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Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons

Regional Analysis of National Reports

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NOTE

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NOTE TO THE READER

This analysis contains information from national reports submitted on the implementation of the UN Programme of Action (PoA) since its adoption in 2001. Thus, it covers information exchange years 2002, 2003, 2004 and 2005. In addition, the analysis also refers to national statements delivered at the two biennial meetings of States (BMSs), in 2003 and 2005. At the time of writing, 136 UN Member States as well as the Holy See as a Permanent Observer of the United Nations had submitted at least one national report.

This work is a reflection of information that States have made publicly available through their official statements and reporting. In providing examples of implementation activities, we have often summarized the information provided in the national reports. It has been done with every intention to retain the original sense and connotations of the reports. We have not verified the accuracy of the information contained therein, but analyse the implementation of the PoA as reflected in the national reports. The analysis is in no way intended to be a complete account of every activity undertaken to implement the PoA.

The analysis does not make any value judgement as to how different countries are implementing the PoA, nor does it rank countries based on their reported activities. Rather, it is hoped that through providing information about the current status of States' commitment to the PoA, this analysis will be a valuable reference for both donors and affected countries to help improve future assistance programmes on small arms.

The analysis was undertaken between September and December 2005. Unless otherwise noted, information submitted after 15 December 2005 has not been included in the analysis.

The geographical regional categories that inform this analysis are based on States' membership in different regional organizations. A complete list of the relevant regional organizations and their Member States is provided in Annex 3.

Regions

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, the Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

The Americas

Antigua and Barbuda, Argentina, the Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, the 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, the United States, Uruguay and Venezuela.

Asia and Pacific Oceania

Afghanistan, Armenia, Australia, Azerbaijan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Cyprus, the Democratic People's Republic of Korea, Fiji, Georgia, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, the Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, Nepal, New Zealand, Oman, Pakistan, Palau, Papua New Guinea, the Philippines, Qatar, the Republic of Korea, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, the Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Tonga, Turkey, Turkmenistan, Tuvalu, the United Arab Emirates, Uzbekistan, Vanuatu, Viet Nam and Yemen.

Europe

Albania, Andorra, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the

Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom.

Note: due to the overlap in participation in regional organizations as well as their geographical security contexts, Turkey and Cyprus are discussed under both Europe and Asia and Pacific Oceania.

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CONTENTS

Foreword	xiii
Acknowledgements	xv
Executive Summary	xvii
Chapter 1 Introduction	1
Chapter 2 Global responses to the UN Programme of Action	7
Follow-up events	8
Two special areas of PoA follow-up	11
Overview of reporting on PoA implementation	14
Assistance: provided, requested and received	24
Chapter 3 Africa: reporting on implementation	27
Small arms in Africa	27
Reporting in Africa: general trends in reporting and implementation	31
Progress made in PoA reporting and implementation since 2001	37
Regional cooperation and coordination	47
Assistance in the region: provided, requested and received . . .	50
Issues outside the PoA that are addressed in the national reports	55
The way forward in implementing the PoA	58
Chapter 4 The Americas: reporting on implementation	61
Small arms in the Americas	61
Reporting in the Americas: general trends in reporting and implementation	64

Progress made in PoA reporting and implementation since 2001	71
Assistance in the region: provided, requested and received ...	89
Issues outside the PoA that are addressed in the national reports	94
The way forward in implementing the PoA	97
Chapter 5 Asia and Pacific Oceania: reporting on implementation	99
Small arms in Asia and Pacific Oceania	99
Reporting in Asia and Pacific Oceania: general trends in reporting and implementation	103
Progress made in PoA reporting and implementation since 2001	110
Regional cooperation	117
Assistance in the region: provided, requested and received ...	117
Issues outside the PoA that are addressed in the national reports	120
The way forward in implementing the PoA	123
Chapter 6 Europe: reporting on implementation	127
Small arms in Europe	127
Reporting in Europe: general trends in reporting and implementation	130
Progress made in PoA reporting and implementation since 2001	142
Assistance in the region: provided, requested and received ...	164
Issues outside the PoA that are addressed in the national reports	170
The way forward in implementing the PoA	175
Chapter 7 Conclusion and recommendations	179
Conclusions	179
Recommendations	185

