the registration of brokers and licensing or other kind of authorization for brokering transactions to ensure the highest possible transparency, and to avoid the diversion of weapons from licit to illicit market through the activities of brokers. In order to ensure that these illegal aspects of brokering are prevented and punished, the PoA asserts that penalties for illicit brokering activities carried out within the state's jurisdiction and control should also be included in the relevant legislation.

As can be seen from above, the PoA addresses brokering activities also in terms of global level actions: participating states agree on developing common understandings around brokering and the problems related to its illicit aspects. Several regional and international initiatives have been taken to tackle these issues, both in terms of enhancing national legislation, and in order to favour regional and international cooperation on the issue of illicit SALW brokering.

There is no standard definition of brokers. According to the Small Arms Survey, an arms broker is “an individual, who facilitates and organizes arms transactions on behalf of suppliers and recipients for some form of compensation or financial review”.<sup>53</sup> The study on the issue by United Nations Group of Governmental Experts propose distinctions between *dealers*, *agents*, *brokers*, and *transportation agents* when trying to capture the different types of brokering activities. Also the OAS Model Regulations, EU Common Position on the Control of Arms Brokering, and the South African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials have definitions for brokering activities, however differing in coverage and formulations.

National level control of brokering activities is still in many aspects nonexistent. Most systems of arms control concentrate on the physical transfer of goods, failing to capture the structural requirements needed to capture the more elusive aspects of weapons deals.<sup>54</sup> The issue has been

taken up at the international level in several fora, and a few initiatives to address the problem of small arms transparency in terms of brokering activities have been taken, which can be seen as making important progress in exploring solutions to the problem.

**Box 3.13: International action on SALW brokering outside the PoA**

Apart from the PoA, also other United Nations documents have addressed the issue of illicit SALW brokering: The 1999 Report of the United Nations Group of Governmental Experts on Small Arms refers to brokers, and concludes that inadequate national regulation systems are partially to blame for the diversion of small arms into the illicit sphere (A/54/258, 19 August 1999).

The United Nations Firearms Protocol, adopted by resolution A/RES/55/25 of 15 November 2000, and entered into force on 29 September 2003, also sets some requirements for countries party to it in terms of regulating brokering activities and criminalizing illicit brokering.

A positive development in the 58<sup>th</sup> session of the United Nations General Assembly was the notion of brokers in the resolution on the illicit traffic in small arms and light weapons, where the paragraph 11 requests “the Secretary-General to hold broad-based consultations,—with all member states, interested regional and subregional organizations, international agencies and experts in the field, on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons” (A/RES/58/241).

In addition, the Dutch and Norwegian governments have sponsored a series of international discussions on the problem of illicit SALW brokering, to framing international measures for its prevention. In April 2003 Norway and Netherlands hosted an international meeting on the issue in Oslo, to discuss key issues relating to the control of brokering activities.<sup>55</sup>

### Box 3.14: Regional and sub-regional mechanisms

The Organization of American States (OAS) has “Model Regulations for the Control of Brokers of Firearms, their Parts and Components and Ammunition”, adopted in November 2003 in Montreal, during a meeting of the Inter-American Drug Abuse Control Commission (CICAD).

The European Union has addressed brokering in the framework of COARM [conventional arms], which strove in facilitating agreement on EU Common Position on the Control of Arms Brokering, an agreement adopted by the EU Council in June 2003 (2003/1168/CFSP/23.6.2003). This legally binding position establishes EU member states to introduce or improve, as appropriate, national legislation to control brokering activities, including inter alia licensing, record-keeping, international information exchange, and criminal sanctions.

The OSCE participating states have also addressed brokering, and agreed to consider the establishment of national regulation systems for brokering activities. A reference to the need of regulating brokering activities is included in the OSCE Document on Small Arms and Light Weapons, adopted in November 2000. However, the document does not impose any particular system, but merely recommends states to include measures on various brokering activities in their national control systems.<sup>56</sup> Furthermore, the OSCE Handbook on Best Practises, introduced in 2003, includes a Guide on Brokering Activities.

The member states of the Wassenaar Agreement have also agreed to control brokering activities, following a study on brokering, which lists the measures that national regulations should include in order to ensure a common Wassenaar Arrangement policy—like many others, the commitment is currently only political.<sup>57</sup>

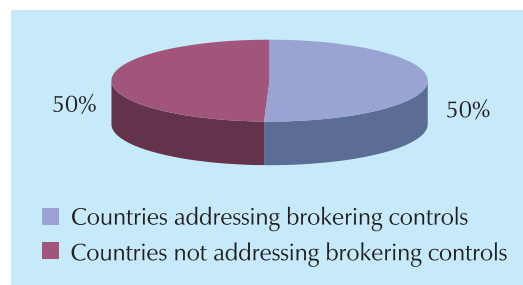
### REPORTING IN 2003

In the national reports submitted to the UNDDA in 2003, at least 52 states (50%) out of the total of 103, address brokering. Almost 20 states refer to brokering in general terms, for example by stating that there are no brokers operating in the respective country such as in cases where there is a state monopoly in the area of military and technical cooperation, and where foreign trade in military goods may be carried out only by state agencies (ie. China and the Russian Federation). Other examples include

countries, which report that for the time being there is no legislation or administrative procedures in place to control brokering activities. The remaining countries talk about brokering with reference to its more specific aspects, such as:

- Existing brokering legislation;
- Registration of brokers;
- System for licensing or other authorization for brokers;
- Extra-territoriality principle;
- Penalties for illicit brokering activities.

**Graph 3.19: Reporting in 2003**



### Brokering Legislation in Place

At least 17 countries report that their national legislation includes control over brokering activities. In a few cases, countries report that there is no special law on brokering. As such, brokering activities are addressed within a wider framework of legislation that covers only certain types of brokering. Additionally, some states refer to relevant legislation currently being drafted and/or is to be approved by the national parliament. Since there is no common definition for illicit brokering activities, it should be noted that a number of countries may refer to brokering under different kinds of legislation.<sup>58</sup>

### Registration of Brokers

The registration of brokers refers to the means of gathering information about the persons or companies involved in brokering activities, as well as sharing this information with relevant governmental bodies. Technically, this can take the form of an electronic database or some other form of data gathering. However, the register should be deposited with a relevant and competent authority, and kept up-to-date accordingly.

Seven countries (Bulgaria, France, Norway, Slovenia, Sweden, Turkey, and the US) affirm the registration of brokering in their national reports. In addition, Estonia notes that the new draft of country's Export Control Act is going to establish a brokering registry. According to Small Arms Survey 2001, Latvia, Lithuania and Poland (in addition to France and the US) had brokering registers in place as far back as 2000—however, they did not address the issue in their national report.<sup>59</sup>

### Licensing or Other Authorization

Licensing or other forms of authorization for brokers is important for the monitoring and transparency of import and export controls. For brokers, this implies the licensing of brokering transactions in addition to registering and certifying the actors. In their national reporting of 2003, at least 23 countries report that brokers must acquire a license or other authorization for their activities. In all cases, however, the separation between authorization for export or import license, and authorization of brokering activities, is not made entirely clear.

### Extra-Territoriality

Extra-territoriality is normally understood as legislation, which applies to nationals of a state in question, even when they operate abroad. This principle as such is not included in UNPoA undertakings, arguably due to questions related to sovereignty, international commitments, and constitutional limitations.

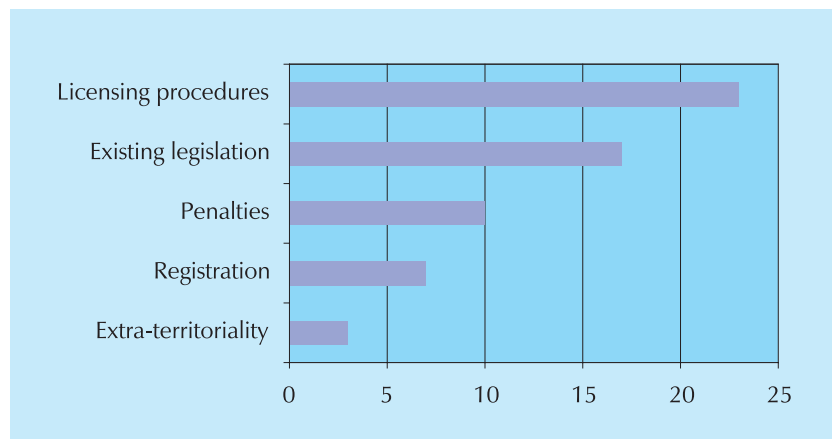
At least three countries (Poland, Sweden, and the US) report having legislation in place to cover extra-territorial brokering activities, meaning

activities of their nationals or permanent residents not only in the respective country, but in cases where activities are carried out in a third country. In addition, a few countries report having “partial extra-territoriality” in place, for example in cases where the dealer is in the country, but the traded weapons never enter its territory. However, this is not usually regarded as an aspect of extra-territoriality but falls rather under “regular” brokering controls.

### Penalties

Of the countries that submitted reports on this issue, 10 assert that they have penalties in force for illicit brokering activities. Again, a handful of reports refer to relevant sanctioning, however without specifically indicating that it covers also brokering activities. In addition, a couple of countries note that the current penalty system “partially” covers illicit brokering, without further explaining the sanctions.

**Graph 3.20: Reporting on the sub-themes of brokering**



Analysis of the national reporting on brokering controls is consistent with the results of the study conducted by the “Biting the Bullet Project” prior to the First Biennial Meeting of State Parties. According to the BtB



Report, at least 38 states of the total 156 countries addressed claimed to have some controls or laws conducting arms brokering activities in place by 2003.<sup>60</sup> The results support the indication given by countries in their national reports. However, here again the same problem of definition arises. Accordingly, in the absence of a common definition of brokering, some countries reported that they have controls over brokering although they do not actually cover the brokering activities in the meaning used here.

Several countries report about the changes underway or adopted since the adoption of the PoA in 2001(see Table 3.15).

**Table 3.15: Changes in brokering legislation**

| Country   | Developments after 2001 according to 2003 National Reporting  |
|-----------|---|
| Australia | Australia reports to be currently considering firearms brokering issues within the context of its obligations under the Firearms Protocol.  |
| Bulgaria  | Bulgaria reports having amended its brokering legislation to include provisions for a licensing regime for brokers.   |
| Canada    | DFAIT is currently conducting a study of existing Canadian and foreign legislation and regulations related to brokers and their activities.   |
| Estonia   | Estonian Ministry of Foreign Affairs reports that it is currently working on a new draft of the new Export Control Act, which would establish a brokering registry and introduce controls on military goods related brokering services and on technical assistance, thereby making the current brokering law more specific and comprehensive. At the time of reporting the new legislation was under governmental review. |

| Country | Developments after 2001 according to 2003 National Reporting  |
|---------|---|
| Finland | Finland asserts that rules concerning arms brokering were included in the Act on the Export and Transit of Defence Materiel in December 2002. A draft extension of jurisdiction covers all brokering transactions which take place on the Finnish territory as well as transactions abroad whenever carried out by Finnish citizens or private persons or companies domiciled in Finland irrespective of the origin of the items. The Ministry of Interior is also preparing the implementation of the United Nations Firearms Protocol. A motion to issue provisions on arms brokering concerning civil firearms and ammunitions is currently under preparation. |
| France  | France reports having adopted a decree on brokering on 3 January 2002. The decree establishes the licencing requirement for arms brokers. The regime applies to French residents or people established in France. It is also noted that "The regime should come along with criminal sanctions. The purchasing and reselling operations done abroad, by French residents or people established in France, and which are not covered by export control procedures, will be submitted to the same conditions."   |
| Germany | Germany reports having enhanced brokering controls by including new aspects in the new provision made to the War Weapons Control Act. Germany further reports being active in participating in the EU Working Group COARM, which endeavors to facilitate agreement on a Common Position on the control of arms brokerage <sup>14</sup> , and in the deliberations in the context of the Wassenaar Arrangement on the said subject. Germany reports having drafted, in cooperation with Norway, the section on brokering in the OSCE Best Practice Guide on Small Arms and Light Weapons.  |
| Greece  | According to Greece, "Consultation are underway among the competent ministries for amending the national legislation on arms exports in order to regulate arms brokerage according to the provisions of the recently adopted EU Council Common Position 2003/1168/CFSP/23.6.2003 on the Control of Arms Brokering."   |
| Hungary | Hungary reports that the entire structure of export controls and possession of firearms is, at the time of reporting, undergoing an overhaul with special regard to the regulations on transit controls and brokering activities. By July 2003 proposals for amendments to current government decrees and ministerial regulations were to be put forward by the responsible ministries.   |

| Country               | Developments after 2001 according to 2003 National Reporting  |
|-----------------------|---|
| Ireland               | The Irish Department of Enterprise, Trade and Employment has commissioned a review of Ireland's strategic controls systems with a view to recommending how to modernise and strengthen them, and address identified gaps (e.g., arms brokering).  |
| Italy                 | Italy reports that it is currently studying, at the national level, how to tackle cases of brokers that are residents or established in Italy and are arranging transfers of arms among third party countries.  |
| Lithuania             | Lithuania is currently considering establishing regulation on registration of arms brokers.   |
| Portugal              | Portugal notes that legislation concerning brokering activities has recently been drafted and presented to the Minister of Defense.   |
| Serbia and Montenegro | Brokering as a category in the sale of arms and military equipment is reported to be defined more precisely in the Draft Law on the Sale of Arms and Military Equipment and Dual-Purpose Goods. According to the report, procedures for obtaining a brokering licence and relevant measures and actions (broker registration, licencing and relevant penalties) have been provided for.   |
| Slovenia              | Slovenia notes that the Decree on Licences and Authorisations for Traffic in and Manufacture of Military Weapons and Equipment (Official Gazette RS, No 18/03) provides the legal basis for administrative procedures regulating the activities of those who engage in SALW brokering within national jurisdiction and control (e.g., registration of brokers, licensing or authorization of brokering transactions and appropriate penalties). |
| South Africa          | Brokering activities are reported to be regulated by the draft National Conventional Arms Control Act, which was drafted and subsequently adopted by the South African cabinet in May 2002. At the time of reporting, the draft was being considered by the Parliamentary Portfolio Committee on Defence.   |
| Spain                 | The report refers to a proposal to update Spanish legislation on the regulation of foreign trade in defence articles contemplates, in the final phase of the process, control of brokering activities, licensing for brokering operations, the registry of brokers and control documents for brokering operations.  |
| Thailand              | The Responsible Thai authorities have recently discussed developing national legislation and administrative procedures to regulate the activities of those who engage in small arms and light weapons brokering.  |

| Country        | Developments after 2001 according to 2003 National Reporting   |
|----------------|--|
| United Kingdom | <p>The United Kingdom reports that “The Export Control Act received Royal Assent in July 2002. Under draft implementing legislation, SALW trafficking and brokering activities that take place partly or wholly in the United Kingdom will require a licence. Full extra territorial controls will be introduced on United Kingdom persons whose activities facilitate the supply of military equipment to embargoed destinations. The July 2002 Export Control Act, will modernise the United Kingdom’s existing export control regime by introducing powers to control involvement in arms trafficking and brokering between overseas countries. The United Kingdom also recognises the need to ensure that future agreements reflect the concerns, problems, needs and priorities of developing countries and has set aside funds for the participation of experts and officials from affected countries in regional and international negotiations. The United Kingdom participates in the Wassenaar Expert’s Study on Brokering, and participated in the 2003 Oslo Conference on Brokering. Under draft implementing legislation, SALW trafficking and brokering activities that take place partly or wholly in the United Kingdom will require a licence (see Section II, para. 2).</p> <p>The Wassenaar Arrangement, on 11 December 2002, adopted a United Kingdom initiated set of “best practice guidelines” on Small Arms transfers.</p> <p>The United Kingdom organized a Conference in Lancaster House on strengthening export controls. The United Kingdom is very supportive of international efforts in this field e.g., Norwegian-Netherlands initiative and encourages the adoption of effective brokering laws and regulations by other States.”</p> |

### International and Regional Aspects of Reporting

At least 13 of the states addressing brokering in their 2003 national report discuss international and regional brokering initiatives on brokering. Most of such references were made by member states of the European Union. References were either to cooperation in COARM, or with reference to the European Code of Conduct in brokering. The Wassenaar Arrangement gets second-most references, with the United Nations Firearms Convention coming in as the third. Other regional instruments mentioned are the OAS, its CICAD, OSCE, the North Atlantic Treaty

Organisation (NATO) and the European Association of Political Consultants (EAPC).

### Assistance

Assistance to stem illicit brokering activities is not particularly addressed in the national reports. The US is the only country that mentions giving assistance to other states in controlling brokering activities and preventing illicit brokering. The US notes that it is currently cooperating “on export control assistance with over 30 countries, including developing arms brokering laws and regulations, and enforcement tools.” In addition, the US report states that the EXBS program (Export Control and Related Border Security Assistance) provides assistance in developing “effective arms brokering laws and regulations, and enforcement mechanisms”.

### CONCLUSION

Although only 50% of countries address issues on brokering in their reports, information provided indicates that arms brokering is one of the areas that has received increasing attention during the past couple of years. Licencing procedures and references to national legislation for brokers are the most commonly addressed sub-themes.

Furthermore, changes to national regulations on brokering are reported to be underway in many countries, particularly in Europe. However, the issue of extra-territoriality with regards to illicit brokering is referred to only in a handful of reports. Since arms brokering activities lack a universal definition, at least 20 countries made only general reference to the issue. Rather, some states indicate that no arms brokers operate in their respective country, or that for the time being there is no legislation in place to control brokering activities. Additionally, not much assistance has been given to control brokering activities, and no country refers to the need for assistance in this regard.

## RECOMMENDATIONS

- In the lead-up to the Review Conference in 2006, it would be useful to develop common criteria for brokering regulations, which could be achieved through information sharing and experiences on brokering regulations gathered from as many countries or regions as possible.
- States should consider reporting on progress made in regulating brokers through changes to their existing national legislation or administrative measures. For example, States could report progress on defining licit and illicit brokering, the issue of extra-territorial jurisdiction, appropriate penalties and also progress on international cooperation in preventing, combating and eradicating illicit SALW brokering.

### 3.7 COLLECTION AND DESTRUCTION

In the PoA, participating states undertake to destroy all confiscated, seized or collected SALW, with the exception of cases when a state grants an official authorization for their re-use. In practice, weapons collection and destruction is an integral part of several disarmament activities, be it through public awareness or DDR programmes, or the disposal of surplus weapons. The wide scope of this theme makes it extremely challenging and sensitive, which is also reflected in reporting; countries approach the information to be submitted into the reports according to their varying vantage points to weapons collection. The focus in this section will be on reporting on SALW that have been confiscated, seized or collected. On this issue, countries indicate several positive developments, and many report having provided assistance in either collection of weapons or in the technical aspects of their destruction.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

**At the national level:**

To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.

**(PoA, Section II, para. 16)**

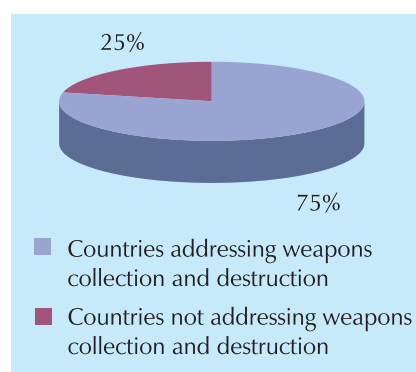
Additionally, paragraphs 18 and 19 of Section II<sup>61</sup> dealing with stockpile management, as well as the paragraph on providing assistance to the destruction of surplus stocks (Section III, paragraph 14<sup>62</sup>) address weapons collection and destruction. The theme also is mentioned with reference to the responsibilities of National Coordination Agencies, and to DDR activities. The focus in this section, however, is directly on reporting related to paragraph 16; other references to the collection and destruction of SALW are discussed under their corresponding themes.

Paragraph 16 of Section II focuses precisely on confiscated, seized or collected SALW. In the PoA, participating states undertake to destroy all such weapons, with the exception of official authorization of re-use by the state. Weapons to be destroyed may be from disarmament programmes, weapons amnesties, or discovered illegal arms caches—there is no differentiation between the source of the weapon and its destruction.

### REPORTING IN 2003

Weapons collection and destruction, as a separate theme from surplus weapons and DDR programmes, is referred to by at least 77 reports (75%) of the total 103 states that submitted reports to the UNDDA in 2003. This number does not include countries that refer to the collection and destruction of weapons in terms of surplus destruction (see Section 3.9 on Stockpile management and security).

**Graph 3.21: Reporting in 2003**



The most common way of referring to weapons collection and destruction in the 2003 reports is to combine it with surplus weapons, with public awareness programmes, or DDR; again depending on the situation within the country. Quite a few states deal with the issue mainly in terms of, and linked to, criminal actions and police activities.

In the national reports, many states report providing assistance to different weapons collection and destruction projects, while a few countries report having received assistance in that regard. Approaches to the issue vary widely: some states take a purely legislative or administrative point of view, others concentrate on examples of recent SALW collection and destruction activities.

The issues to be discussed in this section include:

- Reporting on public weapons destruction events;
- Methods of destruction;
- Numerical data on collected / destroyed SALW and ammunition.

In general terms, it is to be noted that even though weapons collection and destruction as a separate theme was not necessarily frequently referenced, some countries that submitted very brief reports (ie. Bangladesh, Barbados, and Senegal), concentrated precisely on weapons collection efforts, often providing detailed statistics on seized or confiscated SALW.

### **Reporting on Public Weapons Destruction Events**

At least 53 states addressed not only weapons collection programmes, but also destruction of SALW. Additionally, over 10 of the reports of 2003<sup>63</sup> stated that a public weapons destruction event had taken place. (See also Section 3.1.10 on Public awareness-raising.) Some of these had been organized prior to the 2001 Conference. The reporting on public weapons destruction events is concentrated in Africa. Other regions where these events are reported to have taken place are Central and South America and Asia.

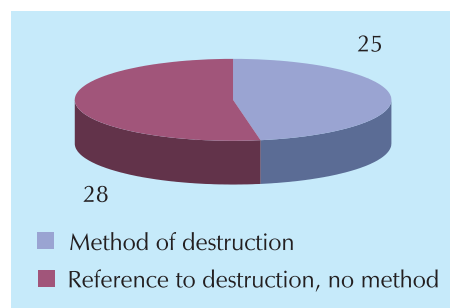


### Methods of destruction

Out of the 53 countries that reported on weapons destruction, at least 25 addressed methods for the destruction of seized, confiscated or collected SALW. Twenty-eight countries refer to destruction but do not indicate methods of such activities. (See Graph 3.22).

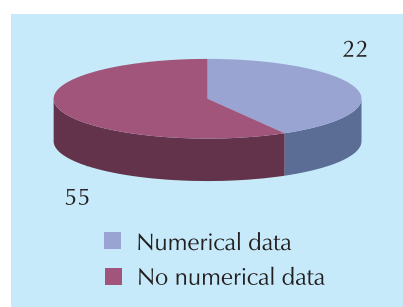
In many cases, the countries that indicate methods of destruction merely notes that there is no single method of destruction in place, but that the practice differs depending on the occasion and types of weapons that are to be destroyed. Reports that identify the method of destruction reveal a wide variety of means, from burning to crushing, shredding, melting, bending, cutting and splitting, either as the only method or used alternatively or in combination with something else.

**Graph 3.22: Destruction**



Even though not directly part of PoA commitments, many countries provide some kind of numerical data on collected or destroyed small arms and ammunition. Out of the 77 countries that reported on weapons collection and destruction, at least 22 countries give some form of statistics—

**Chart 3.23: Statistics on collected/destroyed weapons**



whether on the types and numbers of SALW disposed of during a single weapons destruction event, a collection programme, or in the form of annual statistics (See Graph 3.23). Usually, the data is given in the report as part of reporting on the theme, however, Benin and

India included tables on seized or collected weapons annexed to their report.

A handful of countries explicitly claim to destroy all collected, seized or confiscated weapons; most reports leave the question open, and a few countries note that as an alternative to destruction, confiscated, seized or collected SALW can also be re-sold, or re-distributed within the government relevant institution. In addition, the United States of America reports having in place an electronic database to account for destroyed SALW.

Regional or international mechanisms for weapons collections are rarely mentioned. A couple of countries include in their report a note that they submit periodically information about collected or destructed SALW to international or regional organizations, like the OSCE or the United Nations.

### Given Assistance

Many countries report having given assistance towards weapons collection and destruction. The reporting often contains detailed information about the particular programmes, such as references to funds allocated to it, achieved results, or future perspectives. The assistance, or at least reporting about it seems to have a regional component: although references to collection and destruction are common in Africa, European donor countries report to be supporting activities primarily in South-Eastern Europe, while Asean or Oceanian countries are providing assistance to countries geographically closer to them.

**Table 3.16: Assistance given to SALW collection and destruction**

| Country   | Reference to given assistance in SALW collection and destruction          |
|-----------|---|
| Australia | Australia reports having supported weapons collection in Solomon Islands. |

| Country        | Reference to given assistance in SALW collection and destruction   |
|----------------|--|
| Canada         | Canada reports to be supporting weapons collection activities through the Canada-West Africa Peace and Security Initiative; the OSCE training courses; and the UNDP Trust Fund. In addition Canada reports having contributed in 2003 to the UNDP project on collection of illicit arms and support for sustainable development of the N'Guigmi Administrative District in Niger. In Mozambique, from January 2001 to March 2002, Canada supported the Canadian University Services Overseas project "Transforming Arms into Ploughshares". In December 2002, Canada was instrumental in launching the NATO Partnership for Peace Trust Fund, and in this respect in launching an initiative to destroy ammunition in Albania. |
| Czech Republic | The Czech Republic reports having provided funding for the United Nations Foundation's Peace and Disarmament Education "Sustaining Weapons Collection and Preventive Violence" projects in Peru and Niger.   |
| Finland        | Finland reports that it provides financial support the UNDP Arms Control Project in Albania in terms of providing logistic support to weapons collection teams. In addition, the country reports having trained two small arms experts on the collection and destruction of SALW in the Swiss PfP Training Courses on the Collection and Destruction of SALW. Finland expresses willingness to participate in projects and workshops in the field on arms collection, destruction and stockpile management, and hopes that Finnish experiences in arms collection and destruction in peacekeeping operations could be utilised in international cooperation.   |
| Germany        | As troop contributor to SFOR, KFOR, Harvest and Amber Fox, Germany reports having participated in the collection of SALW in South Eastern Europe. It is also noted in the German report, that in all German support decisions, priority has been given to projects enhancing, in the receiving countries in question, implementation abilities as to control of the flow of weapons (export and import control, tracing ability) as well as to collection and destruction programmes in post conflict situations.  |
| Greece         | Greece reports having supported weapons collection and destruction projects through NATO operations, and direct contribution to NAMSA and SEEI Trust Fund.   |
| Ireland        | Ireland reports having contributed to a Canadian-led weapons destruction project in Albania in 2002, as well as to a Netherlands-led project in Serbia and Montenegro in the same year.  |

| Country                  | Reference to given assistance in SALW collection and destruction  |
|--------------------------|---|
| Japan                    | Japan reports undertaking a small arms collection project in Cambodia, focusing on regional developments in return for the collected weapons.   |
| Luxembourg               | Luxembourg reports having contributed in 2002 to the destruction of SALW in Albania through NATO-led operation.   |
| Netherlands              | The Netherlands reports to have contributed to destruction assistance projects in e.g., Albania, FRY, Kosovo and Cambodia. The Netherlands further reports having taken part in the development of the OSCE "Best Practices" Guide on SA/LW destruction, with the US and Canada.  |
| Norway                   | Norway reports to contribute to collection and destruction programmes in several regions, especially in the Balkans. She has also been a main contributor to the UNDP Trust Fund for Small Arms, operating in Albania. In addition, according to the Norwegian report, the Red Cross of Yugoslavia has initiated a campaign to reduce demand for weapons and prepare the ground for reduction through a collection campaign. This project is done in cooperation with the Norwegian Red Cross/NISAT. It may be developed into a regional programme that includes also Macedonia and Bosnia. |
| Poland                   | Poland notes that the participation of Polish troops in operations to collect SALW, particularly in post-conflict situations, (for example Kosovo mentioned) is carried out exclusively on the basis of mandates of international forces.   |
| Sweden                   | Sweden reports having given support to SALW collection as part of projects in inter alia Albania and Georgia. The report has an annex with an overview of all SALW-projects that Sweden is supporting or has supported since 2001.  |
| Switzerland              | Switzerland notes the 2nd Swiss PfP training course on the management collection and destruction of SALW, organized in Spiez, Switzerland, in June 2002.  |
| United States of America | The US reports providing technical and financial assistance inter alia in the destruction of illicit SALW stocks in Albania, Angola, Bulgaria, Serbia and Montenegro, Guinea, Lesotho, Mozambique, the Philippines, Romania, and Senegal. New projects are reported to be underway and/or under negotiation.  |

### Received Assistance

The following countries are a sample of those reporting to have received assistance related to weapons collection and destruction.

**Table 3.17: Assistance received for weapons collection and destruction**

| Country   | Reference to received assistance in SALW collection and destruction   |
|-----------|---|
| Argentina | <p>Argentina reports about activities in the province of Mendoza: "On 10 August 2002, 2,281 firearms were destroyed. They had been collected under the second stage of the Weapons Exchange Plan organized by the provincial government. On 21, 22 and 23 November that year, 2,264 weapons were also destroyed; they had been judicially confiscated and were in the custody of the provincial police (the weapons belonged to the Judiciary and an agreement was drawn up to enable them to be destroyed). In both cases, the method of destruction was "crushing by hydraulic press", as recommended in the report of the United Nations Security Council entitled "Methods of destruction of small arms, light weapons, ammunition and explosives". Technical assistance was provided by international weapons experts, who worked with experts from the Provincial Arms Registry. A verification and registration committee was set up, composed of representatives of UN-LiREC, the Inter-American Drug Abuse Control Commission of the Organization of American States (OAS/CICAD), the Royal Canadian Mounted Police, non-governmental organizations, and members of the national and provincial governments.</p> <p>The destruction of 6,547 pieces of ammunition resulting from the second stage of the Weapons Exchange Plan was carried out on 23 November 2002, using the "open-pit burning" method of destruction, according to the report cited in the preceding paragraph."</p> |

| Country                               | Reference to received assistance in SALW collection and destruction  |
|---------------------------------------|--|
| Paraguay                              | Paraguay notes that she has requested assistance from the United Nations in implementing the PoA. Work has been done in coordination with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) to prepare for the destruction of various types of weapons and ammunition, which was to take place in September 2003.  |
| Serbia and Montenegro                 | <p>Serbia and Montenegro give a thorough report on collected SALW. It is noted for example that: "In 2001, 52,000 pieces of small arms and light weapons were collected. In cooperation with the Embassy of the United States in Belgrade, an agreement on the financing of the project of destruction of those arms and weapons was concluded, while the logistic support and project evaluation was carried out by the Maintenance and Service Works in Cacak. The destruction procedures are in conformity with the standards provided for by relevant international institutions. The project was very transparent and given wide publicity in the media: a short footage of the destruction was aired on national television and the destruction was reported on in the print media as well.</p> <p>In 2002, additional 23,223 pieces of small arms and light weapons were collected and an agreement on the financing of the project of destruction was initiated with NAMSA. Funds have been ensured from donations and the destruction cost US\$ 381,000. The agreement with NAMSA was signed in late March 2003 and its implementation is expected to take place during the first half of 2003.</p> <p>3,859 pieces of small arms and light weapons were destroyed in the Smederevo Steel Works on 12 April 2003. The project was realized with the support and financing of the UNDP-SEESAC (South Eastern Clearing House for the Control of SALW) in Belgrade."</p> |
| Former Yugoslav Republic of Macedonia | The Former Yugoslav Republic of Macedonia reports inter alia on a NATO led mission "Essential Harvest", which aimed at voluntary handover/collection and destruction of small arms in possession of the belligerents.  |

### Needing Assistance

As in other themes, few countries report about the need for assistance on this issue. However, a couple of countries report that they would need assistance in weapons collection and destruction (see Table 3.18).

**Table 3.18: reference to needing assistance in SALW collection and destruction**

| Country  | Reference to needed assistance in SALW collection and destruction  |
|----------|--|
| Albania  | The country reports that collected SALW have not been totally destroyed, due to the lack of financial support. <sup>64</sup>   |
| Cameroon | Operation of the police, called "Harmattan", collects regularly illegal arms.<br>The country notes that financial assistance would be needed for these programmes, as well as to undertake initiatives on voluntary handover and destruction of weapons. |
| Sudan    | The country reports that it hopes to conduct weapons collection campaigns once the civil war is over. In this, help from the international community would be needed.  |

Despite of several references to weapon collection activities in the 2003 reports, it can be argued that there have been weapon collection programmes since 2001 also outside from what has been reported. Consequently, it becomes apparent that there is still much room for transparency in reporting on these programmes, especially since one would assume that in such cases as assistance programmes, both the country receiving assistance and the country providing it could mention it in their reports.

Table 3.19 shows examples of country reports about public weapons destruction programmes.

**Table 3.19: Public weapons destruction programmes**

|                                |   |
|--------------------------------|---|
| Argentina                      | The National Arms Registry has destroyed weapons publicly on two occasions at a steel mill on the outskirts of Buenos Aires; 3,131 firearms were destroyed on 13 September 2002 and 4,265 firearms were destroyed on 2 May 2003. All the information has been forwarded to the United Nations Department for Disarmament Affairs. On 10 August 2002, 2,281 firearms were destroyed. They had been collected under the second stage of the Weapons Exchange Plan organized by the provincial government. On 21, 22 and 23 November that year, 2,264 weapons were also destroyed; they had been judicially confiscated and were in the custody of the provincial police (the weapons belonged to the Judiciary and an agreement was drawn up to enable them to be destroyed). |
| Benin                          | Benin reports that seized and confiscated weapons are registered and destructed as part of operation "Flame of Peace", during the implementation of national awareness-raising campaign organized by the National Commission on SALW.   |
| Brazil                         | Brazil reports that public SALW destruction ceremonies take place annually in major Brazilian cities, with the support of federal states and municipal agencies and civil society.  |
| Congo (Democratic Republic of) | The Democratic Republic of Congo notes that one public destruction event has taken place in 2002.   |
| Haiti                          | Haiti reports that 249 seized and confiscated weapons have been destructed as part of operation "Flame of Peace".   |
| Mali                           | Mali reports having conducted a "Flame of Peace" operation in 2001, in addition to several other "mini flames of peace".  |
| Niger                          | Niger reports about an event prior to 2001, by referring to "Peace Lights" ceremony organized in September 2000.  |
| Philippines                    | Philippines refers to the time of the 2001 Conference by reporting that "a symbolic destruction through burning more or less 6,500 small arms and light weapons was held on July 10, 2001, the 2 <sup>nd</sup> day of the United Nations Conference on Illicit Trafficking of Small Arms and Light Weapons. Thereafter these burned firearms were cut into pieces by acetylene torch that completely rendered them unserviceable/unusable. For the year 2002, considerable number of firearms were again destroyed."  |



In addition, an example from the national report of Kenya:

**Box 3.15: Public destruction of SALW in Kenya**

“In compliances with commitments made under the various conventions and protocols signed by the country Kenya took a bold step on March 15<sup>th</sup> (2003) and commenced the destruction of its stocks of illicit small arms and light weapons. The initial public symbolic burning which involved 1015 assorted small arms and light weapons was presided over by His Excellency the Vice-President. A further 7046 assorted illicit weapons were destroyed by fire on 19<sup>th</sup> May 2003 adding up to a total of 8062”.

**National Report of Kenya 2003**

## CONCLUSION

In the national reports of 2003, weapons collection is usually linked to other areas of SALW activities, such as the disposal of surplus weapons or DDR programmes. Many countries provide some kind of numerical data on collected or destructed small arms and ammunition. Only few countries, however, report that all confiscated, seized or collected weapons are destroyed. The methods of destruction vary widely.

Some countries that submitted very brief reports gave a prominent place in their national reports for weapon collection and destruction efforts.

Many countries report that they are providing assistance for different weapons collection and destruction projects. As with other themes of the UNPoA, the number of countries reporting about received assistance is much smaller. There seem to be regional links in assistance of SALW collection programmes, for example in the sense that European countries seem to be supporting countries from Central and Eastern Europe. In general, European countries report the most about assistance given to weapons collection activities in general. Since the adoption of the UNPoA, at least ten countries have organized public weapons destruction events. The Americas and Africa seem to have been the most active regions in undertaking weapons collection and public weapons destruction programmes. Comparing information from other sources about completed and ongoing weapons collection programmes indicates that there is much work to be done on the transparency in reporting on these programmes.