Notes	190
Annexes	207
Annex 1 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects	207
Annex 2 Reporting, NPCs and NCAs in 2002–2005	221
Annex 3 Regional organizations	229
Acronyms and relevant terms	237

FOREWORD

Small arms fuel violence and intensify human suffering in conflict situations across the globe. The illicit trafficking, proliferation and misuse of small arms have grave impacts on human security, development and human rights. They hamper conflict resolution, peace-building and commercial activities in various parts of the world, affecting the lives of millions.

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) is a globally agreed framework addressing a wide spectrum of small arms problems. It is a central tool for controlling the negative consequences of small arms and light weapons (SALW) proliferation and needs to be implemented as effectively as possible.

I warmly welcome this analysis of national reports submitted by States on their implementation of the PoA. The book is part of the project entitled Capacity Development for Reporting to the UN Programme of Action on Small Arms, implemented jointly by the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Department for Disarmament Affairs (DDA) and the Small Arms Survey (SAS). The project is an excellent example of work that is done within the UN Coordinating Action on Small Arms mechanism.

As the Chairman of the Second Biennial Meeting of States (BMS) to Consider the Implementation of the Programme of Action, held in July 2005, I fully support the system of national reporting, particularly as a means to exchange information on the PoA implementation. As was seen in both the 2003 and the 2005 BMSs, exchange of information and views is crucial to making progress in implementing the PoA. Through such interactions countries can bring out their most pressing problems, and communicate positive developments and best practices. It also allows the international community to assess the level of implementation at national, regional and global levels.

I highly appreciate this analysis as a tool to make better use of the information provided by States and to highlight regional and global trends in implementing the PoA. The systematic analysis of the information provided by States provides an opportunity to highlight national and regional needs, particularly the need to build capacity, and helps in ensuring that assistance efforts be directed as effectively as possible. Ultimately, as this analysis shows, resolving small arms problems cannot come from outside—achieving sustainable results requires building capacities at national and regional levels.

Regional-level action is crucial to the effective implementation of the PoA and this reporting analysis is timely in bringing out regional trends and priorities. The analysis shows that significant developments are under way in many countries and regions to implement the PoA. However, it also shows that action in key areas remains limited. Enhanced efforts to target both supply and demand side of the problem are needed to ensure continuous and meaningful results.

No country can solve regional and global small arms problems in isolation—cooperation and assistance are crucial in ensuring sustainable global and regional results. Knowing what is needed is the first step in ensuring that needs are met. In my view, this analysis is a valuable contribution to the PoA implementation process. I sincerely hope that States will make the best use of its findings and continue to strengthen their commitment to reporting on their implementation of the PoA.

Pasi Patokallio
Ambassador of Finland
Chairman of the Second Biennial Meeting of States

Ottawa, December 2005

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Needless to say, responsibility for all errors of interpretation or fact remain ours and ours alone.

EXECUTIVE SUMMARY

INTRODUCTION

Exchanging information in the form of national reports is an important part of implementing the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). National reports offer a means to highlight important developments at the national level, and provide a chance to review achievements and progress made in implementing the PoA. National reporting can help in directing needed resources in an efficient and comprehensive manner by bringing up national and regional strengths as well as highlighting areas where further capacity-building or assistance is needed.

This analysis covers the national reports submitted by UN Member States to the United Nations Secretary-General in response to the annual General Assembly resolutions on small arms, from the adoption of the PoA in 2001 to the Second Biennial Meeting of States (BMS) held in 2005.¹ It also builds on a previous analysis conducted on national reports submitted in 2003.²

The analysis of reports complements the project entitled Capacity Development for Reporting on the United Nations Programme of Action on Small Arms, jointly undertaken by the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Department for Disarmament Affairs (DDA) and the Small Arms Survey (SAS).³

GLOBAL OVERVIEW OF REPORTING

The analysis of national reports indicates that there has been some notable progress in implementing the PoA during its first five years. An encouraging number of States are participating in the reporting process, which could be considered as an indication of growing awareness of problems related to the illicit trade in small arms and light weapons (SALW)

across the globe. At the time of writing, 137 States⁴ had submitted at least one national report, while 55 States have yet to produce their first report.

However, the level of reporting remains unequal across regions. Since 2002, just 54% of countries in the Asia and Pacific Oceania region have submitted at least one report on the PoA, compared to 91% of countries in Europe, 72% of countries in Africa and 71% of countries in the Americas. The majority of States have produced two reports. So far, global reporting activities have been most intense during the two BMS years of 2003 and 2005.

The exchange of information on PoA implementation is voluntary, and there is no systematic format for submitting information. As a result, the information submitted by States in the national reports varies in both substance and structure. Some countries consistently produce detailed reports that present their implementation of almost all provisions of the PoA, while others summarize their relevant activities. Generally, the quality of national reporting is improving.

There are notable differences in the consistency with which countries report about different PoA themes. National legislation and export, import and transit controls are the most commonly addressed themes in national reports from all regions, and this information is usually repeated or updated in subsequent reports. References to National Coordination Agencies (NCAs) and National Points of Contact (NPCs) have also been among the most frequently addressed themes since 2002. Brokering controls and public awareness raising have been the least frequently addressed themes in national reports throughout the years.

Of the 137 countries that have submitted at least one national report in 2002–2005, approximately:

- 94% refer to national legislation governing SALW control at the national level;
- 82% address import, export and transfer controls in some aspect;
- 80% discuss weapons collection and destruction programmes or practices, or disarmament, demobilization and reintegration (DDR) programmes;
- 79% mention NCAs or NPCs;

- 71% address some aspects of marking, record-keeping and tracing of SALW;
- 69% mention stockpile management and security;
- 61% refer to public awareness efforts; and
- 55% address existing brokering legislation or regulations, or describe penalties for illicit brokering activities.

REPORTING FROM DIFFERENT REGIONS

The analysis of national reports places special emphasis on progress made in implementing the PoA in different regions. Regional efforts have been recognized to be a key to promoting global small arms action, and have brought about positive results in combating the illicit trade in small arms. Regional analysis of national reports reveals differing needs and capacities across regions. For the purpose of this analysis, the geographical regions are Africa, the Americas, Asia and Pacific Oceania, and Europe.

There are considerable differences in the types of information submitted by States in the different regions. However, regional and subregional analyses reveal several commonalities in reporting within regions regarding, inter alia, identified problems, priorities, activities and needs.

Reports from Africa recognize that the easy availability and accumulation of SALW continue to intensify conflict and render peace processes and peace-building volatile. Political instability, civil unrest and lack of sufficient SALW controls in one country risk the leaking of illicit weapons into neighbouring countries. Priorities for African countries in implementing the PoA include supporting sustainable DDR programming, use of public awareness as a tool to reduce demand for weapons and addressing the small arms problem within the nexus of peace, security, humanitarian and development dimensions.

Based on the national reports submitted by the Member States of the Organization of American States (OAS) in 2002–2005, challenges with illicit SALW in the Americas remain linked with armed criminality and illicit trafficking of weapons across borders. Regional cooperation remains a priority, but further efforts will also be needed in this field to ensure effective implementation of the PoA.