## RECOMMENDATION

- It could prove useful if reports on weapons collection included an evaluation of whether these programmes adequately addressed the social, political, economic and environmental contexts that feed the desire to obtain or retain weapons even after a conflict has ended.

## 3.8 DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

Disarmament, demobilization and reintegration activities are an integral part of any post-conflict reconstruction efforts. The UNPoA refers to DDR in terms of collecting, storing and destroying SALW. However, as will become evident through examples in this section, DDR programmes are often interpreted through other areas, such as capacity-building and training. This section will also include references in the national reports towards the special needs of children affected by armed conflict.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

### At the national level:

To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

**(PoA, Section II, para. 21)**

To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

**(PoA, Section II, para. 22)**

The reference to DDR programmes in paragraph 21 can be interpreted to cover both regular arms-collection programmes and the ones conducted in post-conflict situations. In this regard, the PoA refers specifically to the special needs of children affected by armed conflict.

To understand the nature of the DDR programmes referred to in the PoA, it is important to consider each of its three components (see Box 3.16).

#### **Box 3.16: Defining DDR**

**“Disarmament** is the collection of small arms and light and heavy weapons, from both civilians and combatants, within a conflict zone. It frequently entails the assembly and cantonment of combatants. It should also comprise the development of responsible weapons and ammunition management programmes, including their safe storage and their final disposal, which may entail their destruction. Demining may also be part of this process.

**Demobilization** refers to the process by which parties to a conflict begin to disband their military structures and combatants begin the transformation into civilian life. It generally entails registration of former combatants; some kind of assistance to enable them to meet their immediate basic needs; discharge, and transformation to their home communities. It may be followed by recruitment into a new, unified military force.

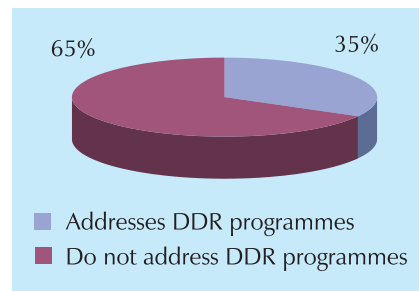
**Reintegration** refers to the process that allows ex-combatants and their families to adapt, economically and socially, to productive civilian life. It generally entails the provision of a package of cash or in-kind compensation, training and job- and income-generating projects. These measures frequently depend for their effectiveness upon other, broader undertakings, such as assistance to returning refugees and internally displaced persons; economic development at the community and national level; infrastructure rehabilitation; truth and reconciliation efforts; and institutional reform. Enhancement of local capacity is often crucial for the long-term success of reintegration.

The disarmament, demobilization and reintegration process may need to include special attention to **the needs of child soldiers**. A child soldier has been defined as any person under 18 years of age who forms part of an armed force in any capacity, and those accompanying such groups, other than purely as family members, as well as girls recruited for sexual purposes and forced marriage.”

### REPORTING IN 2003

Of the 103 national reports submitted to the UNDDA in 2003, at least 36 reports address the question of DDR, either explicitly by name or by describing project activities fitting under the description of those programmes. Of these, seven address the question but note that it is not applicable to them, since they are not in a post-conflict situation.

**Graph 3.24: Reporting in 2003**



Apart from the countries noting the issue as non-applicable to them, references to DDR can be divided in two groups:

- Countries reporting that they are providing financial or technical assistance to DDR projects; and
- Countries reporting that they are in post-conflict situation and describing the projects within the country.

In this sense, reporting on the subject is not limited only to countries currently under or having recently experienced armed conflict, but is more evenly divided. Of the countries that talk about disarmament, demobilization and reintegration, at least 16 identify themselves as post-conflict countries. All these seem to note that a DDR programme, or programmes, have been undertaken to tackle the problem. Only four, however, link the programmes with assistance that they have received—DDR programmes are mostly referred to without noting what has been provided, if any, to the countries carrying out the programme.

Over ten of the countries that address DDR issues can be identified as countries assisting affected regions. As with other themes, the assisting countries are more thorough in indicating what kind of programmes are ongoing, and including details on joint projects, funding, timelines etc.

Only two affected countries, Algeria and Burundi, refer to the need for further assistance in DDR programmes (see Box 3.17). The former,

however, talks about the problem in more general terms than as an appeal for assistance:

**Box 3.17: Desiring Assistance**

According to Algeria, in order to prove effective and productive, international cooperation has to ensure the reinforcement of necessary national capacities to tackle the problem of illicit small arms. This has to be taken into account through financial and technical assistance for national DDR programmes in post conflict situation and in destructing collected illegal weapons.

**National Report of Algeria, 2003**

Burundi notes that lack of finances hinders the effective undertaking of DDR programmes, and in the “Faced Difficulties” section, it notes that international financial assistance would be needed to undertake these programmes.

**National Report of Burundi, 2003**

One of the biggest ongoing DDR activities is the multi-party donor programme, supported by the governments of Canada and Sweden among others, on disarming ex-combatants involved in the conflict in DRC and covering the whole Great Lakes region.

Of the countries giving assistance for DDR programmes, Sweden stands out for the number and detail provided about different DDR projects, including those concentrating on the particular needs of children in armed conflict. The following is an example of Swedish project reporting, annexed to the country’s national report:

**Table 3.20: Swedish project reporting**

| Project  | Organization | Description of Project                        | Funding (SEK) | Duration  |
|--|--------------|---|---------------|-----------|
| DDR: Demobilisation Programme in Guinea-Bissau | World Bank   | Disarmament, demobilization and reintegration | 2.5 million   | 2001-2002 |

| Project  | Organization                     | Description of Project   | Funding (SEK) | Duration  |
|--|----------------------------------|--|---------------|-----------|
| DDR: Collection of Weapons and Reintegration of Ex-combatants  | UNDP                             | Disarmament, demobilization and reintegration                  | 10 million    | 2001      |
| The development of a resource database in DDR and continued support for international course in DDR. | Swedish National Defence College | DDR: Capacity building and awareness raising                   | 3,2 million   | 2001      |
| Trustfund for reintegration of ex-soldiers in Sierra Leone   | World Bank                       | Disarmament, demobilization and reintegration                  | 2 million     | 2002      |
| DDR Cambodia   | World Bank                       | DDR of ex-combatants   | 24 million    | 2001      |
| DDR; focus on children in south Sudan  | Save the Children, Sweden        | Demobilisation and reintegration of 1600 child soldiers        | 7 million     | 2002-2003 |
| Humanitarian support including DDR in Sierra Leone   | Swedish Church Lutherhjälpen     | Peacebuilding with focus on re-integration of ex-soldiers      | 2.6 million   | 2002      |
| Child soldiers in DRC  | UNICEF                           | Preventing recruitment of child soldiers                       | 4 million     | 2002      |
| DDR Congo-Brazzaville  | UNDP                             | Disarmament, demobilization and reintegration of ex-soldiers   | 5 million     | 2002      |
| Peacebuilding Afghanistan  | UNDP/UNOPS                       | Many components, including re-integration of former combatants | 35 million    | 2002-2003 |

| Project  | Organization                                     | Description of Project  | Funding (SEK) | Duration  |
|--|--|---|---------------|-----------|
| Multi-country DDR-programme, Great Lakes Region                      | World Bank                                       | A regional framework for DDR processes of soldiers involved in the conflict in DRC  | 20 million    | 2002      |
| Legal and HR programme Somalia                                       | UNDP   | DDR of ex-combattants. Reform of legal system, including police. Mine-clearance     | 5 million     | 2002      |
| Humanitarian support; focus children DRC                             | Save the Children United Kingdom                 | Several activities, including DDR of children                                       | 34 million    | 2002-2004 |
| Regional programme for disarmament and demobilization, Latin America | SweFOR   | Includes continuation of the parliamentary exchange on SALW, awareness raising etc. | 4.4 million   | 2002-2003 |
| Rights of children and women in Sri Lanka                            | Government of Sri Lanka                          | Includes several components, special focus on children affected by armed conflict   | 26 million    | 2002-2003 |
| Re-integration of ex-soldiers in Sri Lanka                           | Association of Disable ex-service Personnel      | Re-integration of the members of the association into society                       | 0.4 million   | 2002      |
| DDR Guinea Bissau  | Government of Guinea Bissau; Coordinator Correia | DDR programme for 16 000 ex-soldiers  | 20 million    | 2002-2003 |
| Propaz—Program de Promocao de Paz Mozambique                         | Diakonia   | Conflict resolution; DDR of ex-soldiers incl. Women                                 | 0.3 million   | 2002      |

Source: National Report of Sweden 2003, annex 1.

### Special Needs of Children Affected by Armed Conflict

Only a handful of countries address the special needs of children affected by armed conflict: Australia, the Netherlands, Sweden, Switzerland and the United States define the projects they are funding on the subject, and four countries, namely Malaysia, the Russian Federation, Sri Lanka and Tajikistan identify themselves as being affected by the problem.

Here, Sri Lanka provides a good example of addressing the issue:

#### **Box 3.18: Special needs of children: Sri Lanka**

“Of the 2.5 million people living in the areas directly affected by conflict, approximately 1 million are children under the age of 18. Therefore, addressing the special needs of these children is one of the main concerns of Sri Lanka, which is a State Party to the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Involvement of Children in Armed Conflicts.

Under trying circumstances, the Government of Sri Lanka has taken several measures for the promotion and protection of rights of children, in particular those who have been directly affected by conflict. On the other hand, as stated in its Humanitarian Action Report 2003, the UNICEF is scaling up its response to address the rights of children and women affected by armed conflict and to meet the immediate needs of returning IDPs and host communities. In the transition towards peace, UNICEF has focused its strategic response on three key sectors affecting women and children in the conflict-affected Northeast; education, water and sanitation, and child protection (including underage recruitment, mine risk education and psychological care and support). In collaboration with WHO, UNICEF will also support maternal and child health recovery in areas of high return.”

**National Report of Sri Lanka, 2003**

Practical experience indicates that as in many other themes, reporting on DDR initiatives is far from complete. This is partly due to the fact that especially affected countries where DDR programmes are ongoing, may not have had the necessary resources to draft national reports, or have not seen the aspect as an important element to be taken into account in the reports.



## CONCLUSION

Countries that report on DDR activities are usually countries that have either themselves recently experienced armed conflict, or are providing financial or technical assistance to conflict regions. As with weapons collection programmes, reporting about ongoing DDR activities covers the ongoing programmes only partially, i.e., from the point of view of donors as well as by affected countries. Overall, it seems that assisting countries are more eager to report about the assistance they have given to DDR programmes, and often provide details about the programmes they are supporting, with references to the country, the duration of the project, funds made available to the project, as well as the cornerstones of the specific projects. As can be seen from the few references regarding the need for assistance, they are not specific requests but rather general notes about the lack of capacities.

Paragraph 22 of the PoA on children affected by armed conflict was rather weakly covered. This might be due to the fact this theme is not applicable to most countries, states receiving assistance failed to mention it in their reports or there are not many ongoing programmes related to this theme.

## RECOMMENDATIONS

- Post-conflict states should consider providing a greater indication of needed DDR assistance, and to identify needs as precisely as possible, in order to give potential donors a concrete idea of what is required and whether that fits with their capacities for assistance.
- States are encouraged to report specifically on how they have addressed the special needs of children affected by armed conflict, in particular in relation to family reunification, the reintegration of child combatants into society, and appropriate rehabilitation.

### 3.9 STOCKPILE MANAGEMENT AND SECURITY

The inclusion of stockpile management and security measures in the Programme of Action has been considered as one of its main achievements. Naturally, the needs and capabilities of states largely determine the type of control needed to effectively control the stockpiling of small arms and light weapons as well as ammunition. However, in the UNPoA, participating states agree on certain principles and measures to be taken towards the stockpiling weapons of armed forces, police, and other authorized bodies such as customs authorities or prison service personnel. The past two years have seen some significant steps in improving stockpile management and security, as well as in providing assistance. However, much remains to be done in terms of implementation.

This section looks at reporting on stockpile management and security, with a special emphasis on reported changes in the national practises since 2001, as well as in relation to assistance provided, received and desired. It will further look at the issue of surplus weapons.

In the Programme of Action, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

#### At the national level:

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. These standards and procedures should, inter alia, relate to: 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; and procedures and sanctions in the event of thefts or loss.

**(PoA, Section II, para. 17)**

To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and

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light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

**(PoA, Section II, para. 18)**

*And 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 subregional mechanisms in this regard.*

**(PoA, Section II, para. 29)**

In the UNPoA, participating states agreed to address national standards and procedures in place to manage and secure SALW stocks held by armed forces, police, or other authorized bodies such as customs authorities or prison service personnel. In reporting about the implementation of the PoA, countries are encouraged to indicate the frequency of reviews for SALW stockpiles, the counting of weapons and the disposing of surplus weaponry with a view to determining whether these procedures meet existing requirements in place in the country in question.

Moreover, in the UNPoA states undertake to conduct regular reviews of stockpiles, to identify stocks surplus to requirements, and to implement programmes for the responsible disposal of the weapons surplus to requirements. A preference is given to the destruction of surplus weapons over, for example, selling or giving them to third parties.<sup>65</sup> Regional and sub-regional mechanisms in the PoA are taken into account especially in terms of physical security measures for SALW, and countries undertake to implement these mechanisms.

Setting the issues of stockpile management and control on the international agenda has been considered as one of the key achievements of the UNPoA.<sup>66</sup> This was also apparent in the 2001 Conference, where stockpile management was taken up by 62 states in their national statements. Emphasis was on government stocks being a source for illicit

weapons through theft. Many countries therefore called for improved national regulation of stockpile management and security.<sup>67</sup>

The UNPoA takes into account the different systems in place for weapons control in member states. When looking at the specific sub-themes of stockpile management, for example the following aspects might prove useful to take into account:

- The physical security measures (proper design and construction):
  - Security measures ensuring strict control over the facilities and their types (checks of keys, doors, alarms, lighting, guards, fences etc.); storing firearms and ammunition separately; and storing arms dismantled and separately from their components;
- The positioning stockpiles in appropriate, secure locations:
  - Matters to be taken into account when determining the location and sitting of the storage facilities, legislation or directives concerning security regulations, and procedures/principles of centralization/concentration of the facilities;
- Controlling the access to stocks:
  - Access to a limited number of personnel; directives or regulations according to which access is approved or rejected; security screening of all personnel; and controlling the possession of keys to stocks ensuring that the same person does not have keys to both weapon and ammunition storages;
- Inventory management and accounting:
  - Keeping complete records on quantities, usage, consumption and decommissioning of firearms and ammunition; reporting losses or thefts; ensuring periodic checks of records, and seeing that they are audited and submitted to inspection authorities; procedures used in reviews/audits/inventories;
- Well-trained, dependable staff:
  - Ensuring regular training of personnel, including training preparing the personnel for emergencies and threats;
- Security, accounting and control of SALW during transport:
  - Measures improving the security of transports; planning transport routes in advance and keeping this routing information classified; armed escorts to transfers; supplementary measures with respect to regular movements of

- 
- firearms and ammunition; and transporting weapons and ammunition separately as well as weapons and their parts; and
  - Setting in place procedures and sanctions in the event of thefts or loss:
    - Procedures in the event of any loss of weapons; authorities responsible for the investigation of thefts and losses; application of civilian law by relevant authorities; frequency of investigations of criminal offences; and frequency of disciplinary sanctions on the grounds of dereliction of duty.

Despite the positive developments in the period following the adoption of the UNPoA, much remains to be done. Conditions for effective and reliable stockpile management are difficult to meet in developing countries, and they remain an issue in industrialized states as well.<sup>68</sup> This also appears to be the case with reporting, particularly in addressing surplus weapons and their usage—an issue which is referred to in the PoA, but which has received a rather vague response from states.

The UNPoA does not refer to protection measures in emergency situations (whether there is an emergency/contingency plan in place, and whether it is periodically updated/amended; if storage facilities are directly subordinated to services; and whether security measures provide adequate protection in emergencies). However, some countries, such as the Czech Republic, do address it in their national reports, likely due to the fact that it is included in the OSCE information exchange. Bulgaria also has an annex on stockpile management as part of the national report of 2003.

Aside from the UNPoA, stockpile management is scarcely coordinated at the global level, the most notable reference-point being the United Nations Firearms Protocol. However, there have been a few initiatives to standardize government stockpiles at the regional level (see Box 3.19 and 3.20).

**Box 3.19: International action on stockpile management and security outside the PoA**

The most notable international instrument addressing stockpiling of small arms and light weapons, is the The United Nations Convention against Transnational Organized Crime. This so called United Nations Firearms Protocol sets some common requirements for stockpile management, even though only in terms of manufacturers' stockpiles. References to this instrument are apparent also in national reports submitted in 2003.

**Box 3.20: Regional and sub-regional mechanisms**

After 2001, there have been multiple international and regional meetings on stockpile management (see Annex on meetings after July 2001).

The OSCE has, during the past years, given considerable attention to stockpile management and security issues. National Procedures for Stockpile Management and Security are included in the OSCE Handbook of Best Practices on Small Arms and Light Weapons (Guide no. III). In addition, the OSCE included stockpile management first time in their information exchange in June 2002.

The European Union has addressed stockpile management largely in terms of commonly coordinated assistance to third countries. It has provided funding inter alia for the construction of secure storages and for the establishment of a comprehensive system for stockpile registers. For example in June 2001, at the Canada-European Union (EU) Summit in Stockholm, the EU and Canada agreed to examine, in cooperation with the government of Albania, how they could contribute to reducing problems related to excess stocks of ammunition in Albania, a project that resulted i.e., in an initiative to destroy surplus weapons and ammunition.

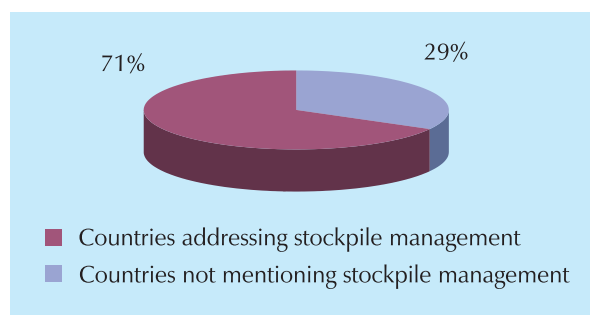
Also NATO has addressed stockpile management in terms of assistance by adding a new chapter to the Partnership for Peace work programme "to promote training in stockpile management and secure storage, disposal and destruction of surplus stocks, as well as weapons collection and destruction during peacekeeping operations".<sup>69</sup> NATO is also providing individualized assistance in stockpile management upon request.<sup>70</sup>

The OAS addresses stockpile management in its Convention in general terms, calling for secure storage of seized weapons.

## Reporting in 2003

Stockpile management and security is one of the most widely covered issues in national reporting in 2003: at least 73 (71%) out of the total 103 states that submitted reports to the UNDDA in 2003 address this topic.

**Graph 3.25: Reporting in 2003**

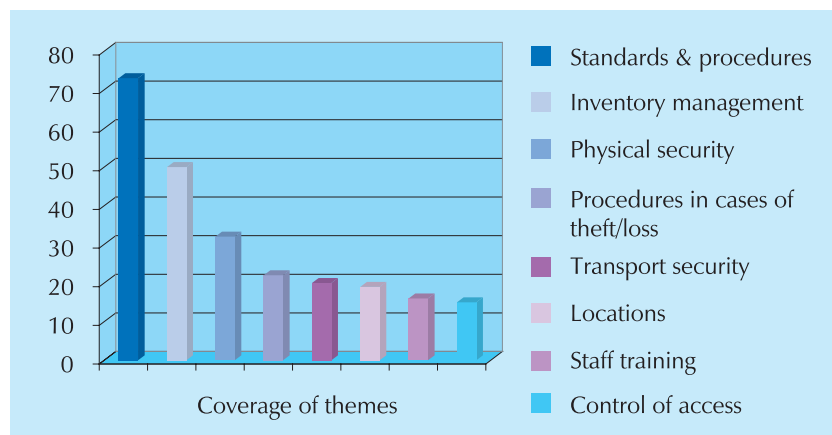


The PoA refers to stockpile management under eight sub-sections, in each of them referring to stocks held by armed forces, police, or other authorized bodies:

- Standards and procedures in place to control and secure stocks;
- Stockpile locations;
- Management of stockpile inventories;
- Physical security of stocks;
- Control of access to stockpiles;
- Transport security;
- Procedures in place for cases of theft or loss of weapons;
- Staff training.

All states that refer to stockpile management in their national report, address the **standards and procedures** related to it in one way or another (see Graph 3.26).

**Graph 3.26: Countries addressing different aspects of stockpile management**



**Inventory management and accounting** is referred to by almost 50 countries, whether in the form of frequency of government stock reviews, overall inventory procedures, or in terms of keeping record of SALW stockpiled in the armours of the police, armed forces, or other competent authorities. Many countries address for example the frequency of stock reviews by saying that the stocks are “regularly” or “periodically” reviewed, even though some were really explicit in differentiating annual reviews, ad hoc-investigations, and the different inventory measures applying to different relevant authorities. Under inventory management and accounting, many refer also to keeping records of the stockpiled weapons. Here, like in the discussion on marking and tracing measures as such, practices vary—records are described to be kept either for a definite time-period (7-10 years), for unlimited period of time, or “eternally”. In addition, Argentina, Costa Rica, Latvia and the Republic of Korea among others refer to databases or computerized accounting systems set up to control stocked weapons.

Uganda provides an example of recent developments in inventory management and accounting in its 2003 national report (see Box 3.21).



### Box 3.21: Inventory management and accounting in Uganda

“All security agencies have undertaken to register and maintain proper records for all firearms owned and controlled by them through computerized databases. This will enhance accountability for firearms improve capacity for verification of stocks and help the tracing of any lost and recovered firearms. The Uganda Police Force (UPF) has initiated a computerized database for firearms owned issued and regulated by the police as well as firearms seized or recovered during law enforcement duties.”

National Report of Uganda, 2003

**Physical security** issues, with references to alarm systems, locking of doors etc. are taken up by 32 states. The reports address, inter alia, the following aspects as important elements in ensuring physical security of the depots:

- Adequately strong walls, floors and ceilings; sufficient fences;
- Suitable locking systems;
- Insulation and ventilation of the stockpiles (by for example circulating and renewing the air);
- Adequate 24-hour surveillance system;
- Location which facilitates this internal and external surveillance;
- Permanent electric lightning;
- On on-site alarm system or remote monitoring (by for example external video tape surveillance);
- Telephones or push-button alarms inside the depot to be used in emergencies (connected to the security or guards' office);
- Necessary and adequate fire-fighting devices.

**Procedures and sanctions in cases of theft or loss** are taken up by just over 20 states, mostly stating that the necessary measures are taken for theft or loss of weapons from the stockpiles.

**Transport security** is discussed by roughly 20 states. For example Albania reports having adopted a “transportation regulation book” by the Ministry of Defence, providing the necessary measures to maximize transportation security. A few countries note that weapons and ammunition are transported separately, and that transport security measures follow the same standards as stockpiling itself.

At least 19 states talk about ***the location of stockpiles***, primarily by noting that the stockpiles are located outside urban areas in army or police garrisons. For example Poland writes, “location of arms stockpiles is determined by such criteria as distance from population centers, distance from transportation routes and junctions, possibility of utilizing existing infrastructure and of ensuring the security of the stored arms and ammunition.”

***Staff training in stockpile management*** is addressed in about 15 reports, covering different aspects of training. However, as opposed to references to training in the country itself, the reports concentrated mainly on assistance, reviewing ongoing training programmes and other assistance given to countries.

***Control of access*** is taken up by at least 14 states, the least number of references for different sub-topics of stockpile management. This might be due to the fact that in some cases, it was sort of implicitly covered under inventory measures or physical security.

There is no uniformity in the number of issues which countries address within stockpile management—four countries (Czech Republic, France, Italy and Sweden) address all the aspects set out above, whereas a wide majority has chosen to concentrate reporting on a couple of the issues on stockpile management and security.

### References to International and Regional Commitments

A handful of countries refer to the OSCE in terms of stockpile management: the most substantial one is the Czech Republic, who provides an annex entitled “*Some questions and answers regarding National Stockpile Management and Security procedures*” referring to the “OSCE Document on SALW IV(E)2”. Lithuania refers to OSCE in terms of defining surplus weapons. Russia plans to provide the OSCE in June 2003 with information on the number of small arms and light weapons destroyed in the Russian Federation in 2002. In addition, Switzerland refers to this information exchange by noting that it submitted information on small arms and light weapons in June 2002. This exchange focused mainly on information relating to the national administration of stockpiles and the national security procedures of the Swiss armed forces. Annex 1 on the

administration of stockpiles and national security procedures of the Swiss armed forces reproduces extracts from this exchange of information. The United Kingdom notes that: “Together with Spain and Switzerland, the United Kingdom has led preparation on the OSCE Best Practices Guide on SALW stockpile management. The United Kingdom is also providing financial support for the publication of OSCE best practice guides.” Ukraine informs that they exchange information about destroyed SALW to the OSCE.

As an ally to NATO, Belgium reports respecting the “STANAG” agreements on stockpile management, which have been translated into Belgian national security directives, and elaborated in conformity with the rules issued by the legislator. With regard to physical security measures, Germany also notes that it applies NATO’s standardisation of storage and security procedures.

### References to Changes in National Practices since 2001

There seems to be changes underway in stockpile management and in the structure of the national armies. For example, the following countries report having made changes to national legislation, regulations and practises after the adoption of the PoA in 2001:

**Table 3.21: Changes in national practice**

| Country   | Reported developments after 2001  |
|-----------|---|
| Australia | As part of the recent firearm/handgun reforms in Australia, firearm authorities are required to review the adequacy of safe storage, and audit arrangements. Additional emphasis in these reforms is also given to information and publicity material on the need for the safe storage of firearms. |
| Canada    | Reporting requirements for public agency firearms will be set out in Public Agents Firearms Regulations, which are not yet in force.  |
| Latvia    | The country has introduced new national standards and procedures in the management and safety of armories of light weapons in the Law on Arms Circulation of 6 June 2002 and a number of CM Regulations. In addition, a new CONCORD computerized accounting system has been introduced.             |

| Country            | Reported developments after 2001  |
|--------------------|---|
| Lithuania          | In Lithuania, the Law on the Control of Arms and Ammunition, the government's Resolution on Approval of Regulation Governing Circulation of Arms and Ammunition (a new draft is reported to be produced by 1st July 2003), the Arms and Ammunition Stockpiling, Inventory and Accounting Rules.   |
| Romania            | Romania reports that the stockpiles of the Ministry of Defence are managed and kept in accordance with the "Norms for endowment with armaments, equipment and materials during peace and war time" and "Stockpiles distribution", approved by government Decision no.75/2002. It is reported that the restructuring programmes of the Police, Border Police and Gendarmerie will result in a surplus of weapons and ammunition. In order to generalize the results of registering the weapons of different structures and set up a unified registration system in the industry, a draft state programme for 2003-2007 has been drawn up for "the technical upgrading of the registration and control system for the production of weapons, cartridges, ammunition, and explosive materials". The phased implementation of this programme will make it possible to enhance the effectiveness of weapons control throughout the technological cycle of their creation and storage and also to set up a unified state weapons-registration system. |
| Russian Federation | According to the Russian Federation, a draft decree of the government was formulated in 2003. This expands the list of facilities subject to state protection to include all weapons storage sites, regardless of type of ownership. In addition, a Draft State Programme is reported to have been set up for 2003-2007.  |
| Solomon Islands    | Solomon Islands note in her report, that an International Peace Monitoring Team (IPMT) audited the Solomon Islands central police armory in 2001, and found that there were no proper accounting measures in evidence for the storage of ammunition and explosives. The offer of training and technical assistance by Australia and New Zealand led to the establishment of the Australia (AusAID)-funded Law and Justice Program, which has led to "significant progress in the areas of small arms accounting procedures, physical security, and disposal of both weapons and munitions".   |

| Country      | Reported developments after 2001   |
|--------------|--|
| South Africa | In South Africa, steps have been taken to improve the management of state owned firearms. This includes a comprehensive audit of all state-owned firearms, the standardization of calibre's used and the improvement of safekeeping facilities. Some R3,2 million was approved in July 2001 for the upgrading and/or installation of new safes for the South African Police Service.   |
| Sri Lanka    | Sri Lanka notes that the Ministry of Interior recently initiated a project to compile a list of weapons that were issued by state institutions to private persons and are unaccounted for.   |
| Sudan        | National Office for Small Arms and Light Weapons has, according to the Sudanese report, begun work under the General Directorate of Penal Affairs of the Ministry of the Interior, i.e., "to draft the necessary rules to safeguard the stock of weapons and rules for its management".  |
| Thailand     | According to the national report of Thailand, the Ministry of Defense is developing a system to make arms stocks anywhere in the country to be the same as the currently operational online system.  |
| Uganda       | Uganda reports that "the Uganda People's Defence Forces (UPDF) has reorganized its department of military equipment to promote more effective control and proper accountability for arms, and taken steps to ensure proper storage, handling, maintenance and regular inspection of arms". "Arms Officers" and "Arms Records Officers" have been designated at all levels within military units to promote effective arms management, and to maintain record of all arms stocks and their movements. The police and the military have identified and taken steps to withdraw from operational units, any surplus weapons accumulated over time, for safe storage in central armories. In addition, procedures to ensure prompt and effective disposal and handling of firearm exhibits by police, and of lost and recovered firearms are being reviewed. |

| Country | Reported developments after 2001  |
|---------|---|
| Yemen   | In Yemen, "as part of the implementation of the administrative and financial reform policy in the country, the government is placing ever greater importance on "completing and applying the administrative system, particularly in respect of the demand for, purchase and import of, accounting for, storage and safekeeping of arms, including light weapons. It has placed similar importance on strengthening the role of the supervisory bodies in this respect, and has allocated millions of dollars for the installation of warehouses that meet scientific and international specifications for the safekeeping of weapons and their accessories". Concerned parties have been directed to prepare and equip a training and education centre for the training of workers and specialists in the procedure of accounting for and storing weapons and ways of maintaining, repairing and destroying them. The education centre started its work in the second half of 2003. |

### Assistance

**Table 3.22: Countries reporting having given/currently giving assistance**

|         |   |
|---------|---|
| Finland | The country reports that two Finnish small arms experts on the collection and destruction of SALW and on Stockpile Management and Security of SALW in the Swiss PfP Training Courses on the Collection and Destruction of SALW and in Switzerland in June 2002.<br>Finland expresses willingness to participate in international or bilateral projects and workshops requested by the recipient country in the field on arms collection, destruction and stockpile management. Finland offers expert assistance.  |
| Canada  | Together with the EU, and in cooperation with the government of Albania, Canada reports having participated in a programme aimed at reducing problems related to excess stocks of ammunition in Albania. In December 2002, Canada was instrumental in launching the NATO Partnership for Peace Trust Fund and in launching an initiative to destroy more than 11,665 tons of ammunition in Albania. In addition, Canada reports that the Department of National Defence conducts a wide range of training in the general fields of physical security of facilities, general inventory control, records management, etc. |

|                          |   |
|--------------------------|---|
| Italy                    | The country notes that it has been giving assistance to Albania inter alia in stockpile management since 1997.  |
| Norway                   | Norway reports that a team of Norwegian and US experts has been assisting Romania (2002), Bulgaria and Macedonia (already in 2000) in evaluating stockpile management and surplus stocks of SALW. These visits have been organized in the framework of the US-Norwegian Small Arms Working Group.   |
| Slovenia                 | The country reports that it has supported many regional and international programmes for specialist training on small arms stockpile management and security.   |
| Spain                    | According to the national report of Spain, the country is providing technical and financial assistance to countries affected by the widespread stockpiling of weapons.  |
| Sweden                   | Sweden reports about training of personnel from Estonia, Latvia and Lithuania in stockpile management, especially the transfer of SALW.   |
| Switzerland              | The country reports providing training for experts in different fields, and mentions the 2nd Swiss PfP training course on the management of small arms and light weapons, management of stockpiles and security, held in Spiez, Switzerland in June 2002.   |
| United Kingdom           | The United Kingdom reports to be seeking the further assistance programmes to include stockpile management advice, including security sector reform programmes. Through its support to the UNDP Small Arms Trust Fund, which includes assistance for regular review of stocks, surpluses and storage/destruction within its programmes, as well as through support for the development of national action plans, the United Kingdom is assisting efforts to improve stockpile management and security, particularly in South Eastern Europe. In addition the United Kingdom assists countries in the destruction of excess and illicit SALW stocks, and provides financial assistance for training in stockpile management and security at the regional level, particularly in South eastern Europe (UNDP) and south America (UNLiREC). |
| United States of America | The US reports having given presentations on US stockpile management and physical security practices, as well as assistance programmes to the UN, OSCE, Stability Pact, NATO/EAPC, OAS, and other multilateral organizations. The US offers a pilot training programme in stockpile management and security, and provides technical and financial assistance in the destruction of surplus and illicit stocks of SALW.  |

**Table 3.23: Countries reporting having received/currently receiving assistance**

|                 |   |
|-----------------|---|
| Albania         | US, Canada, Italy, Denmark and NATO have provided assistance in the framework of bilateral cooperation in personnel training and the enhancement of stockpile management and security procedures.   |
| Burkina Faso    | The country reports about four projects to reconstruct infrastructures for the securitisation and management of stocks. It is also noted that these infrastructures are necessary not only to secure the weapons, ammunition and explosives of the armed forces, but also for weapons waiting to be destroyed.  |
| Solomon Islands | Related to the activities presented in the box on changes underway since 2001, the offer of training and technical assistance made to the Solomon Islands by Australia and New Zealand in August 2001 has led to the establishment of the Australia (AusAID)-funded Law and Justice Program, whose continuing collaboration with Solomon Islands police is reported to having led to significant progress in the areas of small arms accounting procedures, physical security, and disposal of both weapons and munitions, including improved procedures for the management of police firearms. |

Two countries refer to the need of assistance related to stockpile management and control:

**Table 3.24: Countries identifying the need for assistance**

|        |  |
|--------|--|
| Uganda | Uganda reports that country's National Point of Contact would need assistance to conduct training for law enforcement officers (police, military, customs and immigration officers) inter alia in arms management and security of stocks.  |
| Yemen  | Reports that the recently established training and education centre for the training of workers and specialists in the procedure of accounting for and storing weapons and ways of maintaining, repairing and destroying them, is in need of certain technical assistance in order to enable the specialists to work on it more fully and comprehensively, in the light of the Conference recommendations. |



### Reporting in 2003 on Weapons Surplus to Requirements

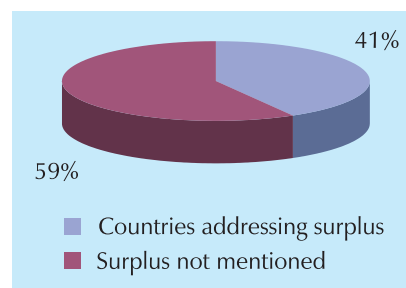
Over 40 states out of the total 103 countries that submitted reports to the UNDDA in 2003 refer Surplus weapons, as a separate theme from stockpile management and security. Taken that 73 states refer to stockpile management, over half (57%) include surplus in the reference to SALW stocks and regulations around them.

The PoA refers to stockpile management under eight subsections, in each of them referring to stocks held by armed forces, police, or other authorized bodies.

In addressing surplus weapons, the reference in national reports of 2003 is most commonly made to the way by which surplus weapons are identified. Most countries note that they hold periodic reviews to identify surplus weapons. Safe storage of the surplus weapons is also quite often referenced. The reports rarely give exclusive information about what happens to weapons declared surplus.

The UNPoA recommends all surplus weapons to be destroyed. Based on the information provided in the national reports of 2003, most countries use other means to dispose surplus weaponry. A few countries explicitly note that instead of destruction, surplus weapons can be recycled within the country, or sold (or donated) to another country. In these cases, no details about the policy-making procedures behind the decisions are given. Most often the answer to what happens to identified surplus is left vague, by for example noting that “all unusable weapons are destroyed”, or that “surplus weapons assessed to be destroyed are transported to the Police Headquarter stocks and destroyed by smelting”—both cases leaving open the procedure by which surplus to be destroyed is defined. No statistics on destroyed surplus weapons are provided in the national reports. Nor are there references to, for example, measures to ensure surplus weapons cannot be transferred without the permission of the central government.

**Graph 3.27: Reporting in 2003**



**Table 3.25: Examples of ongoing efforts in surplus weapons management**

|                       |   |
|-----------------------|---|
| Serbia and Montenegro | Serbia and Montenegro reports that in the context of the ongoing reform of the Armed Forces (by units and areas of responsibility), a campaign to establish surplus stocks of small arms and light weapons is currently underway. The assessment of necessary and sufficient types of weapons and military equipment—by time and technical resources—is also being carried out. |
| Sweden                | Sweden reports about an ongoing restructuring of the armed forces, which together with military reductions has resulted in surplus SALW.  |

#### Given assistance

Examples of the countries reporting that they have given assistance related to weapons surplus management:

**Table 3.26: Assistance in surplus management**

| Country        | Reference to assistance in surplus management   |
|----------------|---|
| Canada         | Canada notes that at the Canada-EU Summit in Stockholm, June 2001, the EU and Canada agreed to cooperate with the government of Albania to examine how they could contribute to reducing problems related to excess stocks of ammunition in Albania. The joint project resulted in the destruction of over 11,665 tons of ammunition. |
| Norway         | In her report, Norway mentions giving assistance to other countries in measures related to handling of surplus stocks.  |
| United Kingdom | The United Kingdom reports assisting countries in destroying excess and illicit SALW stocks. The country also contributes to the United Nations Development Programme (UNDP) Small Arms Trust Fund, which provides assistance for regular reviews of stocks, surpluses and storage/destruction.                                       |

| Country                  | Reference to assistance in surplus management  |
|--------------------------|--|
| United States of America | The US reports assisting countries in the destruction of excess and illicit SALW stocks. It is also noted that the country can provide assessments and training related to stockpile management and physical security of national holdings. In giving technical and financial assistance, the US reports having spent US\$ 5 million to destroy 414,291 weapons and over 44 million rounds of associated ammunition in Albania, Angola, Bulgaria, Serbia and Montenegro, Guinea, Lesotho, Mozambique, the Philippines, Romania, and Senegal. It is reported that new projects are underway and/or under negotiation. |

### Received assistance

As in other PoA themes, also in surplus management, there are more references to given assistance than what has been received or needed:

**Table 3.27: Assistance received**

|          |  |
|----------|--|
| Bulgaria | Bulgaria reports that the US has provided financial support for a surplus SALW and munitions destruction project. In its first phase, the project resulted in the elimination of 77,000 units of SALW and 512 tons of munitions by the end of February 2002. A new agreement between Bulgaria and the US for destruction of SALW was also concluded and by the time of submitting the report, destruction of SALW and munitions in Bulgaria had started. |
|----------|--|

**Table 3.28: Need for assistance**

|        |  |
|--------|--|
| Turkey | In Turkey's national report, there is a general reference to the need of assistance in surplus weapons destruction, by noting that "seized and surplus SALW must be destroyed in accordance with the internationally accepted standards and <i>with the technical and financial assistance of the donor countries, international organizations and NGOs.</i> " (Italics added by the authors.) |
|--------|--|

## CONCLUSION

During the two years since the adoption of the Programme of Action, some important steps have been taken to improve stockpile management and security in different countries, as well as to provide assistance to where it is most needed. The UNPoA refers to stockpile management in terms of several sub-categories. The best covered of these are standards and related procedures. All countries that report about stockpile management address relevant standards and procedures in one form or the other. The least number of references in the national reports concerns the control of access. This, however, might be due to the fact that in some cases, the issue was implicitly covered under inventory measures or physical security. Regional organizations are referred to in many reports. There seems to be changes underway in stockpile management and in the structure of the national armies—countries from all regions address the issue.

Many countries also report on assistance given in stockpile management. Again, experts, training courses and workshops are prominent in the reporting. Regionally, assistance is mostly mentioned in the European reports. Quite a few reports note that assistance has been given in cooperation with other countries.

As with other themes, countries receiving assistance are less explicit about it than the states providing assistance.

The UNPoA recommends that all surplus weapons be destroyed. Based on the information provided in the reports, it seems that most countries also use other means to dispose of surplus weaponry. In many cases, references to surplus SALW are left vague.

## RECOMMENDATION

- States are encouraged to clearly indicate what support (if any) they need for safe storage and destruction of government stocks and surpluses. This will help donor States and international organizations to provide the appropriate assistance.

### 3.10 PUBLIC AWARENESS AND CONFIDENCE-BUILDING PROGRAMMES

The following section concentrates on aspects related to public awareness-raising and confidence-building within societies, both in terms of the general population, as well as with reference to special groups dealing with different aspects of SALW control. Many reports address the issue, if not under its own sub-heading, then more implicitly as part of, for example, weapons collection programmes or DDR activities. This section also includes references to weapons amnesties, which are reported to have been implemented in over 20 countries.

In the PoA, the participating states, bearing in mind the different situations, capacities and priorities of states and regions, undertake:

#### At the national level:

To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.

**(PoA, Section II, para. 20)**

#### At the global level:

*To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.*

**(PoA, Section II, para. 40)**

*To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.*

**(PoA, Section II, para. 41)**

### And in implementation, international cooperation and assistance:

States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

**(PoA, Section III, para. 18)**

As in other areas of the UNPoA, the question of public awareness relates to a whole range of implementation measures. Depending on the country, emphasis is put on different aspects of awareness-raising (post-conflict awareness-raising, assistance, cooperation with civil society and NGOs). In this sense, references cannot be limited to paragraphs II 20, 40, 41 and III 18, stated above, but also applies to such paragraphs as II 27 and 28 on publishing laws and regulations. Ideally, different aspects of implementation go hand-in-hand and progress in one leads to an increase of activities in the other.

In contrast to many other issues discussed in the 2001 United Nations Conference, public awareness was raised by only seven states in their national statements, calling for the need to disseminate knowledge about the effects of SALW proliferation, and to foster public support for weapons collection and destruction efforts.<sup>71</sup>

### REPORTING IN 2003

Public awareness is addressed by over a half of the countries in their national reporting: at least 59 (57%) out of the total 103 states submitted reports to the UNDDA in 2003.

The ultimate goal of the UNPoA is to improve upon human security and safety. Therefore, aspects related to people and raising awareness among populations are of primary concern. It is important to keep this aspect in mind in the reporting process—all implementation activities potentially have a public-awareness aspect.

The PoA addresses public awareness under eight of its sub-sections. Each of them makes some reference to stocks held by armed forces, police, or other authorized bodies.

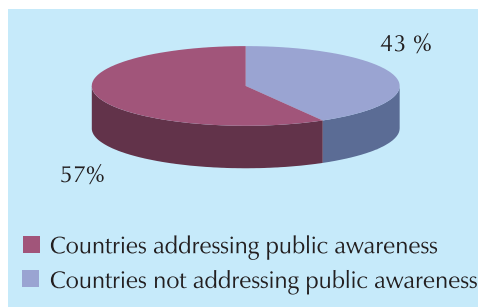
In reporting, the references to public awareness programmes can be divided to three different aspects:

- Programmes on different subjects (crime, DDR etc.);
- Programmes for different focus groups; and
- Programmes by different means.

The need for raising public awareness varies from country to country depending on its own needs and relationship to the overall SALW problem. While in some countries it is crucial to inform the public about the dangers related to the irresponsible use of firearms, in others the emphasis is on providing information about weapons amnesty programmes and other collection and destruction activities. This is reflected in the national reports. For example, Australia reports having a weapons buy-back programme in place and is undergoing an awareness-raising campaign on export requirements, while Burundi and Lithuania fight against criminality in communities, and Congo concentrates on awareness-raising in DDR activities. Other countries also report on campaigns related to civilian/private/legal SALW activities, such as raising awareness among sport shooting and hunting communities.

Depending on the focus of the awareness-raising activity, different focus-groups are targeted. Awareness-raising is most often identified with the wider public, but there are ongoing programmes and the need for them also among people dealing with different aspects of SALW, for example customs authorities, or export control personnel. In the reports, these special groups are also security forces, the youth—even armed gangs and urban groups (see i.e., reports by China and Colombia). For example, the Foreign Office of Colombia published in 2002 a paper “Colombia and

**Graph 3.28: Reporting in 2003**



International regulations of small arms and light weapons”, targeting universities, public and private institutions and accredited embassies in the country. Additionally, some countries, like Australia, emphasize research-oriented public awareness-raising.

The national report of Egypt in 2003 approaches public-awareness and capacity-building from a crime-perspective:

**Box 3.22: Public awareness in Egypt**

“The apparatus involved in combating illicit trade in small arms and light weapons is preparing programmes relating to the development of general individual awareness of the risks of illicit acquisition or possession of small arms and light weapons and of trading manufacturing or importing such arms without a licence. Those programmes will be broadcast through the various branches of the media. The awareness of persons working in this field will also be raised as to the procedural and legal bases pertinent to combating illicit trade by incorporating those bases into educational curricula and the related training courses that are arranged.”

**National Report of Egypt, 2003**

Awareness-raising activities vary not only in their subjects and the targeted people, but also in the way that the programmes are carried out. In the reports, public weapons collection programmes refer to various means of publicity, like television and newspaper media (see Table 3.29).

**Table 3.29: Examples of TV programmes on SALW to raise public awareness**

|          |   |
|----------|---|
| Armenia  | In Armenia, there is a programme of the Police department called “02” that tells the public about the cases of illicit trafficking of SALW or their illegal possession, with references to relevant laws and legislative acts.        |
| China    | Scenes of open destruction of illicit SALW have been broadcasted on TV.   |
| Djibouti | In Djibouti, related to the disarming of FRUD [Unity and Democracy Restoration Front] combatants, there was a bonfire that was filmed by national television “to raise the population’s awareness of the disastrous effects of arms”. |



|                       |   |
|-----------------------|---|
| Germany               | In Germany, national television has showed the destruction of SALW stocks declared as surplus by the Federal Armed Forces.  |
| Serbia and Montenegro | Also Serbia and Montenegro mentions that weapons destruction events have gotten time on the national TV.  |
| Solomon Islands       | In Solomon Islands, the Weapons Free Village Campaign is conducted partially in cooperation with the Solomon Islands Broadcasting corporation, so the ceremonies get wide public coverage in the national media.  |
| Moldova               | In the Republic of Moldova, the voluntary surrender of arms was supported and publicized by TV broadcastings with the participation of responsible persons from the Ministry of Internal Affairs, to familiarize the citizens with the fact that it is possible to transmit the illegally possessed arms, as well as informing them about the facilities offered by the relevant Governmental Decision. |

**Table 3.30: Use of internet to raise public awareness**

|           |  |
|-----------|--|
| Australia | In Australia, as part of the buy-back programme currently ongoing, there is an internet list of all affected handguns and compensation payable. Handgun owners will be able to identify quickly if their handgun is prohibited and the value ascribed to it. |
| Canada    | In Canada, the public has been notified of the licensing, transfer and registration requirements and the penalties of illegal activities under the Firearms Act by means of information i.e., posted on the Canadian Firearms Centre website.                |
| Estonia   | In Estonia, the Ministry of Foreign Affairs is aiming at raising public awareness on export control related issues, and has for that purpose i.e., established corresponding Internet site. Also France has something similar in place.                      |

Some countries are implementing awareness-raising within a particular framework, such as in the German case in relation to development. As such, Germany is also talking about the assistance aspects of awareness-raising, and reveals ongoing projects it supports in the developing world (Angola and Cambodia) to fight illicit trade of SALW and to raise awareness over the different aspects of the problem. Also Switzerland takes this assistance point of view.

While the programmes themselves can be very specific in their scope, time or means, it might be a solution to frame them under a wider awareness-raising plan. For example Argentina has adopted a document for a programme of work in public awareness-raising, called “Light weapons, illicit trafficking, illegal trade and criminal violence: background and implication for public security policy and the design of a national programme”. This national programme has several aspects, including information exchange within the country, research programmes and sharing of resources. In terms of directing responsibilities, National Commissions, if in place or under construction, are given a prominent role in conducting and coordinating public awareness activities.

Civil society actors are often good partners in executing public awareness raising campaigns. They have experience in organizing such campaigns and can give additional insight in projects. Sometimes bringing along a civil society organization also lowers the barrier for public to approach the issue and feel participatory to it. As the reports show, there have already been campaigns organized in cooperation between state institutions, NGOs and international organizations operating in the particular country. For example, Albania gives a comprehensive overview of participation of different actors, such as NGOs and civil society. The Hungarian report gives an example of the Szeged Small Arms Process:

**Box 3.23: Szeged small arms process**

“Since November 2000 three annual consultation meetings have brought key stakeholders together to review regional efforts to stem SALW proliferation learn lessons and develop practical projects within the framework of the Szeged Small Arms Process (SSAP). The Szeged Small Arms Process is an informal forum which allows governments civil society and international organizations to develop policies and practical projects that combat the proliferation and misuse of SALW across South Eastern Europe. The SSAP was jointly initiated by the Hungarian Ministry of Foreign Affairs and Saferworld a London based independent foreign policy think tank at a conference in Szeged Hungary in November 2000. Since the adoption of the Stability Pact Regional Implementation plan in November 2001 it has been a complementary framework for co-operation between governments and civil society.”

**National Report of Hungary, 2003**

Public awareness-raising can include many different aspects:

- Media campaigns:
  - TV;
  - Radio;
  - Newspapers and magazines;
- Advertising;
- Seminars and Workshops;
- University courses (see the national report of Canada);
- Through affecting opinion leaders (pronouncements by senior government officials and political leaders, as noted in the national report of Kenya);
- Arts (see the national report of Peru);
- Weapons collection initiatives:
  - Amnesty periods;
  - Public weapons destruction events;
- Providing funding to research activities aiming at increasing public awareness;
- Government—NGO consultations (see the national report of Canada).

As seen from above, public awareness can be raised through various, and even unconventional means. An example of this is the Peruvian weapons collection campaign that culminated into a public destruction event:

**Box 3.24: Weapons collection campaign in Peru**

“On 5 December 2002 a public ceremony to destroy 2,573 arms for civilian use was held in Lima, which included an education and cultural programme. This comprised artistic works on peace and the unveiling of the monument to peace and disarmament, which was made from the recycled materials of destroyed weapons. The objective of such a programme was to create in children and adolescents an awareness of the dangers inherent in the use of firearms and thus help to form a pro-peace culture. The public ceremony and the education programme were held in cooperation with the United Nations, through the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, with headquarters in Lima.”

**National Report of Peru, 2003**

### References to Changes in National Practices since 2001

Countries reported quite widely about recent programmes undertaken to raise public awareness. The following country reports are examples of having conducted some form of awareness-raising since the adoption of the PoA in 2001:

**Table 3.31: Awareness-raising since 2001**

| Country   | Reported developments after 2001   |
|-----------|--|
| Albania   | The country provides details about a campaign organized by the state institutions, NGOs and other international organizations operating in Albania, which has been carried out through electronic media, publications, etc.  |
| Australia | "The Government will implement a targeted information and awareness campaign for those affected by recent handgun reform measures and for the general community. The handgun buyback and tighter controls on access to handguns will be accompanied by the development of a national firearms safety training program and a broad educational programme for sporting shooters, historical firearms collectors and medical professionals on their obligations and responsibilities in relation to firearms."<br>The Australian government also conducts an Outreach Program that seeks to increase public awareness of export requirements. |
| Benin     | The country reports that the National Commission against Illicit Proliferation of SALW, currently under establishment, is considering undertaking a public awareness programme.  |
| Brazil    | Brazil reports that public destruction ceremonies take place annually in major Brazilian cities, with the support of federal states and municipal agencies and civil society. Recently, media coverage on the SALW issue has been intensified, as has the promotion of a culture of peace.   |
| Burundi   | The country reports that it is currently undertaking a programme of awareness-raising as part of the fight against crime.  |
| Canada    | The Canadian public has been notified of the recent changes to licensing, transfer and registration requirements and the penalties for illegal activities by several means, including internet (see below), special bulletins, newsletters, media advertisements and flyers distributed to each household.   |

| Country  | Reported developments after 2001   |
|----------|--|
| China    | China reports that newspapers and magazines in the country have published articles and background information on the issue of SALW. In addition, relevant authorities published a handbook on the Study of the Firearms Protocol, with a view to educating and training relevant manufacturers and arms trading companies.   |
| Colombia | The mayor's office in Bogota organizes awareness programmes to target armed gangs and urban groups to surrender weapons in exchange for money or food. National Police organizes awareness-raising programmes for the youth. Publication by the Foreign Office: "Colombia and International regulations of small arms and light weapons" June 2002—targeting universities, public and private institutions and accredited embassies in Colombia. |
| Gambia   | The country reports that public awareness is enhanced by promoting a culture of peace through the National Security Sensitization.   |
| Israel   | Israeli notes that public awareness is achieved, inter alia, by the publicity given to the law enforcement and punitive measures taken against persons or companies that violate the laws and regulations on possession and trade in SALW.   |
| Jordan   | Among activities taken, Jordan mentions the organizing of a continuous media campaign in order to educate the public about the disadvantages of owning weapons and the results of misusing them.   |
| Malaysia | It is reported that the Royal Malaysia Police has been cooperating with local shooting clubs to raise public awareness on illegal possession of firearms.  |
| Mali     | Mali reports that the Journalist Network publicizes SALW problems through the media. The journalist network act as an alert system and information agency.   |
| Oman     | The Sultanate reports that a media campaign is organized in the country to explain the ill-effects of the possession and use of weapons and the adverse consequences of their misuse.  |

| Country                  | Reported developments after 2001   |
|--------------------------|--|
| Pakistan                 | In order to increase public awareness, the Ministry of Interior organized a national seminar on "Arms Control in Pakistan", in August 2001. Moreover, in September 2002, there was a "National Seminar on 'Countering Violence': Challenges for the state and the Civil Society". An additional seminar emphasised countering small arms and violence was organized by the Ministry of Interior in cooperation with the International Organization for Migration.  |
| Peru                     | "On 5 December 2002 a public ceremony to destroy 2,573 arms for civilian use was held in Lima, which included an education and cultural programme. This comprised artistic works on peace and the unveiling of the monument to peace and disarmament, which was made from the recycled materials of destroyed weapons. The objective of such a programme was to create in children and adolescents an awareness of the dangers inherent in the use of firearms and thus help to form a pro-peace culture. The public ceremony and the education programme were held in cooperation with the United Nations, through the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, with headquarters in Lima." |
| Saudi Arabia             | The country reports broadly that there is a National Media Campaign to increase awareness on the impacts of illicit SALW and their misuse. Also NGOs and civil society are involved in the programme.  |
| Slovenia                 | It is only noted that "the awareness-raising about SALW has been included in the programmes of education of military schools students and defence studies students."   |
| United States of America | The US reports that the government meets and consults regularly with NGOs in order to raise public awareness.  |

### Assistance

Assistance provided to awareness-raising activities in other countries is covered in few reports. It might be that these aspects are included in the assistance given and reported in other issue-areas, without explicitly mentioning public-awareness raising.

In the 2003 reports, Germany gives an example of public-awareness assistance given to Angola, Cambodia and Uganda:

**Box 3.25: Helping other countries to raise public awareness on SALW: German projects in Angola, Cambodia and Uganda****Angola**

In Angola, Germany, in cooperation with SaferAfrica, has supported a local project implemented by the Angolan nongovernmental organization “Angola 2000”, aimed at raising awareness of the necessity to reduce the negative effects of small arms availability in society. The project has comprised of several parts:

- Training local actors for weapons management and practical disarmament;
- Training local actors in survey techniques and quantitative data analysis;
- Conducting a survey on human security in selected areas;
- Organizing a seminar for the distribution of the findings;
- Advocating at the national level for the creation of a national plan of action.

**Cambodia**

Germany is providing financial assistance to the Cambodian NGO “Working Group for Weapons Reduction”, in its endeavors to train other local nongovernmental organizations in awareness-raising campaigns. As such, the following activities have been undertaken:

- Needs assessment in the Kampong Thom NGO community;
- Conducting training manual workshops;
- Drafting of a SALW handbook and training manuals to support local NGOs;
- Financial support and promoting local NGOs in working on small arms and conducting further workshops;
- Evaluation of the pilot project.

**Uganda**

In Uganda, Germany supports a peace education programme implemented by a local NGO, concentrating on the education of youth through schools, youth organizations and NGOs relating to the danger of small arms in the community and at measures to be taken in order to reduce this danger. Activities undertaken:

- Production of education material;
- Training of trainers;
- A campaign against small arms through drama groups, radio broadcast etc.

**National Report of Germany, 2003**

**Table 3.32: Giving assistance**

|                          |  |
|--------------------------|--|
| Australia                | The government reports it has funded a number of initiatives to raise public awareness. For instance, Australia part-funded a Small Arms Survey study on small arms in the Pacific.  |
| Canada                   | Canada reports contributing to the Small Arms Survey.  |
| Germany                  | The country lists several international awareness-raising efforts it has undertaken after 2001 (see the Box 3.25).   |
| Netherlands              | “The Netherlands supports the Small Arms Survey and Biting the Bullet (Saferworld) in order to raise public awareness and encourage the role of civil society in curbing SALW proliferation.”  |
| New Zealand              | “The New Zealand Official Development Assistance Programme (now known as NZAID) contributed to funding for a report on “Small Arms in the South Pacific” published by the Small Arms Survey.<br>The Peace Disarmament and Education Trust, a trust formed by the New Zealand government to administer compensation funds received from the French government following the Rainbow Warrior incident, has commissioned the research for books on small arms in the Pacific and Southeast Asia.” |
| Switzerland              | Switzerland reports having supported research projects in 2002/2003 for: Small Arms Survey; Biting the Bullet II, UNIDIR/SAS, study on tracing; and the Centre for Humanitarian Dialogue.  |
| United Kingdom           | The country notes that it places high importance to outreach in the form of bilateral talks and awareness raising seminars.  |
| United States of America | The US reports that the USAID has supported public awareness campaigns, in cooperation with local NGOs, to encourage local disarmament programmes in Montenegro.   |

As in other aspects of the PoA implementation, also in public awareness raising funds are needed—however, not many refer to it in their national reports. Chad identifies the lack of means of communication (radio, telephone) as one of the problems related to this aspect of the PoA. In addition, a couple of countries refer to difficulties confronted in implementation. For example Burundi notes that public awareness-raising has been difficult due to the ongoing war, and Chad points out the difficulty



to communicate because of insufficient technical means, as well as due to insufficient cooperation between civil society and the armed forces.

### Weapons Amnesties

Weapons collection programmes, especially the so-called weapons amnesties are often perceived as part of public awareness raising programmes. This is because undertaking such a weapons collection programme aims either at improving public security as such, or at enhancing the situation indirectly by raising awareness about the potential dangers of possessing weapons.

The Programme of Action refers to these weapons collection programmes as part of paragraph II, 20 by noting that participating states undertake to “develop and implement—public awareness and confidence-building programmes—including, where appropriate,—the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations.”

Traditionally, weapons collection is perceived to be undertaken in communities that experience problems with violent crime.<sup>72</sup> However, as the reporting process for this part reveals, weapons amnesties as temporary or permanent components of national firearms legislation are more and more used also in societies where weapons are not posing special problems.

As the PoA notes, voluntary weapons collection programmes such as weapons amnesties are often carried out as common projects between governments and civil society actors. This is particularly useful because of the way these programmes are undertaken: information about the programme needs to be widely published in the media, through television advertisements, documentaries, print media, radio and internet. Civil society organizations can help in identifying special target groups for different parts of the media campaign, and help in getting information through to them.

Weapons amnesties can be backed up by enhanced surveillance activities, and confiscation of weapons that are not voluntarily turned in. In some cases, the give-up of weapons is granted with a symbolic reward, such as tickets to sporting events, or small amounts of money. A special type of

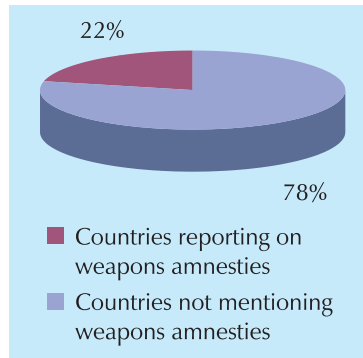
weapons amnesties as seen in the national reports as well, are programmes where people are encouraged to turn in illegal (unregistered) weapons so that they can be registered without sanctioning (so long as the weapons have not been used in criminal activities, and that the person wanting to register the weapon fulfils the country's general criteria for weapons possession).

### Reporting about weapons amnesties in 2003

Amnesty programmes (as a separate theme from public awareness programmes) are mentioned by several states in their 2003 national reporting: at least 23 (22%) out of the total 103 reporting states report that weapons amnesty has been undertaken, is currently under implementation, or that the government is considering it.

Table 3.33 presents examples of countries mentioning amnesties in their national reports of 2003.

**Graph 3.29: Reporting in 2003**



**Table 3.33: Weapons amnesties reported**

| Country | Reference to weapons amnesty programmes   |
|---------|---|
| Haiti   | Haiti reports having organized an amnesty for people voluntarily surrendering their weapons as part of a larger ongoing disarmament programme in the country.   |
| Israel  | Israel reports that "... every several years, and for a specific period of time, Israeli persons in possession of unlicensed military firearms are urged publicly by the IDF (Israeli Defense Force), through all available media, to return these firearms to the appropriate authorities. The public is encouraged to do so pursuant to an understanding that no criminal charges will follow. Such programmes successfully reduce the number of illegal firearms in the possession of the public and the likelihood that such firearms may find their way into the hands of terrorist and criminal organizations." |

|                     |  |
|---------------------|--|
| Korea (Republic of) | The Republic of Korea reports that in order to raise public awareness for the safety concerns posed by illicit SALW and to help prevent their possession and transfer, the National Police Agency designates an amnesty period for the voluntary surrender of illicit SALW once a year, during which those surrendering illicit SALW are exempt from criminal punishment.  |
| FRY Macedonia       | The draft-Law on <i>Voluntarily Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons</i> has been submitted to parliamentary procedures. The process is planned to ultimately result in “voluntary surrender of the most of illegally possessed weapons thus contributing to restoring trust among the citizens, and would mean a crucial step forward to ensuring security and stability of the country, thus creating conditions for economic recovery and sustainable development”. |
| Moldova             | Moldova reports that in December 2000 and 2002, a Governmental Decision, passed at the initiative of the Ministry of Internal Affairs allowed the citizens, during a 6 month time period, to register the illegally possessed arm, after the voluntary declaration of the fact to the police bodies.   |
| New Zealand         | New Zealand’s firearms legislation features a “permanent amnesty provision” for pistols and restricted weapons. In practice, this also applies to MSSAs. Persons who wish to dispose of any pistol, restricted weapon or MSSA may do so by delivering it to a licensed firearms dealer or the Police.  |
| Norway              | At the time of reporting, Norway was planning to declare a national weapon amnesty. The aim is to encourage the registration or handing in of all unregistered firearms in private hands. An offer to deactivate firearms will be made as part of the amnesty. Deactivated firearms, i.e., firearms that are rendered permanently unusable, do not have to be registered.  |
| Pakistan            | Pakistan reports about an amnesty programme, undertaken as part of a larger de-weaponisation campaign in 2001-2003.  |
| Sri Lanka           | Sri Lanka refers to weapons amnesties in relation to a UNDDA mission to the country, which produced a report that “highlighted some of the measures taken by the government to address the problem through the implementation of relevant legislation, amnesty for surrender of illegal arms, update registration of existing arms, and attempts to collect weapons etc.”  |

|                      |   |
|----------------------|---|
| Syrian Arab Republic | Syria notes that during an amnesty period, it is possible for permits to be issued for a limited number of types of small arms and light weapons and the minimum age a citizen must have reached in order to obtain a licence has been increased. The original amnesty of six months, was later extended for a further six months, during which citizens in possession of unlicensed weapons or ammunition could surrender them to the state with no questions asked and receive payment therefore. According to the Syrian reports, "that was an ideal way in which to limit the number of illegally held small arms and light weapons". |
|----------------------|---|

In addition, for example Finland addresses the issue in its national report of 2003, in terms of "Action against the groups associated with illicit SALW".

#### **Box 3.26: Firearm amnesty legislation**

A proposition concerning legislation on Firearm Amnesty is presently under preparation in Finland. It is the intention of the government to submit the proposal to the Parliament already this spring. The legislation would come into force in autumn 2003 and be established on a permanent basis. This new law is prepared together with the Ministry of the Interior, Ministry of Defence, the Ministry of Justice and the Ministry of Trade and Industry. The purpose of the project would be to decrease the number of illegal and unregistered weapons in Finland and thereby increase public order and security.

There are in total around 1,5 million civilian-owned registered guns. In addition, the number of illegal (unregistered) small arms is estimated to be currently more than 40,000 in the possession of individual Finnish citizens (weapons mainly from the 2nd World War). Firearm Amnesty Project would make it possible to surrender illegal small arms, ammunition and explosives to the police without any punishment. This, however, would be possible only in the case where the small arm has not been used in criminal act.

Owner of an illegal firearm could also apply for a licence and keep the gun. He/she could also convey the firearm to another licence holder through the police within three months. Other possibilities for action after small arms rendering would be its deactivation or its re-rendering to the State. Illegal firearms will be sold by the police in official public auction on behalf of the owner to the collectors and other licensed arms holders. All illegal firearms will be registered."

**National Report of Finland, 2003**

## CONCLUSION

Public awareness is mentioned in many reports, if not under its own sub-heading, then more implicitly as part of, for example, weapons collection programmes or DDR activities. Countries report about public awareness for different target groups, on various special themes, and through a variety of means. Increased efforts seem to be reflected in the greater use of TV and internet for raising public awareness on SALW related issues. Civil society appears to be an important partner in these programmes.

Weapons amnesties, either as a permanent law or temporary legislative act, have been undertaken in over 20 countries.

However, as Jordan notes in its report, much still remains to be done such as in following-up the procedures in educating the public about the disadvantages of owning weapons and the results of misusing them, as well as taking advantage of media possibilities.

## RECOMMENDATION

- States are encouraged to provide examples of any educational, civic training and public awareness programmes they have initiated to inform the public about the negative effects of gun culture and misuse of guns. States could also report on how they have addressed the socio-economic factors that influence the demand for illicit SALW. Such information could prove useful as a reference for best practices and/or lessons learned.



## CHAPTER 4

### IMPLEMENTATION OF THE UNPOA ON THE REGIONAL AND GLOBAL LEVELS

#### 4.1 INTRODUCTION

In the United Nations Programme on Small Arms and Light Weapons in All Its Aspects (UNPoA), states recognize the need to develop regional and global perspectives—where appropriate and as agreed by the states concerned—to combat the illicit trade in small arms. The key areas for implementation are contained in sections II and III of the UNPoA and include:

- Establish regional point(s) of contact;
- Enhance information exchange and information sharing;
- Strengthen and establish, where appropriate and as agreed by the states concerned, a Moratoria or similar initiatives in affected regions;
- Conclude legally binding instruments or similar initiative, including ratifying and fully implementing international legal instruments against terrorism and transnational organized crime;
- Establish regional mechanisms for trans-border law enforcement cooperation;
- Promote safe and effective stockpile management and security;
- Encourage implementation or strengthening of relevant laws, regulations and administrative procedures;
- Enhance cooperation;
- Capacity building and action oriented-research;
- Financial and technical assistance.

This chapter reviews the regional and global initiatives in support of states to implement the UNPoA. In so doing, it will not only take into account, information shared by states in their national reports, but also ongoing programmes in the field. In so doing, it explores the level of

progress at the regional and global levels and identify areas for improvement.

## 4.2 REGIONAL POINT OF CONTACT

Section two, paragraph 24 of the UNPoA encourages member states to establish or designate, as appropriate, a point of contact within the sub-regional and regional organizations that will act as liaison with member states on matters relating to the implementation of the PoA.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes activities of regional organizations such as the OAS, SADC and Nairobi Secretariat.

### REPORTING IN 2003

#### Ongoing Programmes in the Field plus Information Provided in the National Reports

States hardly address this issue in their national reports. Only a handful of states refer to regional points of contact while reporting on the role of national focal points and cooperation on SALW issues within their respective regions. For instance, the Islamic Republic of Iran, reiterates in its national report the need for a point of contact to be established the regional or sub-regional to act as liaison on matters relating to the implementation of the PoA. The subject was mostly addressed by regional organizations in their statements delivered at the First Biennial Meeting of States.

To date, almost all the regional organizations addressing small arms issues have identified special units to be responsible for its “plan of action(s)” on small arms.<sup>73</sup> Such regional organizations are namely; **Africa:** the South African Development Community, the Economic Community of West African States, the Nairobi Secretariat on Small Arms and Light Weapons; **Americas:** the Organization of American States (OAS), the Andean Community of Nations, the Mercosur, the Caribbean Community (CARICOM); **Europe:** the European Union, the Organization for Security and Co-operation in Europe (OSCE), the Stability Pact for Southeastern Europe; **Middle East:** the League of Arab States; **Pacific:** the Pacific Islands



Forum; **Asia**: the Association of South East Asian States (ASEAN). The OSCE, SADC and the Nairobi Secretariat are the only regional organizations that have formally informed UNDDA of their designated regional points of contact. (See Annex 6 and 7 for some examples of regional instruments on small arms and related issues and member states of relevant Regional and sub-regional organizations).

The EU, OSCE, Stability Pact, Mercosur, OAS, SADC, Nairobi Secretariat and the Pacific Islands Forum are more developed than other regional organizations in terms of implementation of small arms programmes. Most of these regional organizations have developed concrete regional action plans and in some cases exceeded commitments and implementation measures agreed in the UNPoA.

For example, the point of contact at the Nairobi Secretariat has, upon request, assisted the governments of Burundi, Kenya, Rwanda, Tanzania and Uganda to establish their National Focal Points (NFP). The Secretariat has further provided material support to these countries to hold workshops on small arms. It has also provided essential equipment for the establishment of NFP secretariats. Similarly, the OSCE's Conflict Prevention Centre (CPC), acting as the OSCE's point of contact for SALW issues, serves as the repository of data collected from information exchanges within participating states. The CPC provides advice and expertise to OSCE bodies, institutions and field missions on SALW-related issues, and also liaises with other international, regional and sub-regional organizations. The CPC also maintains an informal roster of experts and administers extra-budgetary contributions for SALW related activities.

The League of Arab States, ASEAN, CARICOM, the Andean Community and ECOWAS are in the process of developing regional action plans and small arms programmes with the assistance of relevant international organizations, donor countries and well established regional organizations

### 4.3 INFORMATION SHARING AND EXCHANGE

Section two, paragraph 31 and section three, paragraph 5 of the PoA encourage states and regional organizations—where appropriate—to cooperate, develop and strengthen partnerships and enhance transparency

on a voluntary basis, with a view to combating the illicit trade in small arms and light weapons in all its aspects.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes programmes and activities by regional organizations in Europe, Asia, Africa, Middle East, Pacific and the Americas. It also includes information on bilateral and multilateral frameworks, information provided by regional organizations to the United Nations Institute of Disarmament Affairs (UNDDA) and various arms legislation and policy on the internet.

## **REPORTING IN 2003**

### **Ongoing Programmes in the Field plus Information Provided in the National Reports**

States addressed the issue of transparency in their national reports in terms of information shared or exchanged within regional and international organizations as well as bilateral or differing multilateral frameworks for information exchange on intelligence and export issues. To this end, a number of states in recent years have concluded a number of bilateral and multilateral agreements to combat the illicit trafficking of SALW, terrorism or transnational organized crime at the regional and international levels. These agreements include mechanisms for information sharing.

Information provided in the national reports gives a comprehensive overview of the various initiatives on information exchange and sharing at the regional and global levels. Almost all states that submitted reports, made reference to their contribution to regional and international initiatives on information sharing and exchange. Furthermore, most states indicated that upon request, they share information with the International Criminal Police Organization (INTERPOL), the World Customs Organization (WCO) and relevant regional organizations.

The following section covers ongoing programmes in the field plus information provided in the national reports that include: the regions of Europe, Asia, Africa, Middle East, the Pacific and Americas. It also includes information on multilateral and bilateral frameworks; regional/international

conferences, workshops, seminars and meetings; information submitted to UNDDA and examples of arms legislation and policy on the internet.

### Europe

Most EU member states indicated in their national reports that they have reported to the EU Council on initiatives and activities to combat the accumulation and uncontrolled spread of small arms and to prevent illicit trafficking by supporting research projects or internal security measures related to the control of SALW, or through transparency measures targeting a wider public.