Information contained in reports by States in Asia and Pacific Oceania indicates that areas of priority for the region include addressing illicit trafficking associated with transnational organized crime, stockpile security, regulating civilian possession of arms and ensuring that small arms or associated ammunition do not reach terrorist groups or non-state actors. The region also prioritizes stockpile management and security sector reform, while bilateral and multilateral cooperation with respect to combating transnational organized crime in all its aspects remains a major priority, particularly for South Central Asia and South-East Asia. Transborder issues remain one of the major concerns of the Arab States.

In general, countries across Europe have been active in their reporting on the PoA, and the information in the national reports indicates their commitment to supporting the global arms control process and assisting affected States to implement the PoA. Examples of issues high on the European agenda are brokering and transfer controls. In South-Eastern Europe, where countries reported about further needs for assistance, a major issue is destruction of existing surplus stocks.

OVERVIEW OF THEMES ADDRESSED IN THE DIFFERENT REGIONS

In the national reports, countries reflect on the PoA as it relates to their regional or national interests, needs or ongoing activities in support of the global commitment to combat and eradicate the illicit proliferation of small arms trafficking.

NCPs and NCAs

Since 2002, 92% of the States that have reported from Africa, 80% from the Americas, 78% from Europe and 67% from Asia and Pacific Oceania make reference to NPC and NCA in their reports.

Overall, the majority of NPC function within national ministries of foreign affairs (MoFA). Other common hosts are ministries of defence and ministries of the interior. The work of the NCA is mostly focused on problems and priorities of the country. Although just a handful of States make reference to civil society participation in national coordination activities in their national reports, other sources indicate that civil society

organizations (CSOs) have become proactive in assisting some governments in varying ways.

Controls on international transfers

Since 2002, 98% of States that have reported from Europe, 88% from the Americas, 88% from Asia and Pacific Oceania and 55% from Africa make reference to SALW transfer controls. Some States, particularly in Europe, emphasize the need for responsible global arms exports practices.

Evidence from the reports indicates that some States have no provision to require an end-user certificate (EUC) or notification of the original exporting State when arms have been retransferred. However, a number of States indicate that amendments have been made or are underway for their SALW transfer procedures. Some countries are currently considering the strengthening of the legal basis to control arms transit, trans-shipment and brokering.

National laws, regulations and administrative procedures

National laws, regulations and administrative procedures covering small arms and related issues are largely covered in the reports. Since 2002, 100% of States that have reported from the Americas, 98% from Europe, 91% from Asia and Pacific Oceania and 87% from Africa make reference to the subject.

Information in the reports demonstrates the States' strong commitment to establishing effective national legislation and administrative procedures to combat the illicit trade and misuse of SALW. In general, most States report having updated or reviewed national firearms laws within the last five years.

Marking, record-keeping and tracing

Since 2002, 88% of States that have reported from Europe, 76% from the Americas, 64% from Asia and Pacific Oceania and 55% from Africa make reference to the subject of marking, record-keeping and tracing of SALW. In the national reports, emphasis was most often on record-keeping and registering systems, as well as on the need for technical capacity for efficient record-keeping systems. Several countries also reported about

changes made or underway to national small arms registers. Arms producing countries, in particular, reported about the types of markings required on SALW as well as their registering systems.

Stockpile management and security

Since 2002, 83% of States that have reported from Europe, 72% from the Americas, 66% from Africa and 55% from Asia and Pacific Oceania make reference to the subject of stockpile management and security.

From the information provided in the reports, it is evident that although most States, particularly in Africa, Pacific Oceania, South Central Asia and South-East Asia have the basic requirements for stockpile security and management, they do not have standard procedures for identification and disposal of surplus stocks of SALW held by the armed forces, police and authorized bodies. In some countries, existing facilities for stockpiling are dilapidated or obsolete.

Brokering activities

Since 2002, 88% of States that have reported from Europe, 52% from the Americas, 42% from Asia and Pacific Oceania and 37% from Africa make reference to the subject of brokering activities in their national reports.

Quite a significant number of European countries indicate that brokering laws have been put into place, or that brokering activities are covered under older and broader legislation. Some OAS Member States reported on measures they have taken or are planning to take with regard to controlling arms brokering activities. However, non-producing and exporting countries, particularly in Africa and Asia, indicated that regulating brokering activities is not applicable to them since they are not SALW producing countries. Other countries mentioned that due to global concerns about illicit brokering activities, they have yet to take the precautionary measures necessary to regulate arms brokering at their national level.

DDR, weapons collection and destruction

Since 2002, 88% of States that have reported from Europe, 84% from the Americas, 79% from Africa and 67% from Asia and Pacific Oceania make reference to the subject of weapons collection and destruction programmes as well as DDR programmes.

DDR programmes are a priority for most post-conflict States or communities affected by civil unrest and criminality. Amnesty initiatives have been undertaken in a number of countries to collect and remove illegal arms. DDR programming is one of the issue areas that have received widespread attention, particularly from donor countries.

Public awareness

Since 2002, 66% of States that have reported from Africa, 64% from the Americas, 61% from Europe and 52% from Asia and Pacific Oceania make reference to public awareness programmes in their national reports.

National reports indicate that public awareness programmes, including educational programmes, are a key to implementing national efforts to curb proliferation, reduce demand for civilian possession of weapons and promote responsible management of small arms, particularly in affected regions. In some countries, CSOs have actively assisted with implementation of public awareness programmes.

Emerging issues

Since 2002, around 70% of States that have reported address issues related to civilian possession of firearms. A considerable number of States also make reference to the demand side of small arms problems. The issue is most prominent in reports from African States, but countries from other regions also mention it.

Most reports repeat phrases such as “weapons and their ammunition” or “firearms and their ammunition”. Whether addressing export controls, criminalizing illicit activities or civilian possession of small arms, constant association is made with ammunition. A few States in Europe and Asia make reference to banning the transfer of man-portable air defence systems (MANPADS) to non-state actors.

Although there are fewer references to transfers to non-state actors, a number of countries explicitly expressed their support for having a regulation procedure covering transfers of SALW to these recipients.

Although gender considerations are essential in various SALW programmes, such as weapons for development projects or DDR, the issue has received very little attention in the national reports. Overall, about 5% of reporting countries make reference to gender in their national reports.

ASSISTANCE PROVIDED AND RECEIVED

In reporting on the implementation of the PoA, countries focus more on achievements as well as already accomplished programmes than on remaining problems and further needs of assistance. In addition, donor countries give substantive information on projects that they have supported. Affected communities provide examples of programmes that have been undertaken with the support of external actors.

In particular, post-conflict and conflict-prone communities have been on the priority list of donors when considering small arms assistance, sometimes at the expense of those communities that need assistance but are not in conflict or have not recently been in conflict. International organizations, UN agencies and donor countries have been active in providing varying assistance on SALW issues, including weapons collection, DDR, security sector reform and stockpile management. Assistance for destruction of surplus weapons is most evident in certain parts of Eastern Europe, the Americas and Pacific Oceania. Assistance for DDR programming and weapons collection is most prominent in certain parts of sub-Saharan Africa and the Americas. Asia as compared with other regions has received less attention to address small arms and related issues.

Most affected States included requests for assistance in their national reports and highlighted areas where their national capacities are inadequate. The most commonly identified areas of need across regions include improving the technical capacities of national authorities, for example, in customs systems and electronic management of weapons stockpiles. In addition, countries from the Americas especially noted the lack of information or guidelines about SALW-related issues, and mentioned the need to develop better methods and means of collecting,

storing and using data. Also, Asian countries noted the need to improve data collection: they expressed their aspiration to establish a regional register of SALW as well as other specific subregional transparency and confidence-building measures, such as exchanging national lists of registered arms brokers.

While many countries reported about ongoing reviews of laws and regulations, information from the reports indicates that some States need further technical assistance in drafting new legislation to reflect regional and global concerns. Countries, particularly in Africa, have requested more financial and technical assistance for the establishment and functioning of NCAs and the development of National Action Plans on SALW.