The issue of small arms exports has also been discussed in *Troika format* at the meetings of the COARM (Working Group on Conventional Arms Exports) with EU candidate countries. These formal and informal meetings are focused on transparency and information exchange, particularly with regards to the export of military equipment (including small arms and light weapons), arms brokering and uniform end-user certificates.

The EU continues to focus on the transparency of exports and imports of military equipment and the application of the European Union Code of Conduct on Arms Exports (Code of Conduct) and the EU Joint Action on Small Arms (Joint Action) against the destabilizing accumulation and spread of small arms and light weapons. EU members are bound by the operative provision of the Code of Conduct, which requires each member state to circulate to other members a confidential annual report on its defense exports and on its implementation of the Code of Conduct. In addition, all reports of loss or theft of firearms are transmitted to the Liaison Office of the Judiciary Police Service, which relays all relevant data to the Schengen information system.

The Southeast European Co-operative Initiative's (SECI) Regional Centre for Combating Trans-border Crime facilitates information exchange among participating countries at the SECI Centre. Law enforcement agencies of participating states cooperate through different mechanisms such as information exchange, training and sharing best practices with similar agencies of other participating countries from the Southeast Europe.

Within the framework of the Commonwealth of Independent States, steps have been taken to establish mechanisms for trans-border customs

cooperation and information-sharing among law enforcement, border and customs control agencies, with a view to preventing the illicit movement of small arms and light weapons across borders. For example, in this area, Russia has adopted a number of regulatory instruments, which includes strengthening control of the reliability of declarations of goods arriving from member countries of the CIS, of 29 March 2001 (with amendments as of 24 June 2002).

#### Asia

According to the “Work Programme” to implement the ASEAN Plan of Action to combat transnational crime, ASEAN is to establish a comprehensive database of international treaties and agreements pertaining to arms smuggling and transnational crime. To this end, the ASEAN Secretariat has initiated an informal discussion with the World Bank on technical assistance to set up a database. Member States are to coordinate with ASEANPOL and law enforcement agencies on arms smuggling activities. As of 4 July 2003, Indonesia, Lao People’s Democratic Republic and Cambodia have implemented some of these measures. Similarly, the “Work Programme” of the ASEAN Plan of Action requests member states to submit information on their respective national laws, regulations, bilateral agreements, if feasible, and international treaties pertaining to arms smuggling. As a result, Brunei has submitted its national laws on arms and explosives. ASEAN also intends to establish a regional repository of such laws on-site and the ASEAN website (ASEANWEB).

#### Africa

In order to strengthen regional cooperation and to ensure mutual accountability, SADC has established a Technical Committee on Small Arms. The Committee is a technical channel of communication among the member states and the regional decision making bodies such as the Ministerial Committee of the Organ and the Inter-State and Defence Committee. Additionally, member states share best practices among other issues at the Committee.

The United Nations Department for Disarmament Affairs (UNDDA), through its Regional Centre for Peace and Disarmament in Africa, launched the Small Arms Transparency and Control Regime in Africa (SATCRA) programme in Africa in 2003. The objectives of this programme include the

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promotion of transparency by states through the provision of data and information on manufacture, transfers, and stockpiling. SATCRA is a three-year programme aimed at assisting those African countries that are already persuaded of the need to improve transparency.

#### Middle East

The Secretariat of the Interior Ministers' Council of the League of Arab States has annual meetings on counter terrorism and related issues, which includes information exchange on small arms issues.

#### Pacific

In the Pacific, the framework for information sharing is provided in the form of trans-border law enforcement cooperation. The Oceanic Customs Organization and the Customs Regional Intelligence network exchange information on intelligence among the 23 member countries of the Pacific Islands Forum on arms trafficking patterns in the region. In addition, countries in the Pacific region cooperate and share information to differing degrees with regards to, *inter alia*, imports of sports guns and explosives for mining purposes.

Furthermore, Asia Pacific countries have access to the Customs Asia Pacific Enforcement Reporting System (CAPERS). CAPERS is an internationally based information and reporting system, which is used in a number of Oceanic Customs Organization member countries throughout the Pacific region.<sup>74</sup>

#### Americas

In Latin America, a framework for achieving increased cooperation and information sharing is provided in the form of the Inter-American Convention Against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosive and Related Materials (OAS Firearms Convention). The convention requires member states to, *inter alia*, improve border controls and exchange information that will aid in the investigation and prosecution of arms traffickers.

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) and OAS, in

cooperation with other regional organizations in the region are developing a computerized system known as the “Salsa System”, to facilitate an easily accessible and reliable information system among national authorities. In this respect, the use of the INTERPOL Weapons and Explosives Tracking System database or any appropriate database is being considered.

A Mercosur firearms group, which includes coordination at the level of intelligence agencies, established in 2001, is testing an on-line database linking the six member states that will allow each country to access the others’ data on small arms.

The ANDEAN Community of nations member states are in the process of establishing an information exchange mechanism to harmonize the current domestic legislation to support common and coordinated efforts to control and reduce illicit cross-border trade. The exchange of information will also focus on criminal activities such as terrorism and drug trafficking related with the cited arms and weapons.

The Canadian Department of Foreign Affairs and International Trade (DFAIT), Intelligent Workbench Corp. (the Canadian firm), the Royal Canadian Mounted Police, in cooperation with UN-LiREC have developed a software application for use in the registration of destroyed weapons managed by UN-LiREC in Latin American countries.

### **Bilateral and Multilateral Frameworks**

In the national reports, participating states of the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies indicated their support of the intention to put small arms and light weapons on WA’s agenda, including the addition of a new category of controlled military material. Furthermore, under the reporting requirements of the Wassenaar Arrangement, participating states exchange information on deliveries to non-participating states of conventional arms as defined in the “Initial Elements”, derived from the categories of the United Nations Register of Conventional Arms.

Similarly, the OSCE participating states have undertaken two exercises in information sharing based on the OSCE document on small arms. Information has been shared on production, marking systems, surplus

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weapons and destruction, brokering, stockpile management, as well as on export, import and transfer of SALW (2001 and 2002). Participating states also submit annual reports on SALW issues to the OSCE.

Mexico systematically exchanges information with the Government of Guatemala. Similarly, Latvia works with the US State Department on a special programme designed to improve the Latvian export control system, in order to enable the introduction of the “*tracker system*”, which would permit computerized licensing and coordination of licensing. This “*tracker*” system is presently being introduced and is already working in the neighbouring countries of Estonia, Lithuania, Poland, Ukraine and other countries. The “*tracker*” is to ensure future exchange of information on international export control and increase the efficiency of this control, including control of small arms and light weapons.

Albania has liaison officers in Greece, Italy, the Former Yugoslav Republic of Macedonia, and Kosovo (Serbia and Montenegro), whose roles are to coordinate and exchange information with their counterparts. Furthermore, Albania, Greece, Italy and Germany have concluded an agreement regarding the establishment of International Anti-Trafficking Centre in Vlora (Albania). This centre will ensure future cooperation in information gathering.

The governments of Indonesia and Philippines are establishing a Memorandum of Understanding to address the problem of SALW, ammunition, parts and accessories, explosives and explosive ingredients. Their areas of cooperation include, *inter alia*, to exchange information and to improve transparency in production, stockpiling and transfers. Additionally, the government of Philippines cooperates with the Government of Japan and the territory of Taiwan as it is reported that they are destinations of illicit SALW from the Philippines.<sup>75</sup>

The WCO has an analytical and computer-based communication tool called RILO (Customs Investigation System), which is interconnected with member states at the national and international levels. RILO enables the personnel of the national customs agencies to store data on the illicit traffic in arms and explosives and to exchange information with customs organizations throughout the world.

Chinese officials have exchanged views with officials from other countries on the implementation of the PoA during their bilateral consultations. Public Security, Customs and other competent authorities within the Chinese government also have regular contacts with their counterparts in other countries.

Countries in the Pacific region cooperate and share information to differing degrees. For example, New Zealand consults regularly with the French government over the proposed imports of sports guns into New Caledonia and French Polynesia and consults with the Fijian government over imports of explosives for mining purposes. In addition, New Zealand cooperates and shares information with governments of Papua New Guinea, New Caledonia and French Polynesia, Vanuatu, Tonga, Cook Islands, Samoa, Solomon Islands, Australia, the USA and the United Kingdom.

In accordance with the agreement on relations between the Ministries of Internal Affairs in the sphere of the exchange of information, (signed in Kyrgyzstan on 3 August 1992), the Ministry of Internal Affairs of the Russian Federation is responsible for the establishment and operation of the Inter-State information bank. This arrangement includes the registration of lost and found small arms and light weapons. Within its framework, cooperation is carried out with the information subdivisions of the ministries of internal affairs of Armenia, Belarus, Kazakhstan, Moldova, Tajikistan and Ukraine.

### **Regional/International Conferences, Workshops, Seminars and Meetings**

In the national reports, states also referred to the information shared at regional and international meeting, workshops, seminars and conferences as also serving as a forum for information exchange, transparency and cooperation on small arms issues. Since July 2001, there have been 4 United Nations regional conferences—in Europe, Asia/Pacific, the Middle East and Sub-Saharan Africa—and over 30 other regional conferences and international meetings and conferences on SALW. For example, several workshops and seminars have been carried out in Central and Eastern Europe under the auspices of NATO/EAPC; the South Eastern Europe



Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)<sup>76</sup>; SECI; OSCE<sup>77</sup> etc.

### Information Submitted to the United Nations Department of Disarmament Affairs (UNDDA)

In response to the request by states in the UNPoA for regional organizations to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects, four regional organizations—the EU, OSCE, Nairobi Secretariat, and NATO/Euro-Atlantic Partnership Council—have provided detailed information to UNDDA on their activities in implementing the UNPoA.<sup>78</sup>

In addition, 18 states, namely, Argentina, Brazil, Canada, China, Cuba, Egypt, France, Jamaica, India, Mali, Mexico, Netherlands, Nigeria, Russia, South Africa, Switzerland, United Kingdom and the United States of America have provided information on their national legislation on SALW to UNDDA on a voluntary basis.<sup>79</sup> Similarly, the national reports submitted by states in response to the General Assembly Resolution 57/72 (by operative paragraph 5) as well as the first BMS to consider the implementation of the PoA in July 2003, have proved to be an invaluable resource for information sharing and exchange.

### Arms Legislation and Policy on the Internet

A number of states share information on their current legislation and policy developments through their websites and special bulletins, newsletters, media and advertisements.

**Table 4.1: Examples arms legislation and policy on the Internet**

| Country   | Website links   |
|-----------|---|
| Argentina | The National Arms Register: <a href="http://www.renar.gov.ar">http://www.renar.gov.ar</a> |

| Country   | Website links  |
|-----------|--|
| Australia | NSW Firearms legislation:<br><a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/fa1996102/">http://www.austlii.edu.au/au/legis/nsw/consol_act/fa1996102/</a><br><a href="http://www.law.gov.au/handguns">http://www.law.gov.au/handguns</a><br>Victoria Firearms Act (1996)<br><a href="http://www.austlii.edu.au/au/legis/vic/consol_act/fa1996102/">http://www.austlii.edu.au/au/legis/vic/consol_act/fa1996102/</a><br><a href="http://www.austlii.edu.au/au/legis/vic/consol_act/fa1998182/">http://www.austlii.edu.au/au/legis/vic/consol_act/fa1998182/</a><br><a href="http://www.austlii.edu.au/au/legis/vic/consol_act/ffa1996279/">http://www.austlii.edu.au/au/legis/vic/consol_act/ffa1996279/</a><br>New Firearms/Trafficking and handgun controls 2003:<br><a href="http://www.dms.dpc.vic.gov.au/pdocs/bills/B01368/index.html">http://www.dms.dpc.vic.gov.au/pdocs/bills/B01368/index.html</a><br>For the Western Australian Firearms Act:<br><a href="http://www.austlii.edu.au/au/legis/wa/consol_act/fa1973102/">http://www.austlii.edu.au/au/legis/wa/consol_act/fa1973102/</a>  |
| Canada    | The Firearms Act and Criminal Code of Canada:<br><a href="http://www.cfc.gc.ca/en/legal/default.asp">http://www.cfc.gc.ca/en/legal/default.asp</a><br>The Export and Import Permits Act:<br><a href="http://laws.justice.gc.ca/en/E-19/index.html">http://laws.justice.gc.ca/en/E-19/index.html</a><br>The Defence Production Act and the Controlled Goods Program:<br><a href="http://www.cgp.gc.ca/cgrp/text/cgrp/default-e.asp">http://www.cgp.gc.ca/cgrp/text/cgrp/default-e.asp</a><br>The United Nations Act: <a href="http://laws.justice.gc.ca/en/u-2/105204.html">http://laws.justice.gc.ca/en/u-2/105204.html</a><br>Notification of the licensing, transfer and registration requirements and the penalties for illegal activities under the <i>Firearms Act</i> : <a href="http://www.cfc-ccaf.gc.ca">http://www.cfc-ccaf.gc.ca</a><br>Notification of changes to legislation to Canadian residents/Advise of changes in policy to exporters and importers<br><a href="http://www.dfait-maeci.gc.ca/eicb/eicbintro-en.asp">http://www.dfait-maeci.gc.ca/eicb/eicbintro-en.asp</a><br>Canadian Annual Report: Export of Military Goods—submitted to Parliament: <a href="http://www.dfait-maeci.gc.ca/trade/eicb/military/miliexport01-en.asp">http://www.dfait-maeci.gc.ca/trade/eicb/military/miliexport01-en.asp</a> |
| Finland   | Information on the national legislation: <a href="http://www.finlex.fi">http://www.finlex.fi</a>   |
| France    | Information on the national legislation:<br><a href="http://www.legifrance.gouv.fr">http://www.legifrance.gouv.fr</a>  |
| Germany   | "Information Exchange Pursuant to the OSCE Document on Small Arms and Light Weapons—Annual Report 2002 Submitted by the Federal Republic of Germany", <a href="http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/friedenspolitik/abruestung/kleinw_2002.pdf">www.auswaertiges-amt.de/www/de/infoservice/download/pdf/friedenspolitik/abruestung/kleinw_2002.pdf</a> .   |

| Country         | Website links   |
|-----------------|---|
| Portugal        | The Ministry of Defence publishes through Internet the official statistics concerning annual import and export operations<br><a href="http://www.mdn.gov.pt/publicacoes/anoario.htm">http://www.mdn.gov.pt/publicacoes/anoario.htm</a>  |
| Romania         | The specific legislation on the import and export control regime is published also on the ANCESIAC website<br><a href="http://www.ancesiac.ro">http://www.ancesiac.ro</a>   |
| Solomon Islands | The Townsville Peace Agreement, which suspended the importation, manufacture, use, sale and purchase of arms and ammunition, <a href="http://www.commerce.gov.sb/Other/Peace%20agreement.htm">http://www.commerce.gov.sb/Other/Peace %20agreement.htm</a><br>The Nadi Framework: <a href="http://www.smallarmssurvey.org/source_documents/Regional%20fora/Pacific%20Islands/Nadi%20framework.pdf">http://www.smallarmssurvey.org/source_documents/Regional%20fora/Pacific%20Islands/Nadi%20framework.pdf</a><br>Pacific Islands Forum website <a href="http://www.forumsec.org.fj/Home.htm">http://www.forumsec.org.fj/Home.htm</a> |
| Sweden          | Sample of different types of end-user certificates can be found at <a href="http://www.isp.se">http://www.isp.se</a><br>Laws relating to weapons are available at <a href="http://www.riksdagen.se">http://www.riksdagen.se</a>   |
| Switzerland     | The relevant laws and ordinances can be consulted <i>in extenso</i> in the Swiss national languages via the Internet, at the following site: <a href="http://www.admin.ch/ch/f/rs/rs.html">http://www.admin.ch/ch/f/rs/rs.html</a>  |

| Country        | Website links   |
|----------------|---|
| United Kingdom | <p>Information on the 1998 Firearms Rules, together with comprehensive information on Security Procedures and a number of information reports relating to Firearms prepared by the Home Office, can be found on their website at: <a href="http://www.homeoffice.gov.uk/rds/index.htm">http://www.homeoffice.gov.uk/rds/index.htm</a>.</p> <p>Further information can be found on the following websites: <a href="http://www.dti.gov.uk/export.control">http://www.dti.gov.uk/export.control</a></p> <p><b><a href="http://www.fco.gov.uk">http://www.fco.gov.uk</a></b>—go to 'International Security' and then 'Arms Control and Non-Proliferation'.</p> <p>Guidance on end user certification can be found at <a href="http://www.dti.gov.uk/export.control/applying.htm">http://www.dti.gov.uk/export.control/applying.htm</a></p> <p>United Kingdom SALW online resources:<br/>Home Office: <a href="http://www.homeoffice.gov.uk/rds/index.htm">http://www.homeoffice.gov.uk/rds/index.htm</a>.</p> <p>Department for Trade and Industry website: <a href="http://www.dti.gov.uk/export.control">http://www.dti.gov.uk/export.control</a></p> <p>Foreign and Commonwealth Office International Security Command;<br/><a href="http://www.fco.gov.uk">http://www.fco.gov.uk</a>—go to 'International Security' and then 'Arms Control and Non-Proliferation'.</p> <p>HM Customs and Excise are responsible for the enforcement of export controls and the investigation of suspected offences.<br/><a href="http://www.hmce.gov.uk/protect/ourfight/illegalfirearms.htm">http://www.hmce.gov.uk/protect/ourfight/illegalfirearms.htm</a></p> <p>Department for International Development (DFID):<a href="http://www.dfid.gov.uk">http://www.dfid.gov.uk</a></p> <p>Defence Export Services Organization (DESO): <a href="http://www.deso.mod.uk/overpol.htm">http://www.deso.mod.uk/overpol.htm</a></p> |

| Country                  | Website links  |
|--------------------------|--|
| United States of America | <p>A sample US end-use certificate (DSP-83) can be found at <a href="http://www.pmdtc.org/getforms.htm">http://www.pmdtc.org/getforms.htm</a></p> <p>A list of individuals and entities debarred from obtaining arms export or brokering licenses in the US can be found at <a href="http://pmdtc.org/debar059intro.htm">http://pmdtc.org/debar059intro.htm</a></p> <p>A list of US embargoed countries can be found at <a href="http://pmdtc.org/country.htm">http://pmdtc.org/country.htm</a></p> <p>US laws and regulations on import, export, manufacture, brokering, and marking of SA/LW can be found at <a href="http://www.pmdtc.org">http://www.pmdtc.org</a> and <a href="http://www.atf.treas.gov">http://www.atf.treas.gov</a></p> <p>A list of US debarred (prohibited from obtaining export licenses) individuals and entities is available at <a href="http://pmdtc.org/debar059.htm">http://pmdtc.org/debar059.htm</a></p> <p>US Department of State, Bureau of Political-Military Affairs (PM): SA/LW: <a href="http://www.state.gov/t/pm/sa/">http://www.state.gov/t/pm/sa/</a></p> <p>Directorate of Defense Trade Controls (DDTC) <a href="http://www.pmdtc.org">http://www.pmdtc.org</a></p> <p>Bureau of International Narcotics and Law Enforcement Affairs (INL): <a href="http://www.state.gov/g/inl/">http://www.state.gov/g/inl/</a></p> <p>The EXBS Program: Export Control and Related Border Security Assistance: <a href="http://www.state.gov/t/np/export/ecc/20779.htm">http://www.state.gov/t/np/export/ecc/20779.htm</a></p> <p>US Bureau of Alcohol, Tobacco and Firearms: <a href="http://www.atf.treas.gov/firearms/index.htm">http://www.atf.treas.gov/firearms/index.htm</a></p> <p>US Agency for International Development (USAID), Office of Transition Initiatives: <a href="http://www.usaid.gov/hum_response/oti/">http://www.usaid.gov/hum_response/oti/</a></p> <p>OTI Special Focus Areas: Overview <a href="http://www.usaid.gov/hum_response/oti/focus/">http://www.usaid.gov/hum_response/oti/focus/</a></p> <p>OTI/Sierra Leone—Conflict Diamonds <a href="http://www.usaid.gov/hum_response/oti/country/sleone/confdiam.html">http://www.usaid.gov/hum_response/oti/country/sleone/confdiam.html</a></p> <p>Anti-Corruption Resource Center <a href="http://www.usaid.gov/democracy/anticorruption/index.html">http://www.usaid.gov/democracy/anticorruption/index.html</a></p> <p>United States Department of Defense, Physical Security of Sensitive Conventional Arms, Ammunition and Explosives <a href="http://www.dtic.mil/whs/directives/corres/pdf/510076m_0800/p510076m.pdf">http://www.dtic.mil/whs/directives/corres/pdf/510076m_0800/p510076m.pdf</a></p> |

#### 4.4 MORATORIA OR SIMILAR INITIATIVES

In Section II paragraph 26 and 32 of the UNPoA, states are encouraged to strengthen and establish, where appropriate and as agreed by the states concerned, a moratoria or similar initiatives in affected regions or sub regions on the transfer and manufacture of small arms and light weapons. Additionally, states are encouraged to cooperate with affected states or regions under a moratorium in the implementation thereof, including through technical assistance and other measures.

The ECOWAS Moratorium on the Importation, Exportation and Manufacture of small arms and light weapons in West Africa stands out to be the first of its kind by any regional or sub-regional organization. In the national reports, a number of states indicated their support for the ECOWAS Moratorium, with respect to technical and financial support or ensuring that they fully respect the requirements of the moratorium.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes initiatives by OSCE and commitments by states to regional programmes and international instruments.

#### REPORTING 2003

##### Ongoing Programmes in the Field plus Information Provided in the National Reports

Initiatives within the framework of legally or politically binding instruments, have been taken by most regional organizations through the establishment of embargoes, codes of conduct or plans of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. For example, although the OSCE has not been active in the establishment of regional moratoria either within or outside the OSCE region, it views its entire OSCE Document on SALW as a regional action programme. Similarly, the Wassenaar Arrangement, EU Joint Action on Small Arms, and the EU Common Position aimed at regulating arms brokering are all regarded as initiatives to prevent the export of sensitive goods to specific countries.

In addition, states in their reports reiterated their full support for the United Nations Security Council resolutions regarding export of sensitive goods to countries subject to United Nations arms embargo.

Furthermore, there has been increased international assistance in support of regional action programmes on SALW, particularly in regions affected by small arms and light weapons in all its aspects. Southern Africa, Eastern Africa, West Africa, Latin America and South East Asia have received support and attention from a number of donor countries, financial institutions and relevant international organizations to develop adequate export and legal control measures to prevent diversion of arms. (See assistance section).

#### **4.5 LEGALLY BINDING INSTRUMENTS ON SALW**

Per Section II paragraph 25 and 38 of the UNPoA, states are to encourage negotiations, where appropriate, aimed towards creating relevant legally binding instruments on the regional level aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes information on legally binding instruments at the regional level from regional organizations such as the OAS, SADC and Nairobi Secretariat. It also includes information on United Nations instruments on terrorism and transnational organized crime: examples of developments by states underway and the status of United Nations conventions and protocol on Terrorism and transnational organized.

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### Ongoing Programmes in the Field plus Information Provided in the National Reports

#### Legally binding instruments at the regional level

To date, the OAS, SADC and Nairobi Secretariat are the only regional organizations that have concluded legally binding instruments aimed at curbing the illicit trade in SALW. In the national reports, member states to OAS, SADC and Nairobi Secretariat refer to their respective legally binding instruments and their status.

#### OAS

The OAS Firearms Convention was the first legally binding international instrument to focus solely on controlling small arms and light weapons. It requires member states to, *inter alia*, criminalize offences associated with firearms smuggling, establish a system of licensing firearms transfers, exchange information that will aid in the investigation and prosecution of arms traffickers, and improve border controls. To date, 22 out of 34 OAS member states have ratified the convention. A monitoring body, the Consultative Committee, oversees compliance with the Conventions provisions.

#### SADC

In August 2001, SADC governments signed the SADC Protocol on Firearms Ammunition and Other Related Materials. Among other issues, the Protocol sets out minimum standards for national legislation and also commits states to move towards the harmonization of firearms legislation across the country. The SADC Protocol will come into force upon its ratification by two-thirds of its signatories.

#### Nairobi Secretariat on Small Arms and Light Weapons in the Great Lakes

The Nairobi Secretariat has assisted in the development of a regional legal protocol on small arms control. Ministers signed the Protocol after the EAPCCO Annual General Meeting in Nairobi, 13 December 2003 after approval by the EAPCCO Legal Sub-Committee and by the permanent coordination committee (comprised of heads of Criminal Investigation Departments from each country).



The Protocol seeks to harmonize legislation on small arms across the Great Lakes region and the Horn of Africa and is a comprehensive and far-reaching document covering issues such as, *inter alia*, civilian possession; marking and tracing; import, export and transit controls; operational capacity of law enforcement agencies; state-owned weapons; brokering; weapons collection and disposal; public awareness programmes; and mutual legal assistance.

### Terrorism and Transnational Organized Crime

In addition to the three regional legally binding instruments on small arms, there are twelve major United Nations conventions and protocols related to states' responsibilities for combating terrorism and four major multilateral instruments on transnational organized crime. A number of countries indicated in their national reports, which international instruments on terrorism or transnational organized crime they had signed or ratified. In addition, states pointed out the status of international instruments that have not yet been signed or ratified.

#### Box 4.1: Examples of developments underway

The congress of **Argentina** is considering the adoption of the three remaining instruments against terrorism it has not ratified—International Convention for Suppression of Terrorist Bombings, Protocol for Suppression of Unlawful Acts against the safety of Fixed Platforms Located on the Continental Shelf, and International Convention for the Suppression of the Financing of Terrorism.

**Australia** has not yet ratified the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (United Nations Firearms Protocol). To this end, the Australian Federal government is currently consulting with states and territories about Australia's obligations under the United Nations Firearms Protocol and necessary legislative reforms or amendments to bring Australia into line with obligations under the Protocol.

**Box 4.1: continued**

**Canada** indicated that amendments to its United Nations Firearms Act, tabled in Parliament, March 2001 and passed in May 2003, will pave the way for the drafting of United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime and the Inter-American Convention against the Illegal Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials of the OAS.

**Germany** has ratified all but the International Convention for the Suppression of the Financing of Terrorism. The Federal Government is actively promoting the ratification of this instrument. Germany indicated that it could, however, “comply with all the obligations contained in those Conventions on the basis of municipal law, including international cooperation even in the absence of an international convention”.

**Kenya** is also in the process of ratifying the “Convention against Transnational Organized Crime” and its protocols.

**Ireland** indicated its active role in the negotiations on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and expected to be in a position to sign the Protocol by the end of 2003.

**Israel** is currently reviewing the United Nations Firearms Protocol.

**Indonesia** is currently in the process of ratifying the “International Convention for the suppression of Financing Terrorism (1999)”. It is also in the process of acceding to the “International Convention for the Suppression of Terrorist Bombings (1997)”. In addition it is considering the possibility of ratifying the “Convention Against Transnational Crime (2000)”, along with its protocols.

**Macedonia** has signed 10 of the United Nations conventions against international terrorism, out of which 8 are ratified. The government is considering ratifying the remaining two. In addition, it recently initiated governmental procedure for signing the other two remaining United Nations instruments on terrorism—Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

**Box 4.1: continued**

The **Mexican** Congress has approved the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementary to the United Nations Convention against Transnational Organized Crime.

The **New Zealand** government is presently considering the implications of implementing the Firearms Protocol to the Convention on Transnational Organized Crime.

**Pakistan** has signed 10 of the 12 United Nations conventions relating to terrorism. The government is considering signing the remaining two conventions.

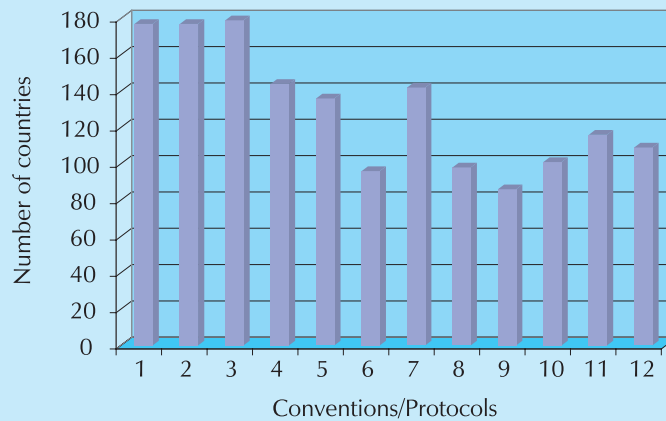
**Switzerland** has ratified 10 of the 12 conventions against terrorism negotiated within the framework of the United Nations. Furthermore, the United Nations Convention on the suppression of the financing of terrorism (signed on 13 June 2001) and the Convention for the suppression of terrorist bombings were ratified by the Swiss parliament in the spring of 2003. Moreover Switzerland is playing an active role in the preparation of a general convention on international terrorism.

**Thailand** is currently in the consideration process to be a signatory to the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

### Current status of the United Nations Conventions and Protocol on Terrorism and Transnational Organized Crime

#### *Terrorism*

Graph 4.1 indicates the number of states parties to the 12 major multilateral conventions and protocols related to combating terrorism, as of March 2004. With the exception of the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, at least more than half of the 192 United Nations member states have signed all the other United Nations protocols and conventions related to terrorism.

**Graph 4.1: Conventions/protocols on terrorism****Legend:**

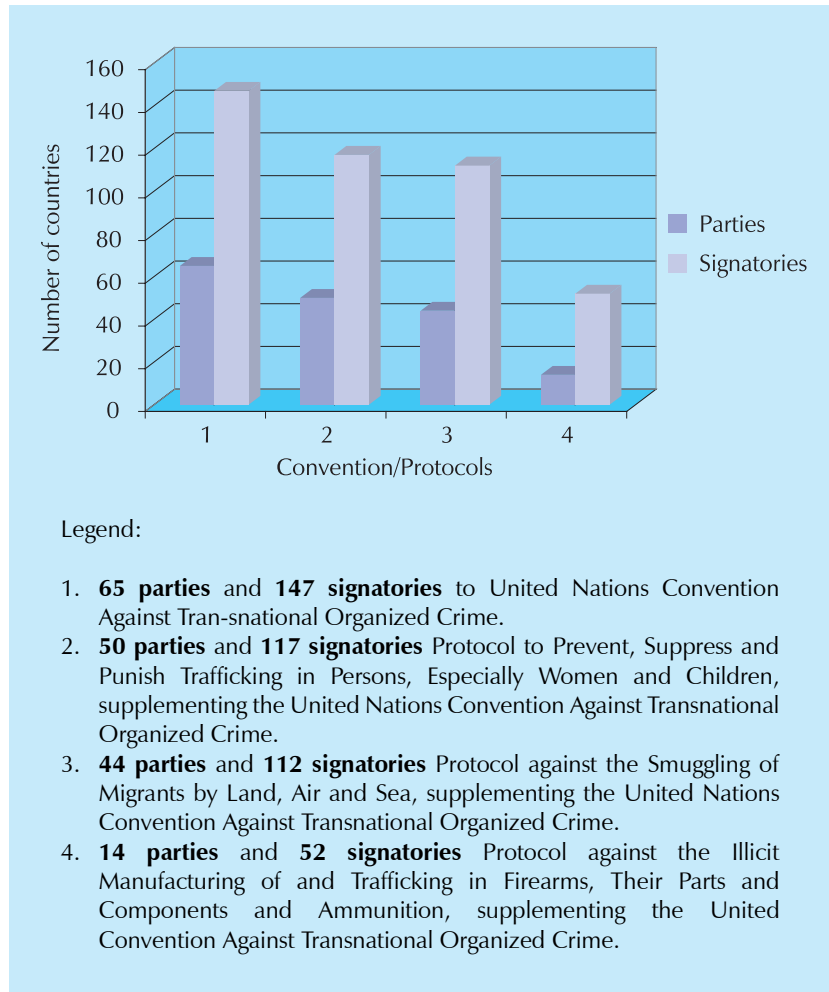
1. **177** UN member states are party to the Convention on Offences and Certain Other Acts Committed on Board Aircraft Signed at Tokyo, on 14 September 1963 (Tokyo Convention).
2. **177** UN member states are party to the Convention for the suppression of unlawful seizure of aircraft Signed at the Hague on 16 December 1970.
3. **179** UN member states are party to the Convention for the suppression of unlawful acts against the safety of civil aviation Signed at Montreal on 23 September 1971.
4. **144** UN member states are party to the Convention on the Prevention and Punishment of crimes against Internationally Protected Persons. Opened for signature in New York on 14 December 1973.
5. **136** UN member states are party to International the Convention Against the taking of hostages. Signed in New York on 18 December 1979.
6. **96** UN member states are party to the Convention on the physical protection of Nuclear Material. Signed in New York and Vienna on 3 March 1980.
7. **142** UN member states are party to the Protocol for the suppression of unlawful violence at airports serving international Civil aviation, supplementary to the convention for the suppression of unlawful acts

against the safety of civil aviation. Done at Montreal on 23 September 1971. Signed at Montreal on 24 February 1988.

8. **98** UN member states are signatories to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. Signed in Rome, on 10 March 1988.
9. **86** UN member states are signatories to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Signed at Rome on 10 March 1988).
10. **101** UN member states are party to the Convention on the Marking of Plastic Explosives for the Purposes of Detection. Signed at Montreal on 1 March 1991 (Montreal Convention 1991).
11. **116** UN member states are party to the International Convention for the suppression of Terrorist Bombings. Signed in New York on 15 December 1997.
12. **109** UN member states are party to the International Convention for the Suppression of the Financing of Terrorism. Signed in New York on 9 December 1999.

#### *Transnational organized crime*

Graph 4.2 indicates the number of states parties to the 4 major multilateral conventions and protocols related to the combating of transnational organized crime, as of March 2004. The Firearms Protocol is the only instrument within the Transnational Organized Crime convention and protocols that has received the least response from United Nations member states.

**Graph 4.2: Convention/protocol on transnational organized crime**

Most aspects of the Firearms Protocol are complementary to provisions in the UNPoA. The protocol is a legally binding instrument that contains practical, tools-based measures designed to assist law enforcement by enhancing international cooperation and promoting greater transparency in

legal transfers of firearms. The Firearms Protocol sets out comprehensive procedures for the import, export and transit of firearms, their parts and components, and ammunition.

Out of the 14 states that have ratified the Firearms Protocol, five are from Africa, namely Lesotho, Mauritius, Burkina Faso, Mali and South Africa; four from the Americas, namely El Salvador, Jamaica, Mexico, Peru and Costa Rica; three from Europe, namely Norway, Cyprus and Bulgaria; and one from Asia, namely Lao Peoples Democratic Republic. An additional 26 ratifications (total 40) are necessary for the Firearms Protocol to enter into force.

A number of states that have ratified or signed the Convention indicated their reservations about Article 16 (2) of the Protocol, which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Protocol. They do not consider themselves bound by the terms of Article 16 (2).

#### **4.6 TRANS-BORDER CUSTOMS COOPERATION AND NETWORKS FOR INFORMATION SHARING AMONG LAW ENFORCEMENT, BORDER AND CUSTOMS CONTROL AGENCIES**

With a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders, according to Section II paragraph 27 of the UNPoA, states are to establish, where appropriate, sub-regional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes programmes and activities by regional organizations in Europe, Asia, Africa, Middle East, Pacific and the Americas as well as other multilateral cooperations.

## REPORTING IN 2003

### Ongoing Programmes in the Field plus Information Provided in the National Reports

In examining information provided in the national reports, most activities related to trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies, have been undertaken within regional frameworks or bilateral agreements. Furthermore a number of states in affected regions indicated that actions on these measures have proceeded slowly, due to absence of effective operative procedures. For example, Indonesia mentioned how the lack of adequate financial and technical resources has compounded its difficult task of patrolling and monitoring illicit trafficking along its extensive sea borders, located at the juncture of Pacific and Indian Oceans.

#### Asia

The 1997 ASEAN ministerial meeting, which first raised the issue of SALW in the region, set the tone for ASEAN countries' approach to small arms, by emphasising the need for trans-border cooperation and networks in combating transnational crimes. ASEANAPOL, the ASEAN Association of Heads of Police from the ten ASEAN member countries have also placed this item on the agenda for discussion every year.