Weapons collection and destruction play a critical role in small arms control as a means to remove illicit and surplus weapons from circulation. The destruction of surplus stocks is reported to be a major issue, especially in South-Eastern Europe where national reports contain several references to future need of assistance in these efforts.

Depending on subregional priorities, States reported that they are cooperating through bilateral and multilateral frameworks to share information on best practices and provide mutual assistance on intelligence issues related to arms trafficking, border management, transnational organized crime and terrorism.

Despite the assistance already provided to affected States and regions, significant efforts are still needed at the national, regional and global levels to ensure that States' commitments to the PoA are translated into real action and positive impacts on the ground. It is essential that the PoA continues to maintain its momentum as an effective framework agreement to curb the illicit trade in SALW.

CONCLUSION

The PoA has brought about some significant developments in combating the illicit trade in small arms, and the years following its adoption have seen a variety of activities undertaken across the globe to combat the problems related to illicit small arms. Civil society has become an active player in small arms control, especially in Africa, Europe and the Americas.

Based on the reporting, increasing resources also seem to be directed to SALW-related research, awareness-raising activities and different meetings that bring actors together at the subregional, regional and global levels.

However, despite some positive developments, further efforts on all provisions of the PoA are needed to ensure its comprehensive and sustainable implementation and to prevent illicit small arms from causing more devastating tragedies. Furthermore, requests from States in the national reports indicate that further assistance is needed, especially in regions such as Asia and some parts of the Americas that have up until now received too little attention.

Given the crosscutting nature of the SALW problem, it is important that the issue is dealt with comprehensively. All UN Member States should participate in the implementation of the PoA. Reviewing existing national legislation is one of the most important small arms control measures promoted by the PoA. Cooperation, mutual assistance programmes and political will remain keys to success. Increased regional and international efforts to build States' capacity are needed in order to ensure long-term positive developments in combating small arms problems. However, the primary responsibility for establishing and improving legal systems of responsible arms control remains with the States themselves.

Rather than an end in itself, the PoA should be considered as a starting point and a key framework for the international fight against the scourge of illicit small arms. With sufficient national political will, combined with relevant regional and international assistance, cooperation and sharing of best practices, positive results can be achieved.

At the 2006 Review Conference, States will have the opportunity to build on past successes and regenerate the UN small arms process. As the reporting analysis shows, many countries have addressed issues in their national reports that are currently not part of the PoA. A holistic approach to the problems related to the illicit proliferation and trade of small arms should be ensured and new avenues explored in order to ensure the full and continued implementation of the PoA.

RECOMMENDATIONS

RECOMMENDATIONS ON THE REPORTING PROCESS

- All UN Member States, particularly the 55 countries that have never reported on their implementation of the PoA, should consider regularly submitting a report on the implementation of the PoA to the UN Secretary-General.
- In order to ensure consistency and continuous commitment of States to implement and improve the efficacy of the PoA, States should consider adopting a comprehensive strategy and a consistent template for updating their national reports.
- To ensure consistency and avoid duplication of effort on other regional and global instruments, States should consider synchronizing reporting to the PoA with reporting requirements of other regional and global instruments, such as the Tracing Instrument.
- States could use the reporting process to underline key issues that are pertinent to addressing the small arms problem in their respective country or region. This may include, for example, the subject of civilian possession, transfers to non-state actors, demand factors and gender issues. This would assist in building a concerted and effective action on small arms issues.
- States should consider submitting or updating information on their NPC, NCA and national legislation on the DDA web site. An alternative could be annexing such information to their national report.

RECOMMENDATIONS ON NCAs AND NPCs

- Given the cross-cutting nature of small arms problems, States should consider broadening the participation in NCAs to include all relevant ministries and agencies as they pertain to the needs of the State. This may include, for instance, ministries of health, public order and development.
- States should consider a wider participation of relevant civil society in the NCAs as they could be key to reaching affected communities to address demand questions as well as inform policy formulation, information sharing and public awareness programming.