Accordingly, ASEAN Chiefs of National Police Conference (ASEANAPOL)<sup>80</sup> convene annually to exchange experience and best practices, and enhance cooperation among ASEAN National Police Agencies. The ASEAN Secretariat is currently awaiting further information on possible joint activities with INTERPOL. Similarly, ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) convenes annually to review, *inter alia*, arms smuggling and illicit trade of small arms and light weapons.

ASEAN strongly encourages and facilitates bilateral cooperation among member states sharing common borders and sharing common problems on transnational crime. Consequently, some states within the region have agreed to step up cooperation to curb cross-border crimes, which is closely linked with arms smuggling. For example, law enforcement agencies in Thailand, Malaysia, Singapore, Indonesia and Burma are working on a 'Plan



of Action'. In addition, Thailand and the neighboring countries such as Lao People's Democratic Republic, Cambodia, Myanmar, and Malaysia have worked together to help prevent arms trafficking along the borders. Similarly, Malaysian and Thai police have also agreed to step up cooperation to curb drug smuggling, which is strongly linked to arms smuggling from two Thai provinces into Malaysia. In 2001, Indonesia and the Philippines agreed to stem gun-running along their common sea border under a joint panel set up to handle bilateral defense and security concerns. Similarly, Thai and Cambodian law enforcement agencies agreed to strengthen cooperation to curb cross-border crimes in 2001. The two sides undertook to increase exchange on information and intelligence relating to illegal trafficking on arms and narcotics drugs.

Pakistan has established a number of joint counter-terrorism working groups including with the Russia Federation and China. It has also proposed similar arrangements with other countries in the region. Furthermore, a tripartite Commission has been established between Pakistan, Afghanistan and the USA to resolve, among other issues, cooperation on SALW.

### Pacific

The South Pacific Chiefs of Police Conference has developed a common regional approach to weapons control, focusing on the illicit manufacture of, and trafficking in, firearms, ammunition, explosives and other related materials. This common approach has been encapsulated in a document called the Nadi Framework.

The Oceanic Customs Organization (OCO) performs an important coordination role in the Pacific. The OCO engages in a range of activities to strengthen links between its 23 member countries, including the Customs Regional Intelligence Network that provides an overview of trafficking patterns in the region. OCO members submit reports of seizures, methods of transportation and methods of detection to the Intelligence Section of Member States' Customs Service. Similarly, the Oceania Customs Organization (OCO) cooperates with the Pacific Island Forum on regional instruments to combat illicit trade in small arms within the Honiara Initiative and Nadi Framework.

The Customs Asia Pacific Enforcement Reporting System (CAPERS) has been established to "[e]ncourage greater co-operation, communication

and liaison between participating members” and will achieve this by “fostering a co-ordinated approach to customs enforcement matters by providing free exchange of information and assistance in the investigation of violations of Customs or other law enforcement offences.”<sup>81</sup>

In addition, Pacific Islands leaders at the Pacific Island Forum in Auckland, New Zealand, in August 2003 agreed to an Australian internet-based “*virtual police academy*” and mobile training units to help strengthen policing in the Pacific region.

### Europe

Sweden, Austria, Belgium, Denmark, Germany, the Netherlands, Spain and the United Kingdom are working on a proposal presented by the then Swedish Presidency of the Police Co-operation Working Party of the EU in 2001, on areas where they can better cooperate and exchange intelligence information between the different police services within the EU to reduce or prevent criminal use of firearms, among other issues on marking and tracing.

Similarly, within the EU Joint Action framework, the Greek administrative and law enforcement agencies have incorporated new aspects and methods in their cooperation, with positive results in the conduct of border controls. In addition, the Ministry for Public Order has set up a national central authority for the exchange of information concerning all SALW transactions. The Greek authority is in the process of developing its electronic database that will facilitate the sharing of information on SALW with the other competent authorities in Greece and abroad. This initiative is in response to the destabilising effects faced by South East Europe as a consequence of excessive accumulation of SALW. In addition, Greece has concluded bilateral police cooperation agreements with its neighbouring countries. These agreements include clauses on SALW and arms export control. In this context, Greece provides neighbouring countries with logistical and technical support, organizes seminars for police officers and regularly exchanges information and illicitly trafficked SALW.

Within the framework of the SECI Regional Centre for combating trans-border crime (Task Force on SALW), police and customs at the sub-regional level—Southeast Europe are encouraged to cooperate on a number of issues related to SALW.

On the bilateral level, law enforcement agencies in Bulgaria and Belgium, as well as in Belgium and the Netherlands have cooperated to investigate and dismantle illegal arms rings within the region.

German, French and Austrian customs authorities have an extensive information exchange system. The customs investigation services of these countries exchange intelligence on trafficking in SALW by means of prompt and spontaneous provision of information. Close cooperation is also maintained between the German and Slovenian custom authorities, which since 2000 have regularly supplied the German customs criminological office with extensive information on organized trafficking in SALW.

Within the framework of Russian and Lithuanian customs agreement signed in April 2003, officials from both countries will organize common operations in order to detect international arms smuggling. In addition, close cooperation and information sharing among law enforcement, border and customs control agencies exist with between Latvia, Poland and Estonia.

On the other hand, the Republic of Macedonia signed in November 2002 a Memorandum on police cooperation with the United Nations Mission in Kosovo containing provisions on developing cooperation and information sharing on SALW related issues, in particular on illegal trafficking.

In April 2001, in accordance with the Plan of Measures for Cooperation between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of Poland in combating organized crime, the first stage of the special operation "*Operation Border-2001*" was held in the district adjacent to the Kaliningrad region. In May-June 2001, the Ministries of Internal Affairs of the Russian Federation, Ukraine and Belarus also held a joint broad-scale "*Operation Border-2001*" operation. The Ministry of Internal Affairs of the Russian Federation along with the Ministries of Internal Affairs of Azerbaijan, Armenia and Georgia regularly carries out similar measures. In 2002, a special operation "*Operation Border 2002*" in the territory of constituent entities adjacent to the border of the Russian Federation in the southern federal district (Dagestan, North Ossetia, Kabardino-Balkaria, Karachaevo-Cherkessia, Adygeya, Krasnodarsk and Stavropol district) was conducted.

## Africa

The Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), INTERPOL sub-regional bureau for Eastern Africa and the Inter-Governmental Authority on Development (IGAD) cooperates on SALW issues with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders. For example in December 2001, the Nairobi Secretariat in conjunction with EAPCCO and IGAD held a seminar in Djibouti on 'Implementing the Nairobi Declaration'.

The Nairobi Secretariat in conjunction with the EAPCCO is currently developing a training manual/curriculum for the law enforcement officers in the Sub-Region. This will capacitate the officers with modern and sophisticated techniques to address the illicit trade in SALW. In addition, member states of EAPCCO have drafted a mutual assistance protocol that is awaiting ratification. Once ratified the protocol will provide clear guidelines on matters pertaining to exchange of information on a wide range of criminal activities amongst the states, which are also signatories to the National Declaration. The use of ROCCIS and X-400 (Regional Counter Crime Sharing Information System)<sup>82</sup> will be made mandatory in combating cross border crime.

SADC works with the Southern African Regional Police Chief Cooperation Organization (SARPCCO) under the principle of subsidiarity on the implementation of its programmes on Small Arms and Light Weapons. In this regard, the SARPCCO Secretariat, consolidated at the SADC Secretariat has prepared a new programme to address, *inter alia*, the harmonization of legislation; institutional capacity building, joint cross-border operation; demobilization, disarmament, reintegration and development (DDRD); research and publication activities (working with relevant civil societies institutions); and arms destruction.

Within the framework of SADC Organ on Politics, Defense and Security Cooperation, SADC has a public security sub-committee that brings together customs, police, immigration and all other agencies responsible for border control.

The West African Regional Police Chief Co-operation Organization was established in 2002, to combat cross-border crime and related activities. The Chiefs of Police agreed in principle to share information and

work in total coordination to help member states protect their respective territories from cross-border crime, which includes the illicit proliferation of small arms.

#### Middle East

Signatories of the Arab Convention to Counter Terrorism (1998), made commitments to improve systems of transfer, import, export, storage and use of weapons, ammunition and explosives, and to take further steps for monitoring cross-borders and customs to prevent illicit movements. These commitments are yet to be fully operational with establishment of a department of disarmament affairs within the League of Arab States.

#### Americas

States within the Mercosur region have developed a Security Information System that would act as a register for information on firearms, explosives and other related materials. The aim is to produce the following:

- Register of individuals and legal entities that buy and sell, exchange, import, export and distribute firearms;
- Register of ports of shipment and importation, including intermediary points;
- National Registers of individuals and institutional firearms owners. (The SISME mechanism is yet to be operational.)

The United States and Mexico have established mechanisms for border cooperation, enabling them to exchange information, identify individuals and dismantle criminal organizations involved in the illicit trade in arms, ammunition and explosives.

#### Other multilateral cooperation

The Conflict Prevention Centre (CPC) of the OSCE endeavours to support regional initiatives, such as the Regional Center for Combating Trans-Border Crime of the Southeast European Co-operation Initiative (SECI) and its SALW Task Force. Increasingly, the OSCE is being called upon to provide input on border management and policing issues. A number of activities have been undertaken by various OSCE bodies, institutions and field operations, and focus on a various aspects of border security, including

police, customs and immigration. The CPC is in the process of formulating a comprehensive approach for the Organization, and has also launched an internal coordination process for sharing information and developing specific border projects.

The EU, together with the governments of the Netherlands and Sweden agreed to finance training activities on the sub-regional level for police and customs officers involving UNLiREC, Inter-American Drug Abuse Control Commission/Comision Interamericana para el Control del Abuso de Drogas (CICAD) and potentially INTERPOL and WCO, thereby facilitating implementation of the PoA commitments relating to cooperation and information and resource-sharing between such offices and officials.

The World Customs Organization (WCO) has an analytical and computer-based communication tool called RILO (Customs Investigation System), which is interconnected at the national and international levels. RILO enables the personnel of the national customs agencies to store data on the illicit traffic in arms and explosives and to exchange information with customs organizations throughout the world.

In order to strengthen the ability of states to cooperate in combating illicit traffic in small arms and light weapons, bilateral and multilateral agreements between states are being intensified, and efforts are being made to improve mechanisms for active cooperation in this sphere.

#### **4.7 REGIONAL MECHANISMS TO PROMOTE SAFE, EFFECTIVE STOCKPILE MANAGEMENT AND SECURITY, IN PARTICULAR PHYSICAL SECURITY MEASURES, FOR SALW**

In Section II paragraph 29 of the UNPoA, states are encouraged to promote regional mechanisms for effective stockpile management and security, in particular physical security measures for SALW. In addition, most regional instruments on small arms address the need for national stockpiles to be subject to a proper national inventory accounting and control procedures and measures.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes regional initiatives

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on stockpile management and security by SADC, the Pacific Islands Forum, OSCE and NATO/EAPC. It also includes independent initiatives by states within respective regional organizations or in other regions affected by small arms and related issues.

### REPORTING IN 2003

#### Ongoing Programmes in the Field plus Information Provided in the National Reports

To date, only SADC, the Pacific Islands Forum Group, OSCE and NATO/EAPC have been able to implement programmes on stockpile management and security within their respective regional frameworks. For the most part, such initiatives have not necessarily been taken under the regional framework. Rather, they have been independent initiatives by states within regional organizations, in a position to render assistance to promote safe, effective stockpile management within and outside the region.

#### Pacific Islands Forum Group

Australia and New Zealand have provided technical and financial assistance in stockpile management and security as well as other related programmes in Papua New Guinea, Solomon Islands, Fiji, Vanuatu, Nauru, Tonga and Kiribati. Training has been conducted to encourage Pacific countries to implement better stockpile management practices and advice has been provided on how to improve the physical security of a number of armouries. Three armouries were due to be completed in Papua New Guinea in 2003, in an effort to improve small arms security in the lead up to its national elections.

#### OSCE

Section IV of the OSCE Document on SALW contains a number of standards for safe storage of SALW, including through physical security measures. Participating states have reported on their national procedures under the OSCE's information exchanges. The OSCE has also recently embarked on a new initiative to examine the security risks that arise from stockpiles of ammunition and explosives or are awaiting destruction in the

OSCE region. This initiative, introduced by the governments of France and Netherlands covers ammunition and explosives for use in all conventional armaments. On 27-28 May 2003, the Forum for Security Co-operation (FSC) convened an expert workshop to analyse the issue and to consider ways to provide assistance to participating states for the elimination of surplus ammunition stockpiles.

In addition, OSCE has conducted a series of training workshops series in the five OSCE member states in Central Asia (Turkmenistan, Uzbekistan, Tajikistan, Kyrkystan and Kazakhstan) These workshops were held in November-December 2001 and covered a number of topics including secure storage of small arms stockpiles; and destruction of surplus weapons. In addition, under the auspices of the OSCE, some members have provided financial and technical assistance in stockpile management to other regions.

#### The North Atlantic Treaty Organisations/Euro Atlantic Partnership Council (NATO/EAPC)

Within the framework of 'Partner for Peace', some NATO members have provided technical and financial assistance on stockpile management and security to member and non-member states. Thus far, assistance has been rendered to Albania, Moldova, Ukraine, Serbia and Montenegro and Belarus

#### SADC

The SADC Technical Committee on Small Arms serves as a channel of communication among member states for mutual assistance on management on stockpile and security safety measures.

The South African Defence Force assisted the Kingdom of Lesotho in the destruction of its surplus small arms stock. Approximately 3,800 surplus and obsolete SALW were destroyed.

#### OAS

Under the rubric of the "2003 Lima Challenge" the United Nations Regional Centre for Peace Disarmament and Development in Latin America, (UN-LiREC) Lima, Peru, has been dynamically involved in assisting states to review their stockpiles, destroy surplus weapons and upgrade



stockpile facilities. The response to this “Challenge” by Latin American states has been very positive. Over 17,575 firearms and 7,200 ammunition were destroyed in 2002 in Argentina, Brazil and Peru. Similarly, UN-LIREC assisted the government of the Republic of Paraguay in destroying approximately 3,000 firearms and 15 tons of ammunition and explosives stockpiled in the War Material Directorate in 2003.

Further, United States experts have provided presentations on US stockpile management and physical security practices and assistance programmes to the OAS, as well as other multilateral organizations including the OSCE, Stability Pact and NATO/EAPC. Similarly, the Canadian Department of National Defence renders assistance for a wide range of training in the general fields of physical security of facilities, general inventory control, records management, etc.

#### **4.8 DEVELOP APPROPRIATE LEGISLATION AND REGULATION ON SALW**

Section II paragraph 28 of the UNPoA, encourages states, to promote regional and sub-regional action where needed on illicit trade in SALW in order to strengthen relevant laws, regulations and administrative procedures. Regional and sub-regional action on this issue has been initiated by all regional organizations addressing small arms and related issues. However, progress has been slow due to the absence of sufficient political support from member states and adequate funding for effective operative procedures.

The following section covers ongoing programmes in the field plus information provided in the national reports. It includes initiatives by regional organizations, states and non-governmental organizations on the regional and international levels

## REPORTING IN 2003

### Ongoing Programmes in the Field plus Information Provided in the National Reports

Some governments and a number of NGOs have launched international initiatives and advocating for adequate legislation and sanctions to ensure effective international brokering, marking and tracing and export controls. For example Amnesty, Oxfam and the International Action Network on Small Arms are seeking more vigorous ways to deal with this multi-dimensional and multifaceted problem through the development of a legally binding Arms Trade Treaty at the 2006 Review conference.<sup>83</sup>

The Pacific Islands Countries are discussing a draft model “Weapons Control Bill”. The Bill is intended to strengthen the efforts of Pacific Island governments to counter the proliferation of small arms in the region and in their jurisdictions. The draft bill was expected to be reviewed at the Pacific Forum Regional Security meeting in 2003. If the legislation is adopted by Pacific Island states, it will significantly improve the existing firearm laws.

In December 2001, the Presidents of the members of MERCOSUR, Bolivia and Chile, signed a joint communiqué instructing the Political Consultation and Coordination Forum to establish a working group comprising of representatives of the Ministries of Foreign Affairs, Justice, and the Interior, as well as other governmental bodies, to study the harmonisation of their national legislations on firearms and ammunition and the coordination of relevant policies. At the third meeting in Asuncion on 3 June 2003, the delegations “stressed the need to include in their domestic legislation the legal concepts mentioned in CIFTA”.<sup>84</sup> With regards to the application of the Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition, they stated that the regulations conformed to standard models.

South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) has produced A Compendium of Arms Laws for South Eastern Europe, which acts as a useful reference tool for all stakeholders. Since 2002, SEESAC has assisted South Eastern European states to review national laws on civilian possession of arms as well as export, re-export and import legislation. The objective of this initiative is to assist states in the region to strengthen arms legislation and reinforce the

mechanisms of implementation (for more information see [http://www.seesac.org/target/t\\_legislative.htm](http://www.seesac.org/target/t_legislative.htm)).

On the other hand, states consider similar initiatives by most regional organizations within the framework of legally or politically binding instruments, such as the SADC Protocol, OAS Firearms Convention, Nairobi Protocol, etc. as promoting adequate legislation on the regional level. For example, the Wassenaar Arrangement “Best practise guidelines for Exports of Small Arms and Light Weapons (2002) is considered to be of utmost importance towards the harmonization of participating states’ licensing policies and practices.

#### 4.9 ENHANCING COOPERATION

Governments bear the primary responsibility for combating the threat posed by SALW. However the complexity of the threat vis-à-vis the multiplicity of actors involved and the limits of national jurisdiction demands a comprehensive strategy from non-governmental organizations, research institutes and international organizations to cooperate and partner with governments. The PoA acknowledges the essential role of all these actors in shaping, supporting government measures to address the problem. In sections II and III of the PoA, states pledged to establish and strengthen cooperation and partnerships at all levels and with all entities involved in the implementation of the PoA.

The following section covers ongoing programmes in the field plus information provided in the national reports. It gives an overview of some bilateral and multilateral cooperation as well as states’ cooperation with civil society and NGOs.

#### REPORTING IN 2003

##### Ongoing Programmes in the Field plus Information Provided in the National Reports

There is now an emerging drive for various actors to strengthen their involvement and for states to cooperate more readily with them. At the

regional and global levels, cooperation is taking place in the form of discussions, information exchange and training programmes between governments and between specialized government agencies and experts in the field.

#### Bilateral and multilateral cooperation

In recent years, a number of countries have taken active steps within bilateral and multilateral agreements at the regional and global levels to cooperate and share information on the illicit trade in SALW. States have further cooperated through information sharing or exchanges, with international organizations such as INTERPOL and WCO and the law enforcement and judicial authorities of other countries during criminal investigations. For example, the US Bureau of Alcohol, Tobacco, Firearms and Explosives has been exchanging information with the Canadian law enforcement agencies and is providing direct support for the Canadian centralized tracing programme.

Additionally, border control officers in some regions have occasionally been involved in joint border operations, including anti-terrorist exercises. For example, the State Border Protection Committee of CIS has been annually involved in joint Anti-terrorist exercises. Similarly, in accordance with the decision of Erevan session of the Collective Security Council (25.01.2001), rapid deployment collective forces (RDCE) have been set up in the Central Asian region under the Collective Security Agreement (CSA) and include units of the armed forces of four CIS countries—Kazakhstan, Kirghyzstan, Tajikistan and Russia. RDCE implements tasks focused on ensuring the internal security of state parties to the CSA in the Central Asian region, as well as to hold off an external enemy attack and conducting joint anti-terrorist operations.

The Ministry of Internal Affairs of the Russian Federation has recently taken part in high-level inter-state meetings and consultations with China, Mongolia, Belarus, Moldova, Ukraine, Germany, Kazakhstan, Georgia, Armenia and Tajikistan for combating the illicit traffic in small arms and light weapons.

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### Extra Regional Cooperation

A number of regional organizations have developed extra-regional and sub-regional partnerships, cooperation and agreements to complement and reinforce global/regional efforts to prevent, combat and reduce SALW trafficking, proliferation and misuse.

**ASEAN** recognizes extra-regional cooperation as an essential component in the fight against the menace of small arms and related issues. Consequently, extra-regional cooperation is one of the priority areas the ASEAN Work Programme addresses. For instance, an ASEAN plus three Senior Officials Meeting on Transnational Crime (SOMTC + 3), was recently set up to review, discuss and enhance cooperation in combating transnational crime, including the issue of illicit trade in small arms and light weapons. SOMTC + 3 convenes annually between ASEAN Senior Officials on Transnational Crime and the Senior Officials on Transnational Crime of **China, Republic of Korea and Japan**. These special meetings are held back-to-back with the regularly convened SOMTC.

An **ASEAN-China Senior Officials Meeting** on Transnational Crime also convenes annually back-to-back with SOMTC to review and discuss enhanced cooperation between ASEAN and China in combating transnational crime, including illicit trade in small arms. Similarly, **ASEAN-EU Senior Officials Meeting** on Transnational Crime convenes annually back-to-back with SOMTC to review and discuss enhanced cooperation between ASEAN and EU in combating transnational crime, including illicit trade in small arms. In a similar vein, **ASEAN-US Senior Officials Meeting** on Transnational Crime convenes annually back-to-back with SOMTC to review and discuss enhanced cooperation between ASEAN and US in combating transnational crime, including terrorism and illicit trade in small arms.

Additionally, the ASEAN-plus-Three Ministerial Meeting on Transnational Crime (AMMTC + 3) convenes back-to-back with the AMMTC every two years to review cooperation between ASEAN and the Plus Three countries (China, Republic of Korea and Japan). The AMMTC convenes once every two years to overlook and review the work of the SOMTC. The 5<sup>th</sup> AMMTC and the 2<sup>nd</sup> AMMTC + 3 will convene in Hanoi in October 2005.

To date, ASEAN-East Asia (Japan, China and the Republic of Korea) cooperation in transnational crime concentrates particularly on combating trafficking in human beings (women and children), trafficking in illegal drugs, sea piracy, terrorism, arms smuggling, money laundering, international economic crime and cyber crime. Meanwhile, ASEAN-EU and USA cooperation in transnational crime focuses particularly on combating terrorism. The ASEAN, the USA and the EU have yet to establish a comprehensive cooperation to combating illicit trade in SALW. However, the USA has bilateral arrangements with some ASEAN Member countries in combating illicit trade in small arms.

The **EU and the Southern African Development Community (SADC)** adopted a regional Action Programme on Light Arms and Illicit Trafficking, providing a framework for action as regards, *inter alia*, illicit trafficking, strengthening of legal controls of arms transfers, removal of arms from society and enhancing transparency in 1998. A EU-SADC Working Group on small arms has met a number of times to discuss areas of concrete cooperation.

In a similar vein, the EU has established a joint working group with the US and Canada on SALW for regular exchanges at the expert level to increase cooperation, information sharing and to evaluate progress achieved by each side on small arms issues. The **EU/US** Working Group meets at least once during each EU Presidency. Similarly, the **EU/Canada** Joint Working Group meets approximately every six months.

The **Andean Community** has developed a “South-South” cooperation with the **Nairobi Secretariat**, and a ‘South-North’ cooperation with the **EU** in order to learn from other regional processes.

The **Russian Federation**, takes up questions relating to cooperation in combating the illicit trade in small arms and light weapons through international organizations (the EU, the Group of Eight (G8) etc.). For example, the European Union Action Plan on common action for the Russian Federation on combating organized crime of 27 March 2000 provides for cooperation in combating illicit traffic in weapons.

The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, provides a continental framework for cooperation among **ECOWAS, SADC**

and the **Nairobi Secretariat**, however, effective inter-regional cooperation has yet to become active.

*Cooperation with civil society organizations (CSOs) and non-governmental organizations (NGOs)*

Unfortunately, assessing government cooperation with NGOs is quite difficult, since most national reports did not elaborate on the level of cooperation on the regional or global level. Most references were made with regards to civil society involvement at the national level with national coordination agencies (see section on NPC/NCA). Meanwhile, donor countries refer to civil society and NGOs in terms of project funding.

With regards to developing countries, only a handful of countries made special reference to the role of civil society in the fight against SALW. The **Nairobi Secretariat** and its member states commented on the significant role of the local and international civil society in achieving the ultimate objective of an illicit weapons free society. It indicated that established National Focal points in the region benefit from the expertise and experience available with regional and global civil society organizations in undertaking action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with SALW. In addition, civil society organizations have assisted in resource mobilization, networking and development of national action plans.

On the other hand, **Central and Eastern European states**, have not actively engaged local NGOs and CSOs in shaping SALW related policies. Rather, they have developed good partnerships with international NGOs on the issue of arms controls.

In addition, some states reported the level of progress with CSO/NGO participation since 2001. Information provided in the national reports indicates that NGOs have sought to support government action by engaging public awareness, research and in weapons collection and destruction programmes. NGO activities and engagement with states at the BMS, also testifies to the level of cooperation.<sup>85</sup> At the BMS in July 2003, NGOs acted as the “global voice” to reinvigorate the commitment of governments and international agencies involved in SALW control. They encouraged all stakeholders to take on a broader range of issues and broader definitions, in order to promote meaningful change and prevent the daily suffering

around the world from the uncontrolled proliferation and misuse of SALW.<sup>86</sup>

Additionally, the International Action Network on Small Arms in partnership with OXFAM and Amnesty International launched the 'Arms Trade Campaign' in October 2003. The Control Arms Global Campaign focuses on the international trade in small arms, and seeks to build support among governments for an arms trade treaty, a legal instrument that would prohibit arms from being exported to destinations where they are likely to be used to commit acts which include, human rights violations, genocide and breaches of humanitarian law.<sup>87</sup>

In spite of the progress in government-NGO partnerships and cooperation, a number of states have yet to develop the capacity to recognize, particularly, local NGOs as substantial actors in the fight against SALW. Governments must seek to develop new modes of dialogue and communication with NGO networks at the national and regional levels in their respective national and regional policy processes. This is to ensure that there is responsibility, increased transparency, public accountability and trust between the two groups. This strategy will ensure continued legitimacy and effectiveness in the fight against SALW.

#### **4.10 ASSISTANCE IN SUPPORT OF UNPOA ON SALW**

In the PoA, states, international and regional organizations in the position to do so are encouraged to seriously consider rendering assistance, including technical and financial assistance where needed.

The following section covers ongoing programmes in the field plus information provided in the national reports. It gives an overview of assistance and programmes in support of the UNPoA on small arms and light weapons in all its aspects. It also briefly examines funding strategies adopted by donors, regional organizations and international organizations in support of small arms programmes.



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## REPORTING IN 2003

### Ongoing Programmes in the Field plus Information Provided in the National Reports

A number of states provided information in their reports on the assistance given and received for small arms work. Most developing countries have received financial and technical support through international NGOs, United Nations, financial institutes and donor countries to address SALW. Donor countries in particular tended to provide detailed account of the projects they had funded or coordinated. In addition, some affected states indicated quite clearly where they needed technical or financial assistance in implementing the PoA.

States that have made significant contributions in support to the PoA include: **Australia, Belgium, Canada, EU, Finland, France, Germany, Ireland, Italy, Japan, the Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, Switzerland, United Kingdom** and the **United States of America**. Such contributions have been carried out at differing levels and degrees, however due to the ambiguity of information provide on this issue by most states, it is difficult to measure financial support or assess the quality of technical assistance that have been provided in this respect.

Table 4.2 gives an overview of areas that have received assistance. Four major issues in particular have received attention and assistance in the implementation of the PoA. The issues include, (1) *weapons collection and DDR*, (2) *stockpile management and security*, (3) *trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies* and, (4) *capacity building/research*. Areas that have received the least assistance have been: *legislation, national coordination agencies and transparency*.

Table 4.2: A check list of assistance and programmes in support of the UNPoA on SALW

| Donor        | Legislation | National Coordination Agency/ National Focal Point | Stockpile management | Weapons collection; DDR; reintegration of children | Transparency | Trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies | Capacity building/ public awareness, education and confidence building programmes | Action oriented research |
|--------------|-------------|--|----------------------|--|--------------|--|---|--------------------------|
| Australia    | X           |  | X                    | X  |              |  | X   | X                        |
| Belgium      |             |  |                      |  |              |  | X   | X                        |
| Canada       | X           | X  | X                    | X  | X            | X  | X   | X                        |
| EU           |             |  |                      | X  |              | X  | X   |                          |
| Finland      | X           |  | X                    | X  | X            | X  | X   | X                        |
| France       |             |  |                      |  |              |  | X   | X                        |
| Germany      | X           |  | X                    | X  |              | X  | X   | X                        |
| Ireland      |             |  |                      | X  |              |  | X   | X                        |
| Italy        |             |  | X                    |  |              |  | X   |                          |
| Japan        | X           | X  |                      | X  |              | X  | X   |                          |
| Netherlands  |             | X  |                      | X  |              |  | X   | X                        |
| New Zealand  |             |  | X                    | X  |              |  | X   | X                        |
| Norway       |             |  | X                    | X  |              |  | X   | X                        |
| Poland       |             |  | X                    |  |              |  | X   |                          |
| South Africa |             |  | X                    |  |              |  | X   |                          |
| Spain        |             |  |                      |  |              |  | X   |                          |
| Sweden       | X           |  |                      | X  | X            | X  | X   | X                        |
| Switzerland  |             |  | X                    | X  |              |  | X   | X                        |
| UK           | X           | X  | X                    | X  |              | X  | X   | X                        |
| USA          | X           |  | X                    | X  |              | X  | X   |                          |

## Legislation

In terms of support for developing effective SALW legislation and regulations, the Pacific, Latin America, sub-Saharan Africa and Eastern and South Eastern Europe have received relative attention. Australia indicated its support for the drafting of model legislation in the Pacific. Similarly, Germany has provided financial and expert support to seminars on SALW marking conducted under the auspices of the OSCE. Furthermore, Finland, Germany, Sweden, the UK and the USA have provided varying support towards regional efforts to strengthen existing legislation and regulations in Sub-Saharan Africa.

In an effort to support the implementation of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, Canada provided support for a study that compared data on national legislation and institutional mechanisms in the MERCOSUR region and surrounding countries.

## National Coordination Agency (NCA) and National Point of Contact (NPC)

A number of countries in Sub-Saharan Africa and Sri Lanka have received support to either establish NCA/NPC or national plan of action plans to implement the UNPoA.

Through the United Kingdom Global Conflict Prevention Pool, the United Kingdom has provided support to the Nairobi Secretariat to set up National Focal Points in Eastern Africa, the Great Lakes region and the Horn of Africa. Similarly, Canada has supported the Nairobi Secretariat to establish NFP in the signatory countries.

Similarly, the Netherlands supports the NGO, *SaferAfrica* in helping the governments of Namibia, Botswana, Rwanda and Zambia establish National Action Plans on Small Arms and Light Weapons and National Focal Points in Ghana, Sierra Leone, Gambia, Rwanda, Namibia, Botswana, Kenya, Uganda, Tanzania and Mozambique.

Likewise, Japan cooperated with the United Nations Department for Disarmament Affairs in the dispatch of fact-finding missions to Sri Lanka,

which assisted the establishment of a national coordination mechanism and a national point of contact.

### Stockpile Management and Security

In Sub-Saharan Africa, Mozambique, South Africa, the Kingdom of Lesotho and West Africa have received assistance to destroy surplus weapons.

Australia, Canada, Finland, Germany, Greece, Italy, New Zealand, Norway, Poland, South Africa, Sweden, Switzerland, The Netherlands, Turkey, United Kingdom, USA, as well as the EU and NATO/NAMSA have been active in assisting affected countries to improve the security, storage, maintenance and management of their weapons.

The destruction of surplus SALW and training programmes in stockpile management and security have been key areas for delivering assistance. Assistance to Eastern Europe and South Eastern Europe has mostly been carried out within the framework of the NATO-Euro Atlantic Partnership Council (NATO-EAPC). In this connection, projects have been realized through the Partnership for Peace Trust Fund, with the coordination handled by NAMSA. Albania, Moldova, Ukraine, Serbia and Montenegro, and Belarus have benefited from this initiative.

Through the UNDP Small Arms Trust Fund donors have supported efforts to improve stockpile management and security, particularly in South Eastern Europe through SEESAC. Projects have included assistance for regular review of stocks, surpluses and storage/destruction within its programmes.

In addition, Bulgaria, Macedonia and Romania are upon request receiving assistance from the US, Norway and the United Kingdom to review surplus stocks

Australia and New Zealand are providing assistance to Pacific island countries, to improve the security, storage, maintenance and management of their weapons. Thus far, the Solomon Islands, Vanuatu, East Timor, Samoa, Cook Islands and Tonga have received assistance.

Under the auspices of the OSCE, Germany has rendered financial and expert support for seminars on stockpile management in Central Asia and Croatia.

US experts have provided presentations on US stockpile management and physical security practices and assistance programmes to the United Nations, OSCE, Stability Pact, NATO/EAPC, OAS, and other multilateral organizations.

#### Weapons collection; Disarmament, demobilization and reintegration programmes (DDR); Reintegration of former children

Weapons collection and disposal as well as DDR programmes have received significant attention from the international community as such programmes play a primary role in peace processes and a return to the rule of law in post conflict communities. A number of basic principles have been drawn upon including community development and disarmament processes to work in parallel; the importance of integrating disarmament with post-conflict confidence building; restoring public confidence in the police and military; and promoting community “ownership” of the disarmament process.

Through projects and programmes the international community has further recognized the importance of addressing the humanitarian and development needs of conflict-affected communities to combat the small arms problem. Such support has included demobilisation and reintegration of ex-combatants—including child soldiers—into productive civilian life at the end of armed conflict.

Donor support for the above areas has been provided by: Australia, Canada, Denmark, EU, Finland, Germany, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom, USA, World Bank and NATO.

**Table 4.3: Examples of affected areas that have received support for either weapons collection, Disarmament, Demobilization and Reintegration Programmes (DDR), or reintegration of former children**

| Region                            | County/Entity   |
|-----------------------------------|---|
| Asia Pacific                      | East Timor, Solomon Islands, Papua New Guinea   |
| South Asia                        | Afghanistan, Sri Lanka  |
| Southern Eastern Asia             | Cambodia, Philippines   |
| Eastern and South Eastern Europe  | Georgia, Moldova, Kosovo, Bosnia Herzegovina, Albania, Macedonia, Yugoslavia, Serbia and Montenegro |
| West Africa                       | Sierra Leone, Liberia, Guinea Bissau, Niger   |
| Great Lakes and Horn of Africa    | Ethiopia, Uganda, Democratic Republic of Congo, Republic of Congo, Southern Sudan, Rwanda           |
| Southern Africa                   | Angola, Mozambique  |
| Latin America                     | Guatemala, Colombia   |
| Central America and the Caribbean | Haiti   |

### Transparency

This area has received the least attention and assistance from the international community. Sweden, Finland and Canada have provided assistance for transparency mechanisms in affected regions to address SALW.

Canada has provided support for the development of a software application for use in the registration of destroyed weapons in Latin America. This software application was developed in cooperation with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLi-REC).

Similarly, Finland and Sweden have contributed financially to the *Small Arms Transparency and Control Regime (SATCRA) programme in Africa*. The objectives of this programme include the establishment of a SALW Register for Africa; an inventory of local arms manufactures; and a monitoring and verification provision to ensure compliance.

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### Trans-border customs cooperation and Networks for information Sharing among law enforcement, border and customs control agencies

This area has also received significant support from the international community. Many states have provided expertise and financial assistance to affected regions. To this end, assistance has been in the form of training programmes for law enforcement agencies, cross-border cooperation and operation, mutual legal assistance, as well as information sharing and exchange. In addition, reference to support for foreign law enforcement agencies as well as for INTERPOL and the World Customs Organization (WCO) was indicated in the national reports.

Furthermore, the EU, together with governments of the Netherlands and Sweden agreed to finance training activities in Latin America for police and customs officers involving UN-LiREC, Comisión Interamericana para el Control del Abuso de Drogas and potentially INTERPOL and World Customs Organization. Likewise, Canada, through the Royal Canadian Mounted Police, has created a working prototype of the INTERPOL Weapons and Explosives Tracking System and donated this tool to the INTERPOL Secretariat. Similarly, OSCE has provided training modules and financial support on border management to countries in Central Asia.

Within the framework of the Stability Pact, countries in South Eastern Europe have received support in the fields of training and specialization of border police forces to combat illicit trafficking in SALW. Likewise, Japan's police system operation (Koban system)—its investigation technique, and criminal identification technique are highly regarded in many other countries. Upon request, Japan has been offering technical assistance in such fields by organizing seminars and providing technical cooperation and training. Countries within Asia and Latin America have benefited from this initiative.