- States should consider a wider participation of parliamentarians or similar organs in the activities of NCAs, as they are key to influencing legislative functions of the State and can serve as a link to people at the grass-roots level.
- States should consider sharing information on their experiences in coordinating small arms programming and operationalizing National Action Plans in their national reports since this could be a tool for lessons learned.
- In the interest of sustainability of small arms concerns, States could consider allocating a budget line from their national expenditure to support the work of NCAs and NPCs.

RECOMMENDATIONS ON SPECIFIC POA THEMES

- **Transfer controls:** States should consider sharing detailed information on their national practices as well as sharing best practices on import, export, transit and re-transfer of SALW. Further information on national licensing and registering systems, the EUC system and verification mechanisms could serve as a good guideline to other States and feed into a possible global, standardized system for any of the relevant issues if required.
- **Marking, record-keeping and tracing:** States are encouraged to provide information on national laws, regulations and administrative procedures relevant to the implementation of the Tracing Instrument. Experiences related to cooperation with both the United Nations and Interpol could be emphasized.
- **Brokering:** States should consider sharing information on their experiences with gun manufacturers, licensing systems, etc., as well as relevant measures and procedures on brokering activities, which could assist in the formulation of common understandings on issues such as the definition of brokering and brokering-related activities, possible regulatory options, including for extraterritorial activities, and possible mechanisms of international and regional cooperation.
- **SALW collection and destruction:** States should consider giving more information on safe and cost-effective methods of destruction of ammunition and SALW and national regulations concerning destruction. This information could serve as a guide to other States.

- **Stockpile management and security:** States could consider providing more information on national procedures and requirements of disposing of weapons surplus, as well as details on national experiences in securing government stocks. This could feed into possible practical guidelines for Member States.
- **Public awareness and confidence-building measures:** States are encouraged to outline how they integrate issues of demand, gender, faith, culture, etc., into public awareness programming, as well as strategies for involving special interest groups, media, civil society and parliamentarians within their national context. This information could feed into possible guidelines for communication campaigns at the national, regional and international levels.
- **Capacity-building:** States should assume primary responsibility, in accordance with their specific situation, to establish and improve their legal systems, while constantly enhancing their own capabilities to prevent the diversion of lawful manufactured or transferred SALW into illicit channels.

State agents and organizations responsible for implementing SALW issues should be informed of existing UN resolutions, sanctions, embargoes, and regional and global instruments as well as trained on existing humanitarian and human rights law related to SALW in all its aspects.

States are encouraged to integrate small arms programming with relevant security, development and humanitarian issues in order to address some of the pressing demand questions such as the needs of vulnerable or marginalized populations, community development, justice reform and post-conflict peace-building.

RECOMMENDATIONS ON ASSISTANCE AND COOPERATION

- States are encouraged to build the capacity of law enforcement in implementing the PoA through intelligence and technical training programmes, the supply of advanced equipment and instruments to track illicit activities related to small arms and to identify the individuals and groups involved, cross-border cooperation and mutual legal assistance.
- States, international development agencies and security agencies should consider formulating guidance that examines how best to integrate SALW measures into national development frameworks (such as the United Nations Common Country Assessments and

the United Nations Development Assistance Framework), how interventions should be designed and implemented, which indicators should be used to measure success and how donors can ensure better coordination.

- In assistance programmes, more aspects of responsible long-term commitment should be considered, whether linked to weapons for development projects, DDR, or capacity-building for NCAs and law enforcement.
- In assistance programmes, it is essential to consider specific national/regional priorities and concerns such as arms culture, smuggling and transnational organized crime, which include drugs/human trafficking, piracy and terrorism, and the link between illicit trade in small arms and illicit exploitation of natural resources