The Nairobi Secretariat and SADC have also received support from the United Kingdom and Sweden on border control and training for law enforcement.

Through the Export Control and Related Border Security Assistance, the USA government works to improve export/border controls to detect and interdict illicit transfers of controlled items, including the current

negotiations of a Regional Transit Agreement within the OAS region and among countries in the Caucasus and Central Asia.

#### Action-oriented research

In the national reports, a number of governments indicated their support for action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW. Some governments further acknowledged significant implications of the research findings to the evolution of global, regional and sub-regional micro-disarmament architectures. Major financial contributors in this field have been Australia, Belgium, Canada, Finland, France, Germany, Ireland, Netherlands, New Zealand, Norway, Sweden, Switzerland and United Kingdom.

Action-oriented research targets the problems associated with the indiscriminate use and trade in SALW and has also provided vital input into regional policy-making on small arms control, and supported public awareness initiatives. In recent years, research has focused considerably on the link between the misuse of small arms and development. Some of the most important research findings have assessed the social and economic implications of small arms availability and misuse.

In addition, research work highlights the human cost and human security elements of small arms proliferation, which has clearly indicated that the needs of the affected people have to be recognized in the fight against illicit small arms.

#### Capacity-building

This area has received the most support and attention. In certain respects, this issue area consolidates states' efforts to implement the UNPoA as a whole. Capacity building can mean different things to different states and organizations. It can include financial assistance, technical assistance, training, workshops, international initiatives, confidence building programmes, public awareness, education, cooperation, partnerships, information sharing, research etc. In this respect, capacity building contributes to the effectiveness and sustainability of the PoA implementation process.



In examining the information provided in the national reports, capacity-building programmes has been carried out in varying degrees and levels. Since almost all the activities in the reports contribute to capacity-building, it becomes quite difficult to synthesize and provide a thorough assessment on this issue.

Without intending to dismiss the numerous activities underway, as there are too many efforts worth noting, the following section will simply identify a sample of the significant efforts underway since July 2001.

Since July 2001, the following activities, *inter alia*, have been undertaken thus far:

- Training of local actors for weapons management and practical disarmament;
- Training of local actors in survey techniques and quantitative data analysis;
- Community policing and conflict prevention in affected communities;
- Training and support on export and import licensing procedures ;
- Training of police and law enforcement officials in trafficking, record-keeping, marking, tracing and safe disposal of weapons;
- Training in intelligence-gathering tools for front-line law enforcement;
- Support to implement regional instruments on SALW;
- Training on firearms marking techniques and firearms identification.

In the national reports, a number of states made references to technical assistance they have received from specialized United Nations agencies, international organizations or CSOs. Most United Nations agencies and international organizations, by the nature of their mandate, protect and assist victims of armed conflict as well as the underprivileged.

United Nations Development Programme (UNDP), United Nations Department for Disarmament Affairs (UNDDA), United Nations Institute for Disarmament Research (UNIDIR), United Nations High Commissioner for Refugees (UNHCR), United Nations Children Fund (UNICEF), United Nations Peacekeeping Operations (UNDPKO), World Health Organization (WHO), World Food Programme (WFP), International Organization for

Migration (IOM), International Committee of the Red Cross (ICRC), South East European Cooperative Initiative (SECI), the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC), as well as relevant research institutes, human rights institutes etc. have been particularly supportive of states to assist them in combating the illicit trade in SALW. For example, SEESAC, SECI and RACVIAC have provided technical advice and support in stockpile management and security, destruction of surplus weapons security sector reform etc. to countries in Eastern and South-eastern Europe. UNLi-REC in cooperation with UNDP are developing training programmes for law enforcement agents, national points of contacts and parliamentarian advisers in Latin America.

Additionally, it is encouraging that fifteen regional and sub-regional organizations have taken the task to slowly build adequate regional mechanisms on small arms. Presently, there are over 30 regional instruments addressing small arms and related issues.<sup>88</sup>

**Box 4.2: An example of capacity building reported by the Russian Federation**

About 400 members of law enforcement bodies of different states are currently studying in educational institutions of the Ministry of Internal Affairs of the Russian Federation. In the course of their training, issues of combating the illicit traffic in small arms and light weapons are regularly considered. For example, in the context of upgrading their qualifications, 24 staff from the Ministry of Internal Affairs of Armenia, the Ministry of Internal Affairs of Uzbekistan and the Ministry of National Security of the Democratic People's Republic of Korea underwent training in the school for the training of service dogs in the Ministry of Internal Affairs of the Russian Federation, with a specialization in: "Search for weapons, explosives and ammunition".

**Box 4.3: Examples from the United Nations system**

Within the United Nations system, an internal mechanism called CASA (Coordinating Action on Small Arms<sup>89</sup>) was put in place in 1998 to coordinate small arms control activities throughout the system with the UNDDA as the focal point. It aims to set priorities; to encourage public advocacy of efforts to address small arms issues; to increase the Organization's ability to provide assistance to countries that seek such help; and to advance the United Nations broader disarmament goals.

Under the auspices of CASA, the United Nations Development Programme (UNDP), the United Nations Department for Disarmament Affairs (UNDDA) and the United Nations Institute for Disarmament Research (UNIDIR) have jointly developed an Assistance Package to help states in preparing their national reports on measures taken to implement the PoA. The project supports states' efforts to formulate and submit progress reports to the UNDDA on the implementation of the UNPoA. In 2003, UNDP assisted 25 governments in producing their national reports to the first BMS in July 2003. UNDP continues to provide reporting assistance and capacity building on SALW to governments upon request.<sup>90</sup>

In addition, the UNDP Bureau for Crisis Prevention and Recovery (BCPR) maintains an extensive programme on small arms-related issues, through the work of its Small Arms and Demobilization Unit. It has undertaken small arms and DDR activities in more than 22 countries in five regions—South-Eastern Europe, Great Lakes Region, West Africa, Central America and the Pacific region.<sup>91</sup> Areas of work include, small arms reduction, reintegration of ex-combatants and armed violence prevention and reduction.

The United Nations Secretariat intends to establish a small arms advisory service within the Department for Disarmament Affairs, on the basis of extra-budgetary resources. The main purpose of the service is "to enhance the effectiveness of the Coordinating Action on Small Arms (CASA) mechanism, thereby enhancing the ability of the United Nations to assist member States in the implementation of the Programme of Action".<sup>92</sup> The Service will serve as a permanent secretariat to CASA.

### Nature of funding

In examining assistance programmes to address the problem of SALW, it can be noted that donors mostly fund SALW programmes through

international NGOs, international organizations or regional organizations. In only a few instances have donors developed bilateral relations with affected states to support SALW programmes.

In some instances, special trust funds or budget lines have been provided to specifically address SALW issues. For example, The NATO-Euro Atlantic Partnership Council in the framework of the *Partnership for Peace Trust Fund*, with coordination handled by NAMSA provides assistance to practical SALW disarmament issues. Likewise, a group of key donors based in Nairobi have lunched—“*The Friends of the Nairobi Initiative*”—to support the implementation of the Nairobi Declaration. Through this initiative, funds have been provided to cover the staffing costs of the Nairobi Secretariat, public awareness raising initiatives and the formation of national focal points.

Through the *Global Conflict Prevention Pool*, the United Kingdom provides support for SALW projects in affected regions including, the United Nations Regional Centre for Peace, Disarmament and Development, Lima (UN-LiREC) for training of police and law enforcement officials in trafficking, record-keeping, marking, tracing and safe disposal of weapons.

A *Bougainville Ex-combatants Trust Account* has been established to assist ex-combatants to reintegrate into civilian society. It provides ex-combatants with skills and opportunities to engage in productive activities through micro-enterprise development. Awareness sessions have been conducted in all districts of Bougainville. Australia has contributed AUD 5 million to this trust fund.

UNDP has established a *Trust Fund on Small Arms Reduction, Demobilisation and Disarmament of ex-combatants* through the Thematic Trust for Crisis Prevention and Recovery. Contributors to the small arms trust fund include the governments of Belgium, Canada, the Netherlands, Norway, Switzerland and the United Kingdom.

A *United Nations Trust fund for Children affected by Armed Conflict* has been established to allow the Special Representative of the United Nations Secretary General for Children in Armed Conflicts to carry out activities of advocacy and awareness on the issues of children in armed conflict.

## CONCLUSION

In examining efforts at the regional and global levels to implement the UNPoA, there is growing recognition of the need to develop regional and global perspectives to combat the illicit trade of small arms, and such mechanisms are slowly emerging. States are establishing and strengthening cooperation and partnerships at all levels and with regional and international organizations as well as civil society.

It can be noted from analysis of programmes and activities on the national and international levels that small arms issues are mostly addressed in the context of regional priorities. For example, the Pacific region's main focus is to deal with the availability of old stocks of often basic weapons in the civilian community; the lack of infrastructure for effective weapons accountancy and stockpile management; and incomplete legislation for licensing and registration of small arms and light weapons, and insufficient capacity to fully enforce this legislation.

On the other hand, the Middle East address small arms issues in the context of terrorism and conflict and post conflict issues.

In the Southeast Asian region, ASEAN deals with the issue in the context of the ASEAN Plan of Action to Combat Transnational Crime. SALW is seen as an integral part of terrorism, drug trafficking, money laundering, trafficking of human beings and piracy.

Sub-Saharan Africa is addressing the problem of SALW in the context of post-conflicts situations and unrest. Accordingly, most small arms activities have been in the context of weapons collection, DDR programmes and security sector reform. As a result, the establishment of national focal points responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects have been a priority for most states in the region.

North America, Latin America and the Caribbean are addressing the small arms problems in the context of transnational organized crime, the lack of infrastructure for effective weapons accountancy and stockpile management and, incomplete legislation for licensing and registration of SALW, and insufficient capacity to fully enforce legislation on SALW.

Through the EU Code of Conduct and the EU Joint Action on Small Arms and EU common position on brokering, EU member states have adopted common policies to effectively address the problem of SALW. The issue of illicit trade in SALW, particularly in Eastern Europe is closely linked with effective border controls, combating transnational organized crime, illicit transfers and theft of SALW.

Similarly, OSCE member states have used a unique system of information exchange to establish a best practice system to assist member states to address the small arms issue in their countries. The OSCE focuses on export controls, record-keeping and stockpile management, particularly in Central Asia.

Although initiatives have begun to take shape at the regional and global level, implementation of regional programmes in most regions are proceeding slowly, due to absence of effective operative procedures and lack of adequate assistance. Actions on SALW within some regional organizations are less developed, while others such as the OSCE Document on SALW and the EU common position on brokering have complemented and in some cases exceeded the commitments agreed in the UNPoA. Still a number of regional agreements or instruments on SALW have not moved beyond the declaratory stage.

## RECOMMENDATIONS

- States should consider providing more details on their extra- and inter-regional cooperation on small arms and related issues (e.g. transnational organized crime or terrorism). They should include any specific benefits such as:
  - Access to expertise on SALW in other regions;
  - Improved networking and information exchange arising from cross-border cooperation;
  - Resource mobilization;
  - Greater harmonization of policies and programmes.
- States should consider reporting on their progress in harmonizing SALW legislation and policies at the regional or sub-regional levels in order to reduce the risk of diversion of illicit SALW across borders as well as assist in preventing, combating and eradicating

illicit trafficking in SALW. Relevant international organizations, experts, appropriate financial institutions, donors, international and regional organizations in a position to do so could then promote and support such initiatives.

- States are encouraged to report on their progress in mainstreaming small arms programmes within regional priorities such as poverty eradication, reduction of armed violence, terrorism and transnational organized crime. Such information could prove useful as a reference for best practices and/or lessons learned.
- States could consider increased channelling of capacity-building and training for parliamentarians, national points of contact on small arms, law enforcement agents and civil society through regional organizations.
- States, particularly in affected regions, are encouraged to consider establishing a “*small arms fund*” dedicated specifically for small arms programmes through regional organizations, since access to funding for small arms programmes is limited. On the other hand, appropriate financial institutions, donors, international and regional organizations in a position to do so, should seriously consider promoting and supporting such small arms funds to assist affected communities and regions.





## CHAPTER 5

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 CONCLUSION

The period following the adoption of the PoA in July 2001 has seen notable progress across the world in particular in the areas of cooperation and awareness. Various actors, including governments, regional organizations, international organizations, and civil society have been involved in different activities aiming at implementing the PoA, and decreasing the negative effects caused by illicit small arms and light weapons.

Additionally, mechanisms for developing regional and global perspectives to combat the illicit trade of small arms are slowly emerging. States are establishing and strengthening cooperation and partnerships at all levels and with regional and international organizations, as well as civil society. In addition, a significant number of states address SALW issues that also reflect regional priorities. In general, information in the national reports reflects strengths in national practices more than problems encountered.

**Box 5.1: Summary of national reports**

Of the total 103 countries that submitted national reports in 2003, approximately:

- 79% mention, to some degree, National Commission Agencies or National Points of Contact;
- 90% refer to national legislation governing small arms control at the national level;
- 87% discuss, to some degree, import, export and transfers controls;
- 50% address existing brokering legislation, or described penalties for illicit brokering activities;
- 78% mention at least some aspects of marking and tracing;
- 75% address weapons collection and destruction;
- 71 % mention stockpile management and security;
- 41% refer to surplus weapons, as a separate theme from stockpile management and security;
- 57 % refer to public awareness efforts;
- 35 % discuss demobilization, disarmament and reintegration programmes, either directly or indirectly by describing project activities related to such programmes;
- 9% refer to the special needs of children affected by armed conflict.

From the above, it is evident that export, import and transit controls, and national legislation were the most frequently addressed PoA themes. The least mentioned were DDR efforts, including addressing needs of former child soldiers, surplus weapons and brokering.

Although a number of reports specifically address national legislation on SALW exports/imports and the relevant licensing authority, there is a lack of detail concerning export and import licenses, as well as end-user and transport certificates. National measures on SALW transits, transfers and re-transfers received little attention from states. Although a number of states refer to marking, record-keeping and tracing, the information provided in the report suggests that there is a lack of effective implementation in this area. As such, the common problem, identified particularly by developing countries, is the existence of clandestine artisan producers manufacturing homemade unmarked weapons.

Despite these shortcomings, it is encouraging that since the adoption of the UNPoA, over 60% of states have established National Points of

Contact. This can be viewed as a positive development that may well continue during the period leading to the 2005 Second Biennial Meeting and the 2006 Review Conference.

In addition, positive developments are underway in most countries with regards to reviews of laws and administrative procedures on SALW and public awareness programmes. Additionally, a number of countries have recognised civil society as a valuable partner in combating the indiscriminate use and trade in SALW. Moreover, technical and financial assistance has been provided for training of law enforcement agencies and the police, weapons collection and destruction projects and stockpile management and destruction.

Furthermore, a number of countries identify needs for financial and technical assistance in illicit arms production, public awareness programmes, training of law enforcement agencies as well as safe storage and destruction of surplus weapons. Although affected countries made general references to a lack of capacity to conduct weapons collection programmes or DDR, they did not make specific requests regarding the need for assistance.

In spite of the relative progress underway since the adoption of the UNPoA, there is still a need for enhanced implementation efforts if states are to prevent, eradicate and combat the menace that illicit SALW pose to human security at national, regional and international levels.

As the chair of the 2003 Biennial Review Conference of the UNPoA stated, "the Programme of Action provides a framework for both national and collective action.

The achievement of progress in tackling this problem requires a comprehensive and inclusive approach in all its thematic aspects, incorporating national, regional and global dimensions."<sup>93</sup> The national reports are a crucial instrument for promoting the effective implementation of the Programme of Action. They do not only promote the exchange of information among states to publicise their compliance with their obligations, but also encourage states to further action in stemming the menace of small arms and related issues.

## 5.2 RECOMMENDATIONS

### RECOMMENDATIONS ON THE REPORTING PROCESS IN GENERAL

- All States are encouraged to submit annual national reports, and ensure consistency of the reporting process.
- All States are encouraged to improve the quality of their reports—for example by detailing country-specific problems, the need for assistance or special capabilities and detailing any willingness to help in specific areas.
- All States are encouraged to include in their national reports before the Review Conference in 2006, a section on thoughts about “the way forward”—what is expected of the PoA, and what countries want to concentrate on in the future.
- States could consider harmonizing PoA reporting with other appropriate regional reporting mechanisms (for example, the Nairobi Declaration).
- If the above harmonization of reporting is unfeasible, States could consider attaching other information reported on small arms initiatives and themes submitted to other bodies during the same year. For instance, some OSCE member States annexed to their national reports on the PoA information on the issue of stockpile management and security reported within the framework of the OSCE.

## 5.3 RECOMMENDATIONS SPECIFIC TO THE VARIOUS THEMES

### RECOMMENDATIONS FOR NATIONAL POINT OF CONTACT AND NATIONAL COORDINATION AGENCY

- States that have not done so should consider providing details of their National Point of Contact (NPC) to the UNDDA registry, which serves as a point of reference for States.
- States, particularly in developing and affected countries, could consider allocating a budget line from their national expenditures for the work of the National Coordination Agency (NCA), since it implies commitment by the government and indicates a sense of ownership.

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### RECOMMENDATIONS FOR LEGISLATIVE/ADMINISTRATIVE PROCEDURES ON SALW

- States that have not done so should consider providing copies of all national legislation pertaining to SALW to the UNDDA to be made publicly available on the DDA website.
- It would be useful if States could consider reporting on their national regulations on ammunition and explosives which are often an integral part of their national SALW control programmes.
- States could also consider providing clear references on how they regulate transit, transfers and re-transfers of SALW in order to avoid diversion of arms to embargoed areas, human rights abusers and criminal groups.
- States are encouraged to report on progress made in institutional capacity-building within the implementing agencies. For example, states could report on their strategies to develop competent law enforcement personnel equipped to deal with the legal issues essential for combating the illicit use and trade of SALW. These strategies could prove useful as a reference for best practices and/or lessons learned.

### RECOMMENDATIONS FOR EXPORTS, IMPORTS AND TRANSFERS

- All States are encouraged to provide substantive reports that may include:
  - Types of end-user certificates required for arms exports;
  - Criteria on the basis of which export licenses are issued;
  - Indications of whether the state is producing and/or exporting small arms;
  - General export-import statistics on SALW.

Such information could prove useful as a reference for best practices and/or lessons learned.

- Where States are already providing data on SALW imports/exports to another forum (e.g. the UN Commodity Trade Statistics Database), they are encouraged to consider harmonizing some aspects of this information with their report on implementing the PoA.

### RECOMMENDATIONS ON MARKING, RECORD-KEEPING AND TRACING

- States and international organizations in the position to do so, should consider providing assistance for data-collection and a weapons register, since these areas are reported by a number of States to be in greatest need for capacity building.

### RECOMMENDATIONS FOR ARMS BROKERING ACTIVITIES

- In the lead-up to the Review Conference in 2006, it would be useful to develop common criteria for brokering regulations, which could be achieved through information sharing and experiences on brokering regulations gathered from as many countries or regions as possible.
- States should consider reporting on progress made in regulating brokers through changes to their existing national legislation or administrative measures. For example, States could report progress on defining licit and illicit brokering, the issue of extra-territorial jurisdiction, appropriate penalties and also progress on international cooperation in preventing, combating and eradicating illicit SALW brokering.

### RECOMMENDATIONS FOR WEAPON COLLECTION

- It could prove useful if reports on weapons collection included an evaluation of whether these programmes adequately addressed the social, political, economic and environmental contexts that feed the desire to obtain or retain weapons even after a conflict has ended.

### RECOMMENDATIONS FOR DDR PROGRAMMES

- Post-conflict states should consider providing a greater indication of needed DDR assistance, and to identify needs as precisely as possible, in order to give potential donors a concrete idea of what is required and whether that fits with their capacities for assistance.

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### RECOMMENDATIONS FOR ADDRESSING THE SPECIAL NEEDS OF CHILDREN AFFECTED BY ARMED CONFLICT

- States are encouraged to report specifically on how they have addressed the special needs of children affected by armed conflict, in particular in relation to family reunification, the reintegration of child combatants into society, and appropriate rehabilitation.

### RECOMMENDATIONS FOR STOCKPILE MANAGEMENT AND SECURITY

- States are encouraged to clearly indicate what support (if any) they need for safe storage and destruction of government stocks and surpluses. This will help donor States and international organizations to provide the appropriate assistance.

### RECOMMENDATIONS FOR PUBLIC AWARENESS PROGRAMMES

- States are encouraged to provide examples of any educational, civic training and public awareness programmes they have initiated to inform the public about the negative effects of gun culture and misuse of guns. States could also report on how they have addressed the socio-economic factors that influence the demand for illicit SALW. Such information could prove useful as a reference for best practices and/or lessons learned.

### RECOMMENDATIONS FOR REGIONAL AND GLOBAL INITIATIVES

- States should consider providing more details on their extra- and inter-regional cooperation on small arms and related issues (e.g. transnational organized crime or terrorism). They should include any specific benefits such as:
  - Access to expertise on SALW in other regions;
  - Improved networking and information exchange arising from cross-border cooperation;
  - Resource mobilization;
  - Greater harmonization of policies and programmes.
- States should consider reporting on their progress in harmonizing SALW legislation and policies at the regional or sub-regional levels in order to reduce the risk of diversion of illicit SALW across

borders as well as assist in preventing, combating and eradicating illicit trafficking in SALW. Relevant international organizations, experts, appropriate financial institutions, donors, international and regional organizations in a position to do so could then promote and support such initiatives.

- States are encouraged to report on their progress in mainstreaming small arms programmes within regional priorities such as poverty eradication, reduction of armed violence, terrorism and transnational organized crime. Such information could prove useful as a reference for best practices and/or lessons learned.
- States could consider increased channelling of capacity-building and training for parliamentarians, national points of contact on small arms, law enforcement agents and civil society through regional organizations.
- States, particularly in affected regions, are encouraged to consider establishing a *small arms fund* dedicated specifically for small arms programmes through regional organizations, since access to funding for small arms programmes is limited. On the other hand, appropriate financial institutions, donors, international and regional organizations in a position to do so, should seriously consider promoting and supporting such small arms funds to assist affected communities and regions.



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## Notes

- 1 The analysis refers to the 191 UN member states plus the Holy See as an observer to the UN.
- 2 Chairperson's summary, BMS, July 2003. See Annex 2.
- 3 UN document A/CONF.192/15.
- 4 UN document A/CONF.192/15.
- 5 See S/PRST/2001/21.
- 6 Annex to UN document A/CONF.192/15.
- 7 See Annex 2 for the Chairperson's summary.
- 8 Counting states registered with the United Nations for (1) the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and (2) the July 2003 United Nations First Biennial Meeting of States to Consider the Implementation of the UN Programme of Action.
- 9 Including 168 UN member states and the Holy See as an Observer to the UN.
- 10 Including 138 UN member states and the Holy See as an Observer to the UN.
- 11 As of 25 August 2003.
- 12 In addition to national statements, the Conference heard statements by Belgium, on behalf of the European Union; Qatar, on behalf of the League of Arab States; Mali, on behalf on the Francophone Group; Chile, on behalf of the Rio Group; Vietnam, on behalf of ASEAN; Nauru, on behalf of the Pacific Islands Group; Namibia, on behalf of the Southern African Development Community; Uruguay, on behalf of MERCOSUR, Bolivia and Chile; and Belize, on behalf of the Caribbean Community.
- 13 Lithuania and Luxembourg did not take the floor, but delivered written statements. In addition, Italy spoke on behalf of the European Union, and Nigeria on behalf of the African Union.
- 14 See Annex 1.
- 15 As of 31 December 2003.
- 16 As defined by the United Nations Department for Disarmament Affairs. For the current list of reports, see: <<http://disarmament.un.org:8080/cab/salw-nationalreports.html>>
- 17 Based on information drawn from national reports submitted to the UNSG in 2003, the UNDDA list of NPCs (as of 29 January 2004), and from the civil society (Biting the Bullet (2003), *Implementing the*

- Programme of Action 2003: Action by States and Civil Society*, London: IANSA, pp. 25-27). See Annex 4.
- <sup>18</sup> The Biting the Bullet Project is a joint Saferworld, International Alert and the University of Bradford endeavour, which seeks to advance the agenda of the UN 2001 Conference through facilitating debate between governments and civil society, and promoting international understanding of key issues related to the implementation of the Programme of Action.
- <sup>19</sup> The BtB report (2003) includes also responses from Kosovo as a separate entity, pp. 26-27.
- <sup>20</sup> BtB report (2003), pp. 26-27.
- <sup>21</sup> Based on information derived from the national reports submitted to the UNDDA in 2003, and the BtB report (2003), pp. 26-27.
- <sup>22</sup> The total number comprises all UN member states (191) plus the Holy See (an observer to the UN).
- <sup>23</sup> The updated list of NPCs can be accessed at <http://disarmament2.un.org/cab/docs/list1.pdf>. In addition to 112 UN member states, the list indicates also the NPC of Cook Islands.
- <sup>24</sup> El Salvador, Iran, Mali, and Spain.
- <sup>25</sup> The BtB report (2003) has additional information on Cambodia, Cameroon, Ethiopia, Mozambique, Nigeria and Tanzania.
- <sup>26</sup> Information is gathered from the information on the DDA website on 29 Jan 2004, national reports submitted to the UNDDA in 2003, as well as the BtB report (2003).
- <sup>27</sup> The total number comprises all UN member states (191) plus the Holy See (an observer to the UN).
- <sup>28</sup> Two points of contact exist in: Albania, Chile, Côte d'Ivoire, Estonia, Hungary, Israel, Italy, Malaysia, Pakistan, Panama, Philippines, Portugal, Moldova, Sri Lanka, and Zambia. Three points: Korea and Singapore. Four points: Costa Rica.
- <sup>29</sup> See Section 3.4: Import /export/transfers controls.
- <sup>30</sup> Monaco applies the French law on weapons of war.
- <sup>31</sup> In December 2003, Brazil passed a bill on gun laws. Under the new legislation, the sale and trade of weapons has been limited. A national referendum has been scheduled for October 2005, in which voters will be asked whether they want the gun sale restrictions to continue or be revoked.
- <sup>32</sup> In January 2004, the British Home Office announced a new law—a five-year minimum jail term for illegally possessing a gun or ammunition. In addition, civilian possession of an air weapon or

imitation firearm in a public place is illegal and selling high-powered air cartridge weapons has been banned, under the Anti-Social Behaviour Act 2003.

- <sup>33</sup> Further information can be found on the following websites: <http://www.dti.gov.uk/export.control> <http://www.fco.gov.uk>—go to ‘International Security’ and then ‘Arms Control & Non-Proliferation’.
- <sup>34</sup> See PoA, Section II paragraphs 3, 6 & 8.
- <sup>35</sup> In January 2004, the British Home Office announced a new law—a five-year minimum jail term for illegally possessing a gun or ammunition. In addition, civilian possession of an air weapon or imitation firearm in a public place is illegal and selling high-powered air cartridge weapons has been banned, under the Anti-Social Behaviour Act 2003.
- <sup>36</sup> Amendments to the Lithuanian Criminal Code came into force 1st May 2003.
- <sup>37</sup> “The Security Council further reiterated its call, in January 19 2004, on all Member States to effectively implement arms embargoes and other sanction measures imposed by the Council in its relevant resolutions, and urged Member States, who are in a position to do so, to provide assistance to interested States in strengthening their capacity to fulfil their obligations in this regard. The Council also encouraged Members to undertake vigorous actions aimed at restricting the supply of small arms, light weapons and ammunitions to areas of instability. The Council further encouraged Member States to provide the Sanctions Committees with available information on alleged violations of arms embargoes and also called on Member States to give due consideration to the recommendations of the related reports (SC/7984, 19 January 2004)”.
- <sup>38</sup> See Security Council Presidential statement October 31 (S/PRST/2002/30).
- <sup>39</sup> The Charter of the United Nations: <http://www.un.org/aboutun/charter>.
- <sup>40</sup> There are approximately 98 arms-producing countries in the world—See *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 57.
- <sup>41</sup> *Small Arms Survey 2003: Development Denied*, Oxford: Oxford University Press, p. 231.
- <sup>42</sup> Section II, paragraph 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.”
- <sup>43</sup> Procedures with respect to the transfer of small arms and light weapons (in the framework of the OSCE), 4 February 2004, can be found at: [http://www.eu2004.ie/templates/news.asp?sNavlocator=66&list\\_id=208](http://www.eu2004.ie/templates/news.asp?sNavlocator=66&list_id=208).
- <sup>44</sup> Section II, paragraph 21: “To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.”
- <sup>45</sup> Section II, paragraph 16: “To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered...” and Section III, paragraph 14: “Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.”
- <sup>46</sup> Section II, paragraph 4: Responsibilities of national coordination agencies or bodies and institutional infrastructure should include policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects including “aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.”
- <sup>47</sup> For more information about the open-ended working group, see <http://disarmament2.un.org/cab/salw-oewg.html>.
- <sup>48</sup> Inter alia the following countries report having a database on SALW in place: Argentina, Armenia, Australia, Belgium, Benin, Brazil, Canada, Latvia, Lithuania, Mexico, Paraguay, Republic of Korea, Republic of Moldova, the Russian Federation, and Saudi Arabia.

- <sup>49</sup> *Small Arms Survey 2004: Rights at Risk*, Oxford: Oxford University Press, p. 10.
- <sup>50</sup> According to the Canadian national report in 2003 “IWETS is comprised of a bulletin board, an automated tracing form, a stolen firearms and explosives database, a counterfeit firearms database and e-mail capability for subject-matter experts. The RCMP has also included the Firearms Reference Table (a electronic firearms encyclopedia containing firearms descriptions and related photographs used for firearms identification purposes) in IWETS”.
- <sup>51</sup> It is noted in the report that at least 80,000,000 francs would be needed in order to establish such a register.
- <sup>52</sup> *Small Arms Survey 2003: Development Denied*, Oxford: Oxford University Press, p. 231.
- <sup>53</sup> *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, p. 98.
- <sup>54</sup> *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, pp. 124-125.
- <sup>55</sup> *Small Arms Survey 2004: Rights at Risk*, Oxford: Oxford University Press, pp. 147, 150.
- <sup>56</sup> See <http://www.osce.org/docs/english/fsc/2000/decisions/fscew231.htm>.
- <sup>57</sup> *Small Arms Survey 2004: Rights at Risk*, Oxford: Oxford University Press, pp. 148-150.
- <sup>58</sup> To compare reporting to information available from other sources, see *Small Arms Survey 2004: Rights at Risk*, Oxford: Oxford University Press, pp. 148-150.
- <sup>59</sup> *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, p. 126.
- <sup>60</sup> Ghana and Nigeria indicated to the BtB report (2003) that they have brokering controls in place—they did not submit national reports in 2003. Of the reporting countries, Armenia, Pakistan, Rwanda and Uganda had reported about brokering to BtB report (2003), but did not address the issue in their national reports of 2003.
- <sup>61</sup> PoA, Section II paragraph 18: “To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and

- implemented and that such stocks are adequately safeguarded until disposal”, and Section II paragraph 19: “To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.”
- <sup>62</sup> PoA, Section II paragraph 14 : “To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State’s jurisdiction and control. ”
- <sup>63</sup> Inter alia Argentina, Benin, Brazil, Democratic Republic of Congo, Haiti, Kenya, Mali, Niger, Pakistan, Peru, and Philippines report about public weapons destruction events.
- <sup>64</sup> According to the report “the collected weapons have not completely destroyed due to the necessary financial support”.
- <sup>65</sup> See also OSCE 2000, sec.IV C1, and *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 258.
- <sup>66</sup> BtB report (2003), p. 160.
- <sup>67</sup> *Small Arms Survey 2003: Development Denied*, Oxford: Oxford University Press, p. 231.
- <sup>68</sup> *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 259.
- <sup>69</sup> NATO Partnership for Peace Work Programme: <http://www.nato.int/issues/pfp/pfp.htm#pwp>.
- <sup>70</sup> *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 260; BtB report (2003), p. 160.
- <sup>71</sup> *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 232.
- <sup>72</sup> *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, p. 282.
- <sup>73</sup> At an international seminar organized by the Geneva Forum—“The role of regional organizations in stemming the illicit trade in SALW: Sharing Experience and Drawing Lessons”—28-30 January 2004, Geneva and Jongny-sur-vevey, Switzerland; 12 regional organizations indicated that they have designated Points of Contact to liaise on SALW and related issues in their respective regions.
- <sup>74</sup> CAPERS was developed by the United States Customs Service.

- 75 See National Report of the Philippines <http://disarmament2.un.org/cab/docs/nationalreports/2002/philippines.pdf>, p. 18.
- 76 SEESAC is a joint UNDP and Stability Pact Clearing House.
- 77 See annex 8 for regional conferences and meetings.
- 78 See: <http://disarmament2.un.org/cab/salw-orgs.html>.
- 79 <http://disarmament2.un.org/cab/salw-legislation.htm>.
- 80 ASEANPOL is an independent gathering between the ASEAN Chiefs of Police.
- 81 New Zealand National Report <http://disarmament2.un.org/cab/docs/nationalreports/2002/newzealand.pdf>, p. 9.
- 82 Mechanism used by the INTERPOL General Secretariat to obtain information from its member countries.
- 83 <http://www.controlarms.org/>.
- 84 See national report of Argentina, p. 9.
- 85 See Annex 9 for side events organized at the first Biennial Meeting of States, July 2003.
- 86 NGO presentation to UN member states: First BMS to Consider the Implementation of the PoA, July 2003 ([http://www.iansa.org/un/ngo\\_contributions.htm](http://www.iansa.org/un/ngo_contributions.htm)).
- 87 See <http://www.controlarms.org/>.
- 88 See annex 6 for examples of regional instruments on SALW.
- 89 The membership of CASA includes all departments and agencies with comparative advantages in pursuing the five-fold objectives of the United Nations policy on small arms. They are: (1) to retain its lead in putting the issue on the global agenda; (2) to assume a coordinating role in determining priorities for international action; (3) to encourage civil society involvement in building societal resistance to violence; (4) to strengthen United Nations capability for responding to requests for assistance by affected countries; (5) to ensure that its objectives are pursued without prejudice to the United Nations overall goals in the field of disarmament. (Membership includes: DDA, DPA, DPKO, OCHA, DPI, DESA, UNDP, CICP, UNICEF, UNIDIR, SRSG/CAC, UNHCR, UNHCHR, UNIFEM and the World Bank).
- 90 For more information see <http://www.undp.org/bcpr/smallarms/PoA.htm>.
- 91 Albania, Kosovo, FYR of Macedonia, Bosnia and Herzegovina, Papua New Guinea, Solomon Islands, Central African Republic, Republic of Congo, Mozambique, Niger, Kenya, Democratic Republic of Congo, Sierra Leone, Sudan, Somalia, Ghana, Peru, Paraguay, El Salvador, Brazil, Colombia, Honduras and Haiti.

<sup>92</sup> See S/2003/1217, pp. 3-4.

<sup>93</sup> Chairperson's summary, BMS, July 2003.



## ANNEX 1

### UNITED NATIONS MEMBER STATES THAT SUBMITTED REPORTS TO THE UNITED NATIONS SECRETARY GENERAL THROUGH THE UNITED NATIONS DEPARTMENT FOR DISARMAMENT AFFAIRS IN 2003

- |                                  |                       |
|----------------------------------|-----------------------|
| 1. Albania                       | 31. Ecuador           |
| 2. Algeria                       | 32. Egypt             |
| 3. Argentina                     | 33. El Salvador       |
| 4. Armenia                       | 34. Equatorial Guinea |
| 5. Australia                     | 35. Estonia           |
| 6. Austria                       | 36. Finland           |
| 7. Bangladesh                    | 37. France            |
| 8. Barbados                      | 38. Gambia            |
| 9. Belarus                       | 39. Germany           |
| 10. Belgium                      | 40. Greece            |
| 11. Benin                        | 41. Haiti             |
| 12. Bolivia                      | 42. Honduras          |
| 13. Brazil                       | 43. Hungary           |
| 14. Bulgaria                     | 44. India             |
| 15. Burkina Faso                 | 45. Indonesia         |
| 16. Burundi                      | 46. Iran              |
| 17. Cameroon                     | 47. Ireland           |
| 18. Canada                       | 48. Israel            |
| 19. Central African Republic     | 49. Italy             |
| 20. Chad                         | 50. Japan             |
| 21. China                        | 51. Jordan            |
| 22. Colombia                     | 52. Kenya             |
| 23. Congo                        | 53. Latvia            |
| 24. Costa Rica                   | 54. Lebanon           |
| 25. Cote d'Ivoire                | 55. Lithuania         |
| 26. Croatia                      | 56. Luxembourg        |
| 27. Cuba                         | 57. Malaysia          |
| 28. Czech Republic               | 58. Mali              |
| 29. Democratic Republic of Congo | 59. Mexico            |
| 30. Djibouti                     | 60. Monaco            |

61. Morocco
62. Netherlands
63. New Zealand
64. Nicaragua
65. Niger
66. Norway
67. Oman
68. Pakistan
69. Paraguay
70. Peru
71. Philippines
72. Poland
73. Portugal
74. Qatar
75. Republic of Korea
76. Republic of Moldova
77. Romania
78. Russian Federation
79. Rwanda
80. Sao Tome and Principe
81. Saudi Arabia
82. Senegal
83. Serbia and Montenegro
84. Slovakia
85. Slovenia
86. Solomon Islands
87. South Africa
88. Spain
89. Sri Lanka
90. Sudan
91. Sweden
92. Switzerland
93. Syrian Arab Republic
94. Tajikistan
95. Thailand
96. The Former Yugoslav Republic of Macedonia
97. Trinidad and Tobago
98. Turkey
99. Uganda
100. Ukraine
101. United Kingdom
102. United States of America
103. Yemen

## ANNEX 2

### CHAIRPERSON'S SUMMARY, 11 JULY 2003

#### Introduction

1. The United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action was held amid an increased awareness of the disastrous human consequences of the use of illicit small arms in combination with sophisticated advances in the field of information and transport technologies. This added a greater sense of urgency to, and created a more supportive global climate for implementing the Programme of Action.
2. The Meeting offered States the opportunity to recount their experiences in coping with the problem of illicit trade in small arms and light weapons, to gather momentum to invigorate both political will and professional competence to combat the problem, and to chart a course to provide a better, safer, more peaceful and less tragic world for the generations to come.
3. The problem of illicit trade in small arms and light weapons is multidimensional. The achievement of progress in tackling this problem requires a comprehensive and inclusive approach in all its thematic aspects, incorporating national, regional and global dimensions and ensuring that cross-cutting elements such as ownership, partnership, assistance and cooperation underlie these endeavours. No State alone can prevent, combat and eradicate the illicit trade in small arms and light weapons. But no State is alone in this struggle, for the Programme of Action provides a framework for both national and collective action.
4. At least 500,000 people die every year as a result of the use of small arms and light weapons. Of the estimated 4 million war-related deaths during the 1990's, 90% of those killed were civilians, and 80% of those were women and children, mostly victims of the misuse of small arms and light weapons. In addition, tens of millions more people have lost their livelihoods, homes and families because of the indiscriminate and pervasive use of these weapons.

5. The first ever-United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in 2001 represented a milestone achievement in multilateralism. Through the consensus adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, member states expressed their collective determination to establish and follow-up on a set of universal norms to eradicate the truly global scourge of the uncontrolled proliferation and misuse of illicit small arms.
6. In the past, the origins, end-users and modalities of illicit arms traffic were known, in countries able to gather this kind of information, almost exclusively by national, regional and international agencies dealing with law enforcement, crime prevention, customs, revenue services and the intelligence community. Exchange of national experiences in monitoring, controlling and preventing illicit arms traffic remained confined mostly to specialists allocated to specific situations and, in very limited circumstances, when affecting issues of national security. The policy implications of broader issues arising from illicit trade in small arms were dispersed within national security agencies assigned to arms control.
7. Within barely two years of the adoption of the Programme of Action, there has been progress made across the world in public disclosures about the origins, destinations, modus operandi and profiling of groups engaged in illicit arms trade. Intelligence agencies, police authorities, border patrol officials, customs and revenue services are seen as participating more often in public debates and media coverage of specific acts of illicit arms transfers. In its monitoring of trends and developments since the UN Conference in 2001, the UN Secretariat and the UN bodies' members of CASA have observed a more than doubling of research and analyses of such key questions as:
  - The sources of illicit weapons procurement;
  - The supply routes for illicit weapons in transit;
  - The networks and practices of illicit brokerage;
  - The estimates of weapons lost in transit or diversion; and
  - The surveillance techniques for monitoring trans-boundary movement of goods.

### **Implementation of the PoA on Illicit Small Arms and Light Weapons**

The States participating in this Meeting reported back on the following national, regional and international measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

#### **National**

8. The primary focus of the First Biennial Meeting of States was on the implementation of the Programme of Action at the national level. Member States treated the week long meeting as an opportunity for early stock taking of their collective efforts. This task was facilitated by voluntary submission of national reports by more than 80 member states in response to General Assembly resolution 56/24 V.
9. In the two years since the adoption of the Programme of Action, 97 member states have designated national points of contact to act as a liaison with other States on its implementation. A similar number of States have established national coordinating agencies for an inter-departmental and interagency approach to deal with the broader issues arising from the illicit trade in small arms and light weapons.
10. An important element in moving forward against the illicit trade in small arms was noted as the existence of credible and adequate national legislation, and many countries reported on their implementation of new or amended legislation. The dissemination by internet and other means, as well as the intention of countries to share national legislation, was welcomed by States looking to expand, strengthen and improve upon their own legislation. As of now, over 90 countries have domestic laws to govern illicit manufacture, possession and trade in weapons. A similar number is estimated to have ratified, signed or acceded to one or more of the emerging international conventions on more stringent regulations.
11. Taken together, the national experiences on the implementation of the Programme of Action revealed a much higher state of preparedness to prevent future illicit transfer and misuse. The following progress has been made over the past years:
  - Enhanced recognition of a people-centered aspect of the SALW issue;
  - Improvement of institutions and capacity building to tackle the issue of SALW;
  - Enhanced measures for import/export control;

- Enhanced public awareness and resource mobilization through a number of seminars and workshops; and
  - Tightened measures against terrorism and organized crime.
12. The outcome of national efforts to recover weapons already in illicit circulation yielded divergent results for quantifying the impact of the PoA, in part due to its limited implementation period since 2001, partly because of the absence of a clearer picture of legal arms transfers and partly due to the virtual non-existence of reliable baseline data for affected countries regarding:
- *Illegal acquisition* from national armories and other sources;
  - *Willful possession* in violation of national regulations;
  - *Wrongful use* of legally or illegally possessed weapons in contravention of national and international humanitarian law and norms and customary practices;
  - *Illicit transfers* in breach of internationally and regionally imposed embargoes and agreements.

### **Regional**

13. Since the adoption of the UN Programme of Action in 2001, there has been a growing need emerging for the development of a regional perspective to combat the illicit trade in small arms and light weapons. Consequently, regional initiatives have begun to take shape, with regional organizations taking a comprehensive approach in dealing with issues of mutual concern, including ways and means to combat terrorism, transnational crime and trafficking in drugs.
14. After the summit of the African Union held in Algeria in July 1999, which later led to the Bamako Declaration, a Programme of Action was adopted by the African Union High Level and Inter-governmental Meeting on the Prevention and Combating of Terrorism in Africa held in Algeria from 11 to 14 September 2002, calling for associated measures such as strengthening border controls, and combating illegal import, export and stockpiling of the SALW, ammunitions and explosives in order to restrict access to terrorist networks in Africa. The Plan of Action also enhanced cooperation between sub-regional organizations such as SADC and ECOWAS.
15. The Nairobi Secretariat has organized a number of Workshops and Conferences as part of its campaign in sub-regional awareness. It is also organizing a workshop/meeting with civil society in August 2003. The Secretariat is working with the Sub-Regional Police Chief Organization

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to have the Eastern African Police Chiefs Co-operation Organization (EAPCCO) Protocol on Small Arms signed. This comprehensive Protocol seeks to harmonize legislation on small arms across the Great Lakes Region and the Horn of Africa. The Secretariat, in conjunction with the EAPCCO, is also developing a training manual/curriculum for law enforcement officers in the sub-region.

16. The Southern African Development Community (SADC) signed a Protocol on the Control of Firearms, Ammunition and Other Related Materials in 2001 which spells out a framework of regional and international cooperation among SADC member states and with international cooperating partners. SADC has established a point of contact at the SADC Secretariat and a Public Security Sub-Committee that brings together Customs, Police, Immigration and all other agencies responsible for border control. A Technical Committee on Small Arms has also been established whereby member states share best practices, agree on mutual assistance on management of stockpiles, security and safety measures and cost-effective methods of destruction of surplus firearms. It works with the Southern Africa Regional Police Chief Co-operation Organization (SARPCCO) as well as various civil society organizations, such as the Institute for Strategic Studies (ISS) and SaferAfrica. SADC envisages introducing the concept of Demobilization, Disarmament, Reintegration and Development (DDRD) and to convene a regional workshop on the issue.
17. Programme of Coordination and Assistance for Security and Development (PCASED) of the UNDP in Africa has taken various actions to help implement the ECOWAS moratorium on the importation, exportation and manufacture of SALW in the sub-region. The PCASED is a main implementation arm of the moratorium. In order to ensure effective implementation of the moratorium, coordination among the national commissions is important, particularly in the formulation of regulations concerning import and export of weapons, as well as general legislation relating to firearms. Importance of financial resources to ensure the moratorium's full implementation was also stressed.
18. ASEAN has dealt with the issue of illicit trade in small arms and light weapons in the context of the ASEAN Plan of Action to Combat Transnational Crime. Combating trafficking in small arms is one of the important components of the Work Programme of the ASEAN Plan of Action which was approved in May 2002 by the ASEAN senior officials

meeting on transnational crime and endorsed by the special ASEAN Ministerial Meeting on Terrorism.

19. The Pacific Islands Forum Regional Security Committee has developed measures for a common regional approach to weapons control, reflected in the Honiara Initiative and the Nadi Declaration, in response to regional problems such as the availability of old stocks, lack of infrastructure for weapons accountancy and stockpile management, and incomplete legislation for licensing and registration. The Pacific Islands Forum has made great progress in developing model legislation, with the model Weapons Control Bill to be tabled at the Pacific Island Forum Leaders meeting in August 2003. In March 2003, the Small Arms Survey released the most comprehensive report on SALW in the Pacific Island region, entitled "Small Arms and the Pacific", which demonstrated the positive and proactive role of NGOs in enhancing government understanding.
20. In December 2002, the member states of MERCOSUR and its Associated States, established a Working Group on Firearms and Ammunitions, currently dealing with the harmonization and standardization of information exchange to improve and facilitate tracing, as well as the need to include in national legislation the judicial figures included in the Inter-American Convention against the Manufacture and the Illicit Trade of Firearms, Ammunitions, Explosives and other Related Materials. The latter, approved by the Organization of American States, has been ratified by the majority of its member states.
21. In November 1997, 29 member states of the Organization of American States (OAS) signed the legally binding "Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials", one of its objectives being to promote and facilitate cooperation and exchange of information and experience based on States' common concerns. The agreement entered into force on 1 July 1998, following its 10<sup>th</sup> ratification. The Convention, when viewed in the context of the OAS multilateral evaluation process, provides a self-supporting mechanism for the monitoring of the performance of all member states in the implementation of the priorities of the Convention, as well as opportunities for technical and other forms of support to these States. This is of particular importance for the smaller member states of the Caribbean sub-region.



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22. A regional programme has been developing in Central America under the auspices of the Central American Integration System (SICA) in order to cut down the figures on crime, violence and the availability of small arms and light weapons as a follow up to the Programme of Action. Another regional initiative, the Central American Project to Prevent and Combat the Illicit Trade on Small Arms and Light Weapons, was approved by the Central American Security Commission on 6 June, 2003.
  23. The "Andean Plan for the Prevention, Combat and Eradication of the Illicit Trade of Small Arms and Light Weapons, in all its aspects" is a binding agreement, adopted on 25 June 2003 on the basis of the "Lima's Commitment", in which Ministries of Foreign Affairs and of Defense of the Andean Countries established their commitment to eradicate the illicit trade of firearms, ammunitions, explosives and other materials.
  24. League of Arab States stressed the need to increase the participation of civil society and NGOs in the effort to combat illicit trade of SALW. Initiatives it has taken in its endeavor to control SALW include:
    - collecting information on SALW in the Arab region and measures taken in support of the PoA;
    - abiding by United Nations resolutions banning the import of SALW to areas of conflict;
    - coordinating with the Secretariat in preparing for a workshop on SALW to be held in Cairo in December 2003.
  25. The ICRC has continued to underline the human cost of the illicit trade in SALW and raise awareness of existing international rules and responsibilities related to weapons. It has provided assistance and protection to populations affected by armed violence.
  26. The EAPC of NATO established the ad hoc Working Group on SALW which provides a framework for dialogue and information exchange among participating States, as well as technical cooperation through Trust Funds in the Partnership for Peace (PfP) framework. EAPC has also cooperated with South Eastern Europe and Caucasus states in weapons destruction.
  27. Implementation of the OSCE Document helps States fulfill their commitments under the Programme of Action. The major activities of the OSCE are as follows:
    - information exchange on national legislation, marking systems, manufacture control, export and brokering policies, destruction techniques and stockpile management;

- capacity building activities through training and workshops on SALW control, including border security, in the five Central Asian republics;
  - the development of eight OSCE Best Practice Guides and the decision to compile them into a Hand Book; and
  - cooperation with the Euro-Atlantic Partnership Council, the UN and related organs, UNDP, the Stability Pact, and the South Eastern Europe Small Arms Clearinghouse (SEESAC).
28. It was stated that subscribing states to the Wassenaar Arrangement have contributed to the adoption of “best practice guidelines” for exports on small arms and light weapons and on a “statement of understanding” on arms brokering activities.

### **International**

29. At the international level, the implementation of the Programme of Action received further impetus from the Presidential Statement of the Security Council of 21 August 2001 (PRST/2002/30) and the Secretary General’s Report to the Security Council of 20 September 2002. Stricter scrutiny of arms trafficking in violation of sanctions including arms embargoes, transparency of linkages between illicit arms trade and illicit exploitation of natural resources and a call for providing technical and financial support to the INTERPOL Weapons and Explosives Tracking System were among the recommendations by the Secretary-General, along with an emphasis on developing long term strategies to halt illicit arms trafficking as a measure of conflict prevention and peace-building. General Assembly Resolution, A/57/L.79, adopted a week prior to the First Biennial Meeting to follow-up on the implementation of the Programme of Action, urges member states to control illicit arms trafficking, also as a measure of conflict prevention.
30. The United Nations Coordinating Action on Small Arms mechanism has facilitated and participated in regional and sub-regional meetings in Africa, Asia and the Pacific, Europe, and Latin America and the Caribbean to enable member states and other stakeholders to take stock of the status of implementation of the PoA. It mentioned that the following factors have continued to constrain efforts to curb the proliferation of illicit SALW—high demand of SALW in crisis areas, lack of adequate institutions, insufficient international knowledge of the specific dynamics of the illicit trade in SALW, inadequate national

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capacity in the worst affected countries, and the lack of gender sensitivity in international and national efforts to collect and destroy small arms. The following actions were suggested to partially address these limitations:

- enhancing the capacity of local authorities and communities in crisis or post-conflict situations to control illegal weapons and their traffickers, and building confidence across religious or ethnic lines;
  - conducting systematic action-orientated research on the dynamics of the illicit trade in SALW; and
  - support for relevant national capacity should be closely linked with wider support for justice and security sector reform.
31. UN agencies such as UNHCR, UNICEF and UNIFEM have recognized that programmes for the disarmament, demobilization and reintegration should focus, not only on former combatants, but also on their dependents. These agencies have supported programmes to assist such individuals.
  32. UNDP mentioned that a key challenge remained the effective integration of small arms issues in development programming, since tackling small arms brings tremendous value to development. Regarding efforts to collect and dispose of illicit small arms and light weapons, the UNDP stated that their field experience suggests that it is of fundamental importance to capture and harness the power of communities so that they are better able to address their own concerns. Too often, small arms control needs are identified, plans and strategies drafted and resources mobilized in isolation from and ignorance of the local partner's ability to fulfill their responsibilities. Thus windows of opportunity are being opened with great fanfare, only to be slammed shut as implementation grinds to a halt.
  33. DDA, DPA and DPKO noted that the issues of tracing, brokering, import and export controls, and law enforcement were at the core of the illicit small arms problem. Regarding tracing, the Secretary-General established in 2002 a group of 23 governmental experts to study the feasibility of developing an international instrument on tracing illicit small arms and light weapons. Under the chairmanship of Ambassador Rakesh Sood of India, the group concluded that it was feasible to develop such an instrument.
  34. Regarding brokering, it is widely accepted that progress in addressing the question of illicit brokering depends largely on the level of international cooperation, particularly in information sharing, compliance, and law enforcement. Current discussions on import and

export issues indicate that States need to agree on guidelines for authorizing exports, imports and transit of small arms and light weapons. Consensus needs to be built on what criteria should be applied by States when assessing transfer applications. In this connection, the issue of end-user certificates deserves special consideration by States.

35. A large number of developing countries directly affected by the problem of small arms and light weapons indicated, in their national reports, that current levels of international and regional assistance were inadequate.
36. WHO stressed that, just as it is important to collect and destroy illicit small arms and light weapons, it is equally important to understand and prevent violence as a social phenomenon. Violence within communities has consistently been shown to be a major, and often the major, driver of demand for weapons. Preventing violence is therefore the most direct way of driving down demand for small arms.
37. Underlining the relevance of research, UNIDIR stressed the importance of including those affected in the decision-making process for programmes on weapons for development. Referring to strategies to address the demand for small arms and light weapons, UNIDIR insisted that “bottom-up peace-building” could not work without “top-down peacemaking”, just as “top-down peacemaking” had no chance of success without the long-term slow process of “bottom-up peace-building”.
38. It was also mentioned that the process of reporting had been found to promote implementation. The need to report had created an incentive for accomplishment. The deeper effect, however, had been achieved in the building of capacity for the implementation process.

#### **International assistance and cooperation for the implementation of the Programme of Action: a thematic discussion**

39. The critical role of international assistance and cooperation emerged as a cross cutting element in the First Biennial Meeting’s discussion of national, regional and global efforts to implement the Programme of Action. Member States shared success stories, acknowledged obstacles and looked ahead to strengthen partnerships to:
  - Enact and apply regulations and legislation in order to close identified loopholes;

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- Actively contribute to initiatives to foster international cooperation and develop common standards; and
  - Provide training, financial and technical assistance to countries affected by the widespread illicit accumulation of small arms and light weapons.
40. The Chair was requested to suggest follow-up measures to complement those parts of the Programme of Action that needed to be strengthened. Calling upon member states to take collective action to meet a challenge which no State could or should face alone, the Chair proposed a thematic discussion that was held around the following thematic clusters:
- i. Weapons collection and destruction
    - Stockpile management
    - Disarmament, demobilization and reintegration of former combatants
  - ii. Capacity building
    - Resource mobilization
    - Institution building
  - iii. Marking and tracing
  - iv. Linkages (terrorism, organized crime, trafficking in drugs and precious minerals)
  - v. Import/export control
    - Illicit brokering
  - vi. Human development
    - Public awareness and culture of peace
    - Children, women and elderly

#### **Weapons collection and destruction/stockpile management/DDR**

41. Out of an estimated total of over 4 million weapons collected and disposed of during the last decade worldwide, almost half were collected and disposed of in the last two years. Since July 2001, nearly 50 member states have implemented some form of weapons collection, surplus disposal, confiscation, voluntary surrender and induced retrieval. Regional alliances and bilateral donors have contributed over 50 million dollars, excluding logistical and technical support, for national programmes of weapons collection and disposal in the last two years.
42. Two striking trends have emerged from weapons collection since the adoption of the PoA as compared with earlier internationally assisted

actions to collect weapons. First, weapons are being collected from much broader and varied groups than the former combatants at the end of protracted conflicts within the framework of disarmament, demobilization and reintegration. Second, countries resorting to physical destruction of weapons have at their disposal several recent compilations of best practices for cost effective and ecologically safe methods of weapons disposal, including the UN Destruction Handbook of Small Arms and Light Weapons and the OSCE Best Practice Guide.

43. Successful national programmes of weapons collection were a combination of agreed regulatory, legislative and administrative processes, time bound amnesty, bi-party or multiparty consensus on geographical units and core groups for weapons retrieval, constituency-based advocacy for voluntary surrender, cooperation between federal, provincial, local and traditional authorities, transparency, concrete community-based incentives and stock pile management. "Weapons for Development" programmes in affected countries are one concrete example of development strategies by which donor countries are comprehensively providing assistance to conflict-prone countries. Under this programme, weapons are collected in exchange for development projects, such as the construction of schools, roads and wells. Media coverage and NGO cooperation ensures widespread coverage of such programmes.
44. The inclusion of disarmament, demobilization and reintegration (DDR) of ex-combatants into civil society is an integral part of ceasefire and peace agreements and the Security Council is encouraged to consider, on a case-by-case basis, the inclusion, where applicable, of relevant DDR provisions in the mandates and budgets of UN peacekeeping operations.
45. There is a growing awareness among both affected countries and donor governments that future programmes for weapons collection would attain more lasting results by covering a sub-region rather than a single country. Cross boundary movement of weapons over largely unpatrolled and permeable borders is particularly rampant in Africa, where the use of small arms near border areas leads to wider tensions among neighboring countries and communities. Many delegations welcomed the establishment of the Regional Clearinghouse (SEESAC), set up by the UNDP and the Stability Pact for South Eastern Europe in 2002, to promote weapons collection and to create a safe environment for sustainable development. The EU mentioned its joint action on

combating the accumulation of SALW which was recently amended so as to include ammunition destruction.

46. In the area of stockpile management, the diversion of legitimate stocks is estimated as one of the main avenues for acquiring illicit weapons, and the improvement of physical security of armouries, complemented by effective stockpile management practices, is an area in which assistance and transparency to develop confidence-building is needed. The responsibility of governments in leading by example with regard to armoury security standards was highlighted. Donor States in the South Pacific outlined their assistance to Pacific Island states in this field, and efforts have been taken by States in the region to conclude a model legislation for a regional approach to weapons control.
47. For affected countries sharing permeable frontiers, information sharing of existing national inventories could possibly offer a way of tackling cross boundary trafficking in weapons illicitly procured through pilferage of inadequately guarded stocks. For regions still locked in tense and hostile relationships, however, such a collective sharing of security information is not yet an immediate possibility.

#### **Capacity building/Resource mobilization/Institution building**

48. Typically, the countries affected most severely are among those with the least resources to build up their capacity to effectively deal with the misuse of illicitly available weapons. It was pointed out that no amount of legislative and administrative reform is enough to build affected countries' capacity for controlling illicit weapons proliferation without an enhanced capability for law enforcement and conformity to global norms.
49. In a number of fact-finding missions undertaken under the auspices of CASA to ascertain concrete ways of implementing the PoA, a recurring conclusion was affected countries' limited capability for law enforcement. Insufficiently equipped border patrol units for cross boundary surveillance, inadequately staffed customs, police and law enforcement agencies, poorly paid services for high risk operation of identification and apprehension of illicit weapon owners and corrupt practices of winking at pilferage from unrecorded arms inventories are among the better known hurdles to capacity building.
50. The international donor community has been very forthcoming in assisting those national projects of affected countries that provide them

with ascertainable product delivery, such as weapons collection, disposal and stockpile management. Training of trainers, provision of expertise and equipment, data collection and information sharing, awareness raising and consensus building among governments and civil societies are also considered to be an integral part of national capacity building. Donors were encouraged to avoid insufficiently coordinated and overlapping assistance.

51. For affected countries, acquiring the tools of capacity building is becoming an integral element in their implementation of the PoA. Enhancing preparedness to deter inadvertent or induced involvement of marginalized sectors into illicit arms trafficking is but one instance of the nature of capacity building that could make a real time impact on simultaneously reducing the numbers, carriers, avenues and risks of the misuse of weapons in illicit circulation.
52. Governments are primarily responsible for providing necessary resources for dealing with the problem of SALW. If available resources are insufficient, a detailed assessment of needs and required funds may provide a useful basis for further action. In this way, individual initiatives and contributions can be supplemented by pooling resources. At the same time, it is necessary to ensure that the support of the international community matches assistance needs. It was encouraging to see that several countries made spontaneous offers to enter into partnerships during the Meeting. Countries are encouraged to make use of such opportunities to enhance cooperation and capacity building.
53. Taking into account preparatory work underway to enhance the capacity building of affected countries and the initial need assessments by the UN Secretariat, more focused assistance would facilitate ongoing collective initiatives on three inter-related issues:
  - Security sector reform;
  - Closing loopholes in cross boundary cooperation for extradition and trial of illicit arms traffickers; and
  - Exchange of national experiences in coordination of police, revenue services, border patrols and intelligence to apprehend and deal with transnational activities in illicit arms trafficking.
54. “The African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships” was held in Pretoria, South Africa, from 18 to 21 March 2002. The Conference reviewed the commitments made in the PoA and those compatible elements of the 2000 Bamako Declaration, and examined



how national, sub-regional and international undertakings in the implementation of the PoA can be supported by OECD and by African countries. The Conference emphasized that different partnerships should be developed between countries in the region, among partner countries and those in the affected regions, and between governments and civil society.

### **Marking and tracing**

55. Tracing the trajectory of an arms transaction to the point of diversion is an important tool in identifying and penalizing illicit arms transactions. Although its scope is limited to commercial transactions, the Firearms Protocol, adopted on 8 June 2001, has made a significant contribution to establishing effective tracing mechanisms for marking and tracing weapons. INTERPOL can contribute to extending assistance in identifying and tracing firearms.
56. Acting upon a specific recommendation in the PoA, the General Assembly in its resolution 56/ 24 of 24 December 2001 requested the Secretary-General to undertake a study of the feasibility of developing an international instrument to enable states to identify and trace, in a timely and reliable manner illicit small arms and light weapons. Based on this resolution, a United National Group of Governmental Experts was established and has completed its work.
57. Concurrently, Switzerland and France have been moving forward the process of creating international tracing standards by arranging seminars, funding a study and producing a Working Paper containing elements for possible inclusion in a tracing instrument.
58. The PoA commits member states to acquiring and sharing the capabilities for tracing the origins of weapons in transit for illicit transfers, tracking their chains of supply and monitoring their movement from the point of manufacturer to end-user. Information sharing and cooperation between States, including the dissemination of information on arms transfers, was noted as an important element in addressing the need for marking and tracing on a regional and global level
59. The implementation of electronic inventories to facilitate stockpile management, security and record keeping, and advanced tracing systems such as the Integrated Ballistic Identification System, have enhanced tracing abilities of States. Budget constraints have led some States to request funding in order to implement such mechanisms.

**Linkages with terrorism, organized crime and trade in contraband and goods**

60. The lack of borders in international crime trends have seen an alarming rise in terrorist activities over recent years, compelling States to effectively strengthen international cooperation in this area. To prevent terrorist and other criminal organizations from acquiring small arms and light weapons, States are encouraged to develop a common approach, including the establishment of norms and standards, in order to fight terrorism and organized crime. The intensification of the campaign against trafficking and smuggling, including intelligence sharing, has been an important measure undertaken in this area which merits further strengthening.
61. Reliance upon same or similar pipelines for smuggling contraband goods, financial support through money laundering and barter deals for swapping weapons and precious commodities or illegal drugs are well known linkages of terrorism, organized crime and illicit arms traffic. The importance of control over re-exports, international cooperation in eradicating close links between precious minerals and the illicit trade in SALW, and the eradication of root causes including widespread poverty and internal conflict as a primary means to addressing the eradication of illicit SALW in regional, national and international circles was noted.
62. Since the General Assembly declared terror as an act of organized crime after September 2001, a vast majority of member states have ratified all the 12 UN Conventions and Protocols on terrorism. The number of global and regional agreements against money laundering has now reached over fifty. Trading in contraband goods with countries under UN embargoes has been subjected to the investigation of international inquiry commissions more frequently in the last decade than ever before.

**Import/export control/illicit brokering**

63. The POA committed member states to adopt adequate laws and administrative procedures to exercise effective control over the export, import, transit and retransfer of small arms and light weapons. The risk of diversion into illegal trade would constitute a particularly important criterion in export authorization at the point of origin. Authentic end user certificates and the strict adherence to United Nations Security

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Council arms embargoes would ensure compliance with trade regulations at the destination point. The need for continued strengthening of monitoring mechanisms for arms embargoes was noted by some States as one means of reducing the risk of such diversion.

64. In their national reports, 57 of the 98 States reported that they already had export-import control laws in place prior to 2001 and 21 either adopted or revised such laws after 2001 or are in the process of adopting them. End-user certificate requirements were being met by 27 countries prior to 2001, another 12 have introduced such a system since 2001 and the rest would need assistance not only in developing import legislation but also the capacity to implement it.
65. The ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa constitutes an important regional mechanism for a coordinated and sustainable approach in controlling the illicit trade in small arms in the region. Enhanced information exchange and collaboration between customs officials and police through reinforced INTERPOL capacity was noted by many States as continuing measures to combat the illicit trade in small arms and light weapons.
66. Registration and licensing of brokering activities and penalties for illicit transactions constitute integral measures in the Programme of Action's commitment to tighter controls over illicit arms trafficking. Regulations on brokering, however, remain to be implemented in most countries, with domestic regulations covering brokers and/or brokering activities existing in only about 16 countries. Any measures in this regard should be in line with specific circumstances in each country.
67. The international context of illegal arms trade requires adequate national legislation to be complemented by a regional and global approach. The EU adopted a common position on brokering on 23 June 2003, requiring member states to reflect its guidelines in existing or future legislations to effectively control broker activities, which it is hoped will provide a useful model for other States. In another regional initiative, satisfaction was expressed with the potential development by the Organization of American States of model brokering regulations for the Western Hemisphere.
68. The need to control weapons originating from unauthorized manufacturers was a key concern raised, as these weapons are circulated within a closed circuit which has no way of being tracked by official means. The importance of controlling Man Portable Air

Defense Systems (MANPADS) was also mentioned. National control over the manufacture of weapons is instigated in a number of countries to enforce a strict control over transfers.

**Human development/Public awareness and culture of peace/Children, women and elderly**

69. Illegally owned and illicitly acquired small arms and light weapons are claiming a life a minute, mostly of an un-armed civilian. In 21 countries across the globe, 300,000 child soldiers have engaged in combat. Some of the poorest regions in the world are spending twice as much on dealing with violence resulting from petty criminality than on their combined allocations for health and education. There is hardly a country vulnerable to recurring violence where the pervading climate of insecurity has not discouraged the global private sector from making greater investment with Africa as a region accounting for less than 3% of the worldwide venture capital.
70. Through in-depth research and analyses of the scope, magnitude and dynamics of illicit arms trafficking, expanding outreach into affected countries and advocacy of community based activities for halting and reversing the tide of illegal arms accumulations, NGOs have become active partners in a growing international coalition for public participation in achieving the objectives of the Programme of Action.
71. Increased global efforts to promote public awareness of the direct and indirect consequences of the uncontrolled proliferation of small arms and light weapons through illicit arms trafficking have led to the decrease in demand for such weapons. Any active measures to reduce citizens' demand for small arms, however, must be matched by an increase in security provided by the state as a basis for sustainable capacity.
72. In the gathering momentum to launch a well conceived global advocacy campaign to halt and reverse uncontrolled arms transfers or misuse through illicit arms trafficking, there is a pronounced emphasis on direct involvement of those sectors of civil society that were hitherto seen only as primary victims of violence by small arms and light weapons: children, women and the elderly.
73. Initiatives for community based policing, programmes to address gender-specific violence, projects of local empowerment and capacity building, education in non-violent approaches to conflict resolution seek to create more weapons-free spaces for human development.

This is an area in which both the organized and the informal sectors of civil society are becoming pivotal instruments of advocacy for societal change through non-violent means.

74. This year's focus of the Human Security Network was on children in armed conflict including child soldiers. It adopted the Child Rights Training Curriculum with the aim of facilitating the training of civil and military personnel participating in conflict-zones, including the problem of small arms and their effects on children. Its work plan highlights the significance of international humanitarian law to protect children from small arms violence. The declaration of child-soldier free zones was suggested as a measure to combat the increasing role of children in warfare using small arms and light weapons. The publication of the Human Security Network, "Putting People First: Human Security Perspectives on the Availability and Misuse of Small Arms", deals with this approach, highlighting the human dimension of the small arms challenge. The network also published a new manual, "Understanding human rights" to assist worldwide human rights education efforts.



## ANNEX 3

### REGIONAL DIVISION OF STATES

Including all 191 UN member states, plus the Holy See  
(observer to the UN)

#### **Africa**

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.

#### **Americas**

Anguilla, Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America, Uruguay, and Venezuela.

#### **Asia**

Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, India, Indonesia, Japan, Kyrgyzstan, Lao People's Republic, Malaysia, Maldives, Mongolia, Myanmar (Burma), Nepal, Pakistan, Philippines Republic of Korea, Singapore, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan, Uzbekistan, and Vietnam.

**Europe**

Albania, Andorra, Republic of Armenia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, FRY Macedonia, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

**Middle East**

Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, and Yemen.

**Oceania**

Australia, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.



## ANNEX 4

### ESTABLISHED NATIONAL POINTS OF CONTACT AND NATIONAL COORDINATION AGENCIES

(Based on information derived from the National Reports submitted to the UNSG in 2003; UNDDA list of National Points of Contact (as of 31 January 2004); and the Biting the Bullet Report)

| Country               | National Point of Contact | National Coordination Agency/ Committee |
|-----------------------|---------------------------|---|
| Afghanistan           |                           |   |
| Albania               | X                         |   |
| Algeria               | X                         |   |
| Andorra               | X                         | X                                       |
| Angola                |                           |   |
| Antigua and Barbuda   | X                         |   |
| Argentina             | X                         |   |
| Armenia (Republic of) | X                         |   |
| Australia             | X                         |   |
| Austria               | X                         |   |
| Azerbaijan            |                           |   |
| Bahamas               |                           |   |
| Bahrain               |                           |   |
| Bangladesh            | X                         |   |
| Barbados              | X                         |   |
| Belarus               | X                         |   |
| Belgium               | X                         | X                                       |
| Belize                |                           | X                                       |
| Benin                 | X                         |   |
| Bhutan                |                           |   |
| Bolivia               |                           |   |

| Country                        | National Point of Contact | National Coordination Agency/ Committee |
|--------------------------------|---------------------------|---|
| Bosnia and Herzegovina         | X                         |   |
| Botswana                       | X                         | X                                       |
| Brazil                         | X                         | X                                       |
| Brunei Darussalam              |                           |   |
| Bulgaria                       | X                         | X                                       |
| Burkina Faso                   | X                         | X                                       |
| Burma (Myanmar)                |                           |   |
| Burundi                        | X                         | X                                       |
| Cambodia                       | X                         | X                                       |
| Cameroon                       | X                         |   |
| Canada                         | X                         | X                                       |
| Cape Verde                     |                           |   |
| Central African Republic       |                           |   |
| Chad                           | X                         | X                                       |
| Chile                          | X                         |   |
| China                          | X                         |   |
| Colombia                       | X                         |   |
| Comoros                        |                           |   |
| Congo                          | X                         |   |
| Congo (Democratic Republic of) | X                         | X                                       |
| Costa Rica                     | X                         | X                                       |
| Côte d'Ivoire                  | X                         |   |
| Croatia                        | X                         |   |
| Cuba                           |                           |   |
| Cyprus                         |                           |   |
| Czech Republic                 | X                         |   |
| Denmark                        | X                         |   |
| Djibouti                       |                           |   |
| Dominica                       |                           |   |

| Country            | National Point of Contact | National Coordination Agency/ Committee |
|--------------------|---------------------------|---|
| Dominican Republic |                           |   |
| Ecuador            | X                         |   |
| Egypt              | X                         |   |
| El Salvador        | X                         | X                                       |
| Equatorial Guinea  |                           | X                                       |
| Eritrea            |                           |   |
| Estonia            | X                         |   |
| Ethiopia           | X                         |   |
| Fiji               | X                         |   |
| Finland            | X                         | X                                       |
| France             | X                         | X                                       |
| Gabon              |                           |   |
| Gambia             | X                         | X                                       |
| Georgia            |                           |   |
| Germany            | X                         |   |
| Ghana              |                           | X                                       |
| Greece             | X                         | X                                       |
| Grenada            |                           |   |
| Guatemala          |                           |   |
| Guinea             | X                         |   |
| Guinea-Bissau      |                           |   |
| Guyana             |                           |   |
| Haiti              | X                         | X                                       |
| Holy See           | X                         |   |
| Honduras           |                           | X                                       |
| Hungary            | X                         | X                                       |
| Iceland            | X                         |   |
| India              | X                         | X                                       |
| Indonesia          | X                         | X                                       |

| Country                                 | National Point of Contact | National Coordination Agency/ Committee |
|---|---------------------------|---|
| Iran                                    | X                         | X                                       |
| Iraq                                    |                           |   |
| Ireland                                 | X                         |   |
| Israel                                  | X                         | X                                       |
| Italy                                   | X                         | X                                       |
| Jamaica                                 | X                         |   |
| Japan                                   | X                         | X                                       |
| Jordan                                  | X                         |   |
| Kazakhstan                              | X                         |   |
| Kenya                                   | X                         | X                                       |
| Kiribati                                |                           |   |
| Korea (Democratic People's Republic of) |                           |   |
| Korea (Republic of)                     | X                         |   |
| Kuwait                                  |                           |   |
| Kyrgystan                               |                           |   |
| Lao People's Democratic Republic        |                           |   |
| Latvia                                  | X                         | X                                       |
| Lebanon                                 | X                         | X                                       |
| Lesotho                                 |                           |   |
| Liberia                                 |                           |   |
| Libya                                   |                           |   |
| Liechtenstein                           | X                         |   |
| Lithuania                               | X                         |   |
| Luxembourg                              | X                         |   |
| Macedonia (Former Yugoslav Republic of) |                           |   |
| Madagascar                              |                           |   |
| Malawi                                  |                           |   |
| Malaysia                                | X                         | X                                       |
| Maldives                                | X                         |   |

| Country               | National Point of Contact | National Coordination Agency/ Committee |
|-----------------------|---------------------------|---|
| Mali                  | X                         | X                                       |
| Malta                 | X                         |   |
| Marshall Islands      |                           |   |
| Mauritania            |                           |   |
| Mauritius             | X                         |   |
| Mexico                | X                         | X                                       |
| Micronesia            |                           |   |
| Moldova (Republic of) | X                         |   |
| Monaco                | X                         |   |
| Mongolia              | X                         |   |
| Morocco               | X                         |   |
| Mozambique            | X                         | X                                       |
| Namibia               |                           |   |
| Nauru                 |                           |   |
| Nepal                 |                           |   |
| Netherlands           | X                         |   |
| New Zealand           | X                         | X                                       |
| Nicaragua             |                           |   |
| Niger                 | X                         | X                                       |
| Nigeria               | X                         |   |
| Norway                | X                         | X                                       |
| Oman                  | X                         |   |
| Pakistan              | X                         | X                                       |
| Palau                 |                           |   |
| Panama                | X                         |   |
| Papua New Guinea      |                           |   |
| Paraguay              | X                         | X                                       |
| Peru                  | X                         | X                                       |
| Philippines           | X                         | X                                       |

| Country                      | National Point of Contact | National Coordination Agency/ Committee |
|------------------------------|---------------------------|---|
| Poland                       | X                         | X                                       |
| Portugal                     | X                         | X                                       |
| Qatar                        | X                         |   |
| Romania                      | X                         | X                                       |
| Russian Federation           | X                         |   |
| Rwanda                       | X                         |   |
| Saint Kitts and Nevis        | X                         |   |
| Saint Lucia                  |                           |   |
| Saint Vincent and Grenadines |                           |   |
| Samoa                        |                           |   |
| San Marino                   | X                         |   |
| Sao Tome and Principe        | X                         |   |
| Saudi Arabia                 |                           |   |
| Senegal                      | X                         |   |
| Serbia and Montenegro        | X                         |   |
| Seychelles                   |                           |   |
| Sierra Leone                 |                           | X                                       |
| Singapore                    | X                         |   |
| Slovakia                     | X                         | X                                       |
| Slovenia                     | X                         |   |
| Solomon Islands              | X                         |   |
| Somalia                      |                           |   |
| South Africa                 | X                         |   |
| Spain                        | X                         | X                                       |
| Sri Lanka                    | X                         | X                                       |
| Sudan                        | X                         | X                                       |
| Suriname                     |                           |   |
| Swaziland                    |                           |   |
| Sweden                       | X                         | X                                       |

| Country                       | National Point of Contact | National Coordination Agency/ Committee |
|-------------------------------|---------------------------|---|
| Switzerland                   | X                         | X                                       |
| Syrian Arab Republic          | X                         |   |
| Tajikistan                    | X                         |   |
| Tanzania                      | X                         | X                                       |
| Thailand                      | X                         | X                                       |
| Timor Leste                   |                           |   |
| Togo                          |                           |   |
| Tonga                         |                           |   |
| Trinidad and Tobago           | X                         |   |
| Tunisia                       |                           |   |
| Turkey                        | X                         | X                                       |
| Turkmenistan                  |                           |   |
| Tuvalu                        | X                         |   |
| Uganda                        | X                         | X                                       |
| Ukraine                       | X                         |   |
| United Arab Emirates          |                           |   |
| United Kingdom                | X                         | X                                       |
| United States of America      | X                         | X                                       |
| Uruguay                       |                           |   |
| Uzbekistan                    |                           |   |
| Vanuatu                       |                           |   |
| Venezuela                     | X                         |   |
| Vietnam                       |                           |   |
| Yemen                         |                           |   |
| Zambia                        | X                         |   |
| Zimbabwe                      |                           |   |
| <b>Total: 192<sup>1</sup></b> | <b>122</b>                | <b>59<sup>2</sup></b>                   |

<sup>1</sup> All 191 UN member states plus the Holy See (Observer to the UN).

<sup>2</sup> In addition, the BtB reports that Kosovo has a National Coordination Agency in place.





## ANNEX 5

### STATES/ENTITIES UNDER UNITED NATIONS SECURITY COUNCIL ARMS EMBARGOES

|  |  |
|--|--|
| Al-Qaida,<br>Taliban, Bin<br>Laden                                       | Paragraph 2(c) of Resolution 1390 (2002) of 16 January 2002.   |
| Afghanistan<br>(Usama bin<br>Laden and his<br>associates)                | Paragraph 5(a)(b)(c) of Resolution 1333 (2000) of 19 December 2000.  |
| Iraq   | Paragraph 3 of Resolution 661(1990) of 6 August 1990.<br><br>Above sanction was modified by paragraph 10 of Resolution 1483 (2003) on May 22, 2003, lifting most sanctions against Iraq.   |
| Liberia<br>(including RUF<br>of Sierra Leone<br>and non-state<br>actors) | Paragraph 8 of Resolution 788 (1992) of 19 November 1992.<br><br>Resolution 1343 (2001), of 7 March 2001 terminated the sanctions provisions of Resolution 788 and dissolved the sanctions committee.<br><br>Paragraph 2(a) and (b) of Resolution 1521 (2003) of 22 December 2003 prevent the sale or supply of arms to Liberia, including all non-State actors. |

|  |   |
|--|---|
| <p>Rwanda<br/>(including Hutu<br/>and ex-Far<br/>extremists in<br/>Central Africa)</p> | <p>By Security Council paragraph 13 of Resolution 918 (1994) of 17 May 1994.</p> <p>Resolution 997 (1995) of 9 June 1995 also affirmed that the restrictions imposed under Resolution 918 apply to persons in the States neighbouring Rwanda and Rwandan camps within their territories.</p> <p>By Security Council Resolution 1011 (1995) of 16 August 1995 suspended until 1 September 1996 the arms embargo on the sale and supply of arms and related material to the Government of Rwanda.</p> <p>In accordance with Resolution 1011, the Security Council terminated restrictions on the sale/supply of arms and related material to the Government of Rwanda effective 1 September 1996. However, the sale and supply of arms and related material to non-governmental forces for use in Rwanda remain prohibited.</p> |
| <p>Sierra Leone<br/>(including non-<br/>governmental<br/>forces)</p>                   | <p>Paragraph (6) and (8) of Resolution 1132 (1997) of 8 October 1997.</p> <p>Paragraph 2 and 3 of Resolution 1171 of 5 June 1998, imposes arms embargo on non-governmental forces. The restrictions referred to in above shall not apply to the sale or supply of arms and related material for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States (ECOMOG) or the United Nations.</p>  |
| <p>Somalia</p>   | <p>Paragraph 5 of Resolution 733 (1992) of 23 January 1992.</p> <p>Modified by UNSCR 1356 in June 2001, to allow certain non-lethal equipments for UN, humanitarian and media workers.</p>  |

### Terminated Sanctions

In the case of the seven Arab states, Southern Rhodesia, South Africa, Libya, Haiti, former Yugoslavia, Federal Republic of Yugoslavia, Ethiopia and Eritrea and Angola, sanctions have been lifted.

| UN Security Council Terminated Sanctions                                     |   |                   |
|--|---|-------------------|
| State or Group embargoed   | Security Council Resolution   | Date lifted       |
| Angola   | UNSC Resolution 1448 (2002)   | 9 December 2002   |
| Egypt, Iraq, Lebanon, Palestine, Saudi Arabia, Syria, Transjordan and Yemen  | UNSC Resolution 73 (1949)   | 11 August 1949    |
| Eritrea and Ethiopia   | SC Presidential Statement (S/PRST/20001/14) noted that sanctions would expire on 16/05/2001 | 16 May 2001       |
| Federal Republic of Yugoslavia including Kosovo                              | UNSC Resolution 1367 (2001)   | 10 September 2001 |
| Former Yugoslavia, also for the Bosnian Serb Party in Bosnia and Herzegovina | UNSC Resolution 1074 (1996)   | 1 October 1996    |
| Haiti  | UNSC Resolution 944 (1994)  | 29 September 1994 |
| Libya  | UNSC Resolution 1506 (2003)   | 12 September 2003 |
| South Africa   | UNSC Resolution 919 (1994)  | 25 May 1994       |
| Southern Rhodesia  | UNSC Resolution 460 (1979)  | 21 December 1979  |



## ANNEX 6

### LIST OF REGIONAL INSTRUMENTS ADDRESSING SALW AND RELATED ISSUES

#### AFRICA

- **SADC:** Protocol on the Control of Firearms, Ammunition and Related Materials (2001).
- **ECOWAS:** Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa (1998, 2001).
- **African Union:** Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (1999).
- **Nairobi Secretariat:**
  - The Nairobi Declaration on the Problem of Proliferation of Illicit Small Arms and Light Weapons (2000) Coordinated Plan of Action and Implementation Plan;
  - Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2003).

#### AMERICAS

##### OAS

- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997).
- CICAD Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition (1998).
- Proliferation of and Illicit Trafficking in Small Arms and Light Weapons (2003).
- Framework Treaty on Democratic Security in Central America (1996).
- Consensus of Miami: Declaration by the Experts on Confidence- and Security-Building Measures: Andean.

- Updated Model Regulations and Amendments to the Model Regulation: Brokering.

#### **Andean Community**

- Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Decision 552, 2003).
- The Lima Commitment: Andean Charter for Peace Security and the Limitation and Control of the Expenditure of Foreign Defense (2002).

#### **Mercosur**

- Joint Register Mechanism of Consumers and Sellers of Firearms, Ammunition, Explosives and other Related Materials for Mercosur (SISME) (1998).

#### **CARICOM**

- Conference of Heads of Governments of the Caribbean Community, Twenty-Second Meeting (2001).

#### **SICA**

- Declaration on the Recovery of illicit Arms in Civilian Hands in Central America (1997).

### **ASIA**

#### **ASEAN**

- Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime (2002).
- Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues (*mentions arms smuggling twice*).

### **EUROPE**

#### **European Union**

- Joint Action on Small Arms and Light Weapons (1999).
- European Union Code of Conduct for Arms Exports (1998).
- Council Common Position on the Control of arms brokering (2003).
- EU Development Council Resolution on Small Arms (1999).

**OSCE**

- Document on Small Arms and Light Weapons (2002).

**Stability Pact**

- Stability Pact Regional Implementation Plan (2001).
- SEESAC: Joint Declaration on Responsible Arms Transfers (1999)  
Statement on Harmonization of end-use/end-user certificates (1999).

**MIDDLE EAST****League of Arab States**

- 19th session of the Interior Ministers' Council's meeting (2002).
- Arab Convention to Counter Terrorism (1998).

**PACIFIC****Pacific Island Forum**

- Nadi Framework: Legal Framework for a Common Approach to Weapons Control (2000).
- Honoria Declaration.
- Model Illicit Weapons Control Legislation, 2003.





## ANNEX 7

### MEMBER STATES TO REGIONAL ORGANIZATIONS ADDRESSING, *INTER ALIA*, SMALL ARMS AND RELATED ISSUES

#### LEAGUE OF ARAB STATES

|          |              |                      |
|----------|--------------|----------------------|
| Algeria  | Lebanon      | Somalia              |
| Bahrain  | Libya        | Sudan                |
| Comoros  | Mauritania   | Syrian Arab Republic |
| Djibouti | Morocco      | Tunisia              |
| Egypt    | Oman         | United Arab Emirates |
| Iraq     | Palestine    | Yemen                |
| Jordan   | Qatar        |                      |
| Kuwait   | Saudi Arabia |                      |

#### ORGANIZATION FOR AMERICAN STATES (OAS)

|                   |                    |                         |
|-------------------|--------------------|-------------------------|
| Antigua & Barbuda | Dominica           | Panama                  |
| Argentina         | Dominican Republic | Paraguay                |
| Bahamas           | Ecuador            | Peru                    |
| Barbados          | El Salvador        | Saint Kitts & Nevis     |
| Belize            | Grenada            | Saint Lucia             |
| Bolivia           | Guatemala          | St Vincent & Grenadines |
| Brazil            | Guyana             | Suriname                |
| Canada            | Haiti              | Trinidad & Tobago       |
| Chile             | Honduras           | USA                     |
| Colombia          | Jamaica            | Uruguay                 |
| Costa Rica        | Mexico             | Venezuela               |
| Cuba              | Nicaragua          |                         |

**ANDEAN COMMUNITY OF NATIONS**

|          |         |           |
|----------|---------|-----------|
| Bolivia  | Ecuador | Venezuela |
| Colombia | Peru    |           |

**CENTRAL AMERICAN INTEGRATION SYSTEM (SICA)**

|                        |           |        |
|------------------------|-----------|--------|
| Belize                 | Guatemala | Panama |
| Costa Rica             | Honduras  |        |
| El Salvador            | Nicaragua |        |
| <b>Observer States</b> |           |        |
| Dominican Republic     | China     |        |

**MERCOSUR**

|                            |          |
|----------------------------|----------|
| Argentina                  | Paraguay |
| Brazil                     | Uruguay  |
| <b>MERCOSUR Associates</b> |          |
| Bolivia                    | Chile    |

**CARIBBEAN COMMUNITY (CARICOM)**

|                                  |                        |                         |
|----------------------------------|------------------------|-------------------------|
| Antigua & Barbuda                | Grenada                | St Kitts & Nevis        |
| Bahamas                          | Guyana                 | St Lucia                |
| Barbados                         | Haiti                  | St Vincent & Grenadines |
| Belize                           | Jamaica                | Suriname                |
| Dominica                         | Montserrat             | Trinidad & Tobago       |
| <b>CARICOM Associate Members</b> |                        |                         |
| Anguilla                         | British Virgin Islands | Turks & Caicos Islands  |
| Bermuda                          | Cayman Islands         |                         |

**EUROPEAN UNION (EU)**

|         |                |           |
|---------|----------------|-----------|
| Austria | Luxembourg     | Hungary   |
| Belgium | Netherlands    | Latvia    |
| Denmark | Portugal       | Lithuania |
| Finland | Spain          | Malta     |
| France  | Sweden         | Poland    |
| Germany | United Kingdom | Slovakia  |
| Greece  | Cyprus         | Slovenia  |
| Ireland | Czech Republic |           |
| Italy   | Estonia        |           |

**NORTH ATLANTIC TREATY ORGANISATION (NATO)**

|                |             |                |
|----------------|-------------|----------------|
| Belgium        | Hungary     | Portugal       |
| Canada         | Iceland     | Spain          |
| Czech Republic | Italy       | Turkey         |
| Denmark        | Luxembourg  | United Kingdom |
| France         | Netherlands | USA            |
| Germany        | Norway      |                |
| Greece         | Poland      |                |

**SOUTH AFRICAN DEVELOPMENT COMMUNITY (SADC)**

|                                |              |           |
|--------------------------------|--------------|-----------|
| Angola                         | Mauritius    | Swaziland |
| Botswana                       | Mozambique   | Tanzania  |
| Congo (Democratic Republic of) | Namibia      | Zambia    |
| Lesotho                        | Seychelles   | Zimbabwe  |
| Malawi                         | South Africa |           |

**ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)**

|                       |   |                     |
|-----------------------|---|---------------------|
| Albania               | Greece                                  | Republic of Moldova |
| Andorra               | Holy See                                | Romania             |
| Armenia (Republic of) | Hungary                                 | Russian Federation  |
| Austria               | Iceland                                 | San Marino          |
| Azerbaijan            | Ireland                                 | Serbia & Montenegro |
| Belarus               | Italy                                   | Slovak Republic     |
| Belgium               | Kazakhstan                              | Slovenia            |
| Bosnia & Herzegovina  | Kyrgystan                               | Spain               |
| Bulgaria              | Latvia                                  | Sweden              |
| Canada                | Liechtenstein                           | Switzerland         |
| Croatia               | Lithuania                               | Tajikistan          |
| Cyprus                | Luxembourg                              | Turkey              |
| Czech Republic        | Macedonia (Former Yugoslav Republic of) | Turkmenistan        |
| Denmark               | Malta                                   | Ukraine             |
| Estonia               | Monaco                                  | United Kingdom      |
| Finland               | Netherlands                             | USA                 |
| France                | Norway                                  | Uzbekistan          |
| Georgia               | Poland                                  |                     |
| Germany               | Portugal                                |                     |

**COMMONWEALTH OF INDEPENDENT STATES (CIS)**

|            |            |              |
|------------|------------|--------------|
| Azerbaijan | Kazakhstan | Tajikistan   |
| Armenia    | Kyrgyzstan | Turkmenistan |
| Belarus    | Moldova    | Uzbekistan   |
| Georgia    | Russia     | Ukraine      |

### STABILITY PACT FOR SOUTH AND SOUTH-EASTERN EUROPE

|   |   |                     |
|---|---|---------------------|
| Albania   | Croatia                                 | Romania             |
| Bosnia & Herzegovina  | Macedonia (Former Yugoslav Republic of) | Serbia & Montenegro |
| Bulgaria  | Moldova                                 |                     |
| <b>Partners</b>   |   |                     |
| The European Union member states and the European Commission  |   |                     |
| <b>Other countries:</b> Canada, Japan, Norway, Russia, Switzerland, Turkey, USA   |   |                     |
| <b>International organizations:</b> UN, OSCE, Council of Europe, UNHCR, NATO, OECD  |   |                     |
| <b>International financial institutions:</b> World Bank, International Monetary Fund (IMF), European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), Council of Europe Development Bank (CEB) |   |                     |
| <b>Regional initiatives:</b> Black Sea Economic Co-operation (BSEC), Central European Initiative (CEI), South East European Co-operative Initiative (SECI) and South East Europe Co-operation Process (SEECOP)                |   |                     |

### THE WASSENAAR ARRANGEMENT

|                |             |                    |
|----------------|-------------|--------------------|
| Argentina      | Greece      | Republic of Korea  |
| Australia      | Hungary     | Romania            |
| Austria        | Ireland     | Russian Federation |
| Belgium        | Italy       | Slovakia           |
| Bulgaria       | Japan       | Spain              |
| Canada         | Luxembourg  | Sweden             |
| Czech Republic | Netherlands | Switzerland        |
| Denmark        | New Zealand | Turkey             |
| Finland        | Norway      | Ukraine            |
| France         | Poland      | United Kingdom     |
| Germany        | Portugal    | USA                |

**ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)**

|                                  |             |           |
|----------------------------------|-------------|-----------|
| Brunei Darussalam                | Malaysia    | Singapore |
| Indonesia                        | Myanmar     | Thailand  |
| Lao People's Democratic Republic | Philippines | Viet Nam  |

**AFRICAN UNION (AU)**

|                                |               |                                   |
|--------------------------------|---------------|-----------------------------------|
| Algeria                        | Ethiopia      | Nigeria                           |
| Angola                         | Gabon         | Rwanda                            |
| Benin                          | Gambia        | Saharawi Arab Democratic Republic |
| Botswana                       | Ghana         | Sao Tome & Principe               |
| Burkina Faso                   | Guinea        | Senegal                           |
| Burundi                        | Guinea-Bissau | Seychelles                        |
| Cameroon                       | Kenya         | Sierra Leone                      |
| Cape Verde                     | Lesotho       | Somalia                           |
| Central African Republic       | Liberia       | South Africa                      |
| Chad                           | Libya         | Sudan                             |
| Comoros                        | Madagascar    | Swaziland                         |
| Congo                          | Malawi        | Tanzania                          |
| Congo (Democratic Republic of) | Mali          | Togo                              |
| Côte d'Ivoire                  | Mauritania    | Tunisia                           |
| Djibouti                       | Mauritius     | Uganda                            |
| Egypt                          | Mozambique    | Zambia                            |
| Equatorial Guinea              | Namibia       | Zimbabwe                          |
| Eritrea                        | Niger         |                                   |

**NAIROBI SECRETARIAT ON SALW**

|                                |          |          |
|--------------------------------|----------|----------|
| Burundi                        | Ethiopia | Uganda   |
| Congo (Democratic Republic of) | Kenya    | Tanzania |
| Djibouti                       | Rwanda   |          |
| Eritrea                        | Sudan    |          |

**ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

|               |               |              |
|---------------|---------------|--------------|
| Benin         | Ghana         | Niger        |
| Burkina Faso  | Guinea        | Nigeria      |
| Cape Verde    | Guinea-Bissau | Senegal      |
| Côte d'Ivoire | Liberia       | Sierra Leone |
| Gambia        | Mali          | Togo         |

**PACIFIC ISLANDS FORUM GROUP**

|                  |                  |                 |
|------------------|------------------|-----------------|
| Australia        | Nauru            | Solomon Islands |
| Fiji             | New Zealand      | Tonga           |
| Kiribati         | Palau            | Tuvalu          |
| Marshall Islands | Papua New Guinea |                 |
| Micronesia       | Samoa            |                 |





## ANNEX 8

### EXAMPLES OF REGIONAL AND INTERNATIONAL CONFERENCES SINCE 2001

#### INTERNATIONAL CONFERENCES

1. On 23-25 Jan 2002, a follow-up meeting of the 2001 UN Conference was held in Tokyo, Japan. The meeting was global in scope, and was called together by the Government of Japan.
2. On 25-26 March 2002, Canada organized a follow-up meeting of the UN Conference in Ottawa, Canada.
3. A seminar on Implementing the UN Programme of Action on Small Arms and Light Weapons was held in Manila from July 9 to 10, 2002. The seminar was hosted by the Philippine Government and co-sponsored by the Canada and was attended by delegates from ASEAN member countries, Australia, Canada, China, Finland, Germany, Japan, Republic of Korea, Netherlands, Norway, Switzerland, United Kingdom, United States of America, United Nations, International Committee of Red Cross, the Civil Society and representatives of the arms industries.
4. An international workshop on prevention of small arms demand by focusing on Southeast Asian region was hosted by the Cambodian government in May 2002. The workshop provided opportunities for participants from 15 nations to exchange views on weapon reduction and control and promote the policy level of nations in Southeast Asia in curbing the demand for small weapons.
5. The British Foreign Office, the Department for International Development, and Ministry of Defence, organized a two-day conference at Lancaster House Conference, 14-15 January 2003 to encourage weapons-producing nations to agree export controls to prevent arms going to criminals or terrorists. This was not a negotiating conference, nevertheless the aim was to deliver a set of agreed conclusions to tighten control on small arms.

6. On 14-15 January 2003, United Kingdom hosted the Lancaster Seminar on “Strengthening Export Controls on Small Arms and Light Weapons”, attended by representatives of approximately 60 countries and international organizations to tackle the plight of SALW worldwide.

### UNITED NATIONS REGIONAL CONFERENCES ON SALW

1. A UN-OSCE Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe from the 11-12 March 2003. (Hosted by government of Slovenia).
2. Regional steering group meeting for the Control of SALW in SE Europe. Organized by Stability pact for SE Europe. 11 April 2003, Tirana, Albania.
3. A Regional Seminar was organized in Bali, Indonesia from 10-11 February 2003—“Implementation of the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: The Asia-Pacific Perspective”.
4. Regional seminar on small arms in Congo-Brazzaville from the 12-14 March 2003.
5. Conference on Implementation of UNPoA by Arab States, held in Cairo, Egypt, 16-18 December 2003.

### OTHER REGIONAL CONFERENCES ON SALW

#### EUROPE-CENTRAL ASIA

1. 20-21 Sep 2001 Canada and Poland co-hosted a Euro-Atlantic Partnership Council Seminar on Disarmament and Peacekeeping.

2. South Eastern Europe NATO/EAPC organized the second conference on “Szeged Process” to build constructive dialogue between governments and civil society in South Eastern Europe on 28 September 2001.
3. In November 2001, the OSCE, with the cooperation of all five republics in Central Asia, organized a series of workshops on arms control, focusing in particular on control over manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The workshops were also designed to help the Central Asian republic with implementation of the OSCE Document on SALW.
4. The OSCE Centre in Almaty and the Government of Kazakhstan hosted the first meeting of working level experts from Defence, Foreign Affairs and Interior Ministries, as well as police, customs and border guards from Central Asia, Europe and North America on 21 and 22 May in Almaty. The aim of the meeting was to improve cooperation in preventing and combating cross-border trafficking in small arms and light weapons. Their major focus was on regional measures to crack down on the illegal trade of small arms and light weapons in Central Asia.
5. The Forum for Security Co-operation of the OSCE convened a workshop on 4-5 February 2002 to review implementation of the OSCE Document. A reporting template was developed for the second information exchange, in which States shared information on stockpile management, as well as on export, import and transfer of SALW.
6. “The European Union and Arms Export Control: One Year on from the UN Conference”. Madrid, 10-11 May 2002.
7. 12-14 June 2002, Romania in cooperation with the US organized a regional workshop “ Non-Proliferation and export control enforcement”.
8. OSCE and EAPC/PfP convened a Workshop on Small Arms and Light Weapons: Practical Challenges for the Implementation of the OSCE Document, which was held in Zagreb, Croatia, on 24-25 October 2002.

9. OSCE convened border management conference for Central Asian countries was organized in Helsinki, Finland, June 2002.
10. The European Social Forum organized a Small Arms Seminar in Florence, Italy from the 7<sup>th</sup> to 10<sup>th</sup> of November 2002.
11. There was an OSCE Preparatory Seminar for the 11th Economic Forum on "*Economic Impact of Trafficking in SALW*" in Sofia, Bulgaria from the 11<sup>th</sup> to the 12<sup>th</sup> of November 2002. This seminar was organized by the *Incoming Dutch OSCE Chairmanship, Ministry of Foreign Affairs, Bulgaria and Office of the Co-ordinator of Economic and Environmental Activities*.
12. 22-23 November 2002: "A Technical Workshop on Transparency Issues in Small Arms Transfers: Creation of a Regional Model", Minsk, Belarus.
13. 26 November 2002, Minsk, Belarus: Technical Workshop on Transparency Issues in Small Arms Transfers: Creation of a Regional Model. The first regional workshop of its kind to deal with reporting small arms sales, decommissioning stockpiled weapons and controlling the illicit resale of arms.
14. 11-12 December 2002, RACVIAC and OSCE CPC jointly organized a "Meeting on Security Issues of Common Interest in SEE in RACVIAC", Rakitje.
15. OSCE seminar on marking, tracing and export controls. Co-organized between Canada, Italy, Romania, and the OSCE, 24-26 February 2003, Bucharest, Romania
16. EAPC/SEEGROUP regional seminar on the collection of SALW and regional control regimes, 20-21 March 2003.
17. Seminar "SALW—A Year after Implementation of the Stability Pact's Plan" was organized in Zagreb, Croatia, by Regional Arms Control Verification and Implementation Assistance Centre, 5-8 May 2003.
18. Eleventh Economic Forum on the theme of "Trafficking in Human Beings, Drugs, SALW: National and International Economic Impact", Prague, May 2003.

19. Anti-Terrorist Task Force of the SECI Regional Centre for Combating Trans-border Crime held its first meeting in Turkey in June 2003.
20. The OSCE co-sponsored, with NATO, the EU and the Stability Pact, the Ohrid Regional Conference on Border Security and Management, on 22-23 May in the Former Yugoslav Republic of Macedonia.
21. On 27-28 May 2003, the Forum for Security Co-operation convened an expert workshop on stockpile management and security to analyze the issue and consider ways to provide assistance to participating States for the elimination of surplus ammunition stockpiles.
22. 23-24 April, Oslo, Norway: Oslo III Seminar on brokering. Organized by Norwegian and Dutch governments.
23. 13-14 June 2002: WFSM-MAG Workshop on "Export, Import and Brokering of Small Arms and Firearms: Identifying the Problems—Partnerships for Solutions", Naples, Italy.
24. International Conference on Arms Export Controls in the Enlarged European Union, Dublin 12-13 December 2003.

## ASIA

1. From 9-11 October 2001, ASEAN security ministers met in Singapore to discuss measures to deal with terrorism and other transnational crimes. This discussion included arms smuggling and related issues. The meeting was followed later that month by a gathering of police chiefs from Thailand, Malaysia, Singapore, Indonesia and Burma in Batam, Indonesia.
2. Latin American and Caribbean countries met 19-21 November 2001 in Santiago, Chile. And in December, seminar: "SALW in Central America: Implementing the UNPoA's aspects for Control and Regulation of Arms Transfers".

3. A Regional Conference on the Proliferation of Small Arms in South Asia—“*South Asia and Small Arms: Challenges and Responses*”—was held from the 27<sup>th</sup> to 29<sup>th</sup> October 2002 in Dhaka, Bangladesh.
4. A Special Ministerial Meeting on Terrorist in Kuala Lumpur adopted a Work Programme of the ASEAN Plan of Action on Transnational Crime, May 2002.
5. In Asia, 9-10 July 2002, A Regional Seminar on Implementing the PoA was organized in Manila.

#### PACIFIC

1. Pacific Islands Countries Regional Seminar on the Illicit Trade in Small Arms and Light weapons in all its aspects, Tokyo 20-22 January 2003. Delegates discussed the draft model “Weapons Control Bill”. The Bill is intended to strengthen the efforts of Pacific Island governments to counter the proliferation of small arms in the region and in their jurisdictions.

#### SUB-SAHARAN AFRICA

1. 22-23 August 2001: African Regional Seminar on proliferation of SA, Zanzibar, Tanzania.
2. A meeting on the implementation of the PoA was held 18-21 March 2002 in Pretoria, South Africa called “African Conference on the Implementation of the POA on SALW: Needs and Partnerships”.
3. First Ministerial Review Conference on the implementation of the Nairobi Declaration, 7 and 8 August 2002, Nairobi Kenya.
4. Three regional training of trainers workshops for over 300 senior military and security officers from the ECOWAS member states.
5. Inter-governmental meeting of higher level of the African Union. 11-14 Sept. 2002—Plan of Action adopted to deal with terrorism and related issues at all levels.

6. The ECOWAS heads of State meeting in Dakar in January 2003— established a small arms unit within ECOWAS to strengthen its capacity to reduce, manage and eliminate small arms and to enhance human security as a means of facilitating harmonious development.
7. On the 11 February 2003, there was a meeting on “Proliferation and Illicit Traffic of Small Arms and Light Weapons in the Northeast of the DRC in Arua”, where Sudanese, Ugandan and DRC delegates came together to discuss SALW issues in their common border area.
8. On 25 April 2003, the Nairobi Secretariat and the East African Police Chiefs Cooperation Organization (EAPCCO) organized a workshop for law-enforcement officers, to determine training needs in the fight against proliferation against illicit SALW.
9. SADC conference on arms control, Botswana May 2003.
10. Nairobi Secretariat organized a workshop for coordinators of National Focal Points in the states parties to the Nairobi Declaration 3-4 June 2003.
11. The third networking seminar of the National Commissions against SALW in West Africa was held in Banjul, 4 June 2003.
12. Sub-regional workshop with civil society in Dar-es-Salaam, Tanzania, August 2003.
13. SADC regional conference on DDRD 2003.

## AMERICAS

1. Ministers of Foreign Affairs and Defense of the Andean Community Member Countries, meeting in Lima on 17 June 2002, signed the “Lima Commitment: Andean Charter for Peace and Security and the Limitation and Control of the Expenditure on Foreign Defense,” through which they agreed to adopt, inter alia, urgent measures to combat illicit trade in weapons, ammunition, explosives and other related materials, due to their connection with the worldwide drug problem, terrorism, transnational organized crime, mercenary activities and other criminal behavior.

2. In May 2002 the Third Regular Meeting of the Consultative Committee on the *Inter-America Convention against the illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (OAS)* was held in Washington. The purpose of the meeting was to review the status of signatories and ratifications of the convention and legislative measures to implement it. (Representatives from civil society organizations also attended the meeting).
3. 3-4 April 2003 a meeting of the “OAS Consultative Committee for Inter-American Convention against the Illicit Trafficking and Manufacturing of Firearms, Ammunition, Explosives and their Components” in Washington DC, USA.
4. That based on the Ministerial mandates, the Andean Community High-Level Group on Security and Confidence-Building, created by the above-cited Lima Commitment, agreed at its first meeting, held in Bogotá on 28 February 2003, to expedite the designing and implementation of an Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its aspects, a decision that was subsequently endorsed by the Andean Council of Foreign Ministers on 11 March 2003.



## ANNEX 9

### **SIDE-EVENTS ORGANIZED BY STATES, REGIONAL ORGANIZATIONS AND UNITED NATIONS AGENCIES DURING THE FIRST BIENNIAL MEETING OF STATES IN JULY 2003**

- The OSCE launched the “OSCE Best Practice Guides on SALW”;
- UN-LiREC presented “UN-LiREC’s Regional Clearing-house Programme on Firearms, Ammunition and Explosives”;
- UNREC-Lome presented “the Status of the Implementation of the UNPoA in Africa”;
- WHO launched a new publication, “ Public Health Dimensions of small arms violence: Impacts, meaningful interventions, and the Programme of Action”;
- UNIDIR presented findings from its “Participatory Assessment of Weapons Collection Programmes”;
- the governments of Netherlands and Norway gave a presentation on “Consideration on further steps to enhance international co-operation in preventing, combating and eradicating illicit Brokering of SALW”;
- the government of Slovenia gave a presentation of “Slovenian Regional Initiative on SALW”;
- the United Kingdom, gave a presentation on its “UNPoA’s Commitments on antional regulation(or control)”;
- Germany and the Bonn International Centre for Conversion (BICC), gave a presentation on “Training Programmes for Lesser Developed Countries—Building Capacity for Small Arms Control”;
- the governments of Mali, Canada, and Switzerland, along with the Centre for Humanitarian Dialogue (based in Geneva), launched a new publication, *Putting People First*, which provides a human security perspective on the availability and misuse of small arms.

### **SIDE-EVENTS ORGANIZED BY INTERNATIONAL ORGANIZATIONS AND NGOS**

- The Small Arms Survey launched its "Year Book 2003: Development Denied";
- Biting the Bullet project (International Alert, Saferworld, University of Bradford), in collaboration with IANSA, launched a report that reviewed progress made towards implementation of the Programme of Action from information on 156 countries, as well as providing examples of civil society activities of IANSA members groups;
- GRIP gave a presentation on its "Draft Convention: Marking, Tracing and Brokering";
- Biting the Bullet launched its Policy briefing papers on: Strengthening embargoes + Regulating civilian possession.

### **WORKSHOPS, BRIEFINGS AND EXHIBITIONS ON SALW**

- Women and Small Arms;
- Beyond disarmament: Linking Gender and Security;
- Small Arms and Media;
- Lessons from the field: Government and Civil Society collaboration;
- Lessons from the field: Illegal Trafficking;
- Lessons from the field: Weapons collection, DDR, Peace Education;
- Lessons from the field: Human Dimensions of Small Arms Control;
- Developing National Action Plans;
- Firearms Industry;
- Children and Armed Conflict;
- In the Line of Fire: Survey of humanitarian and development workers;
- Amnesty/Oxfam/IANSA Arms Trade Campaign.

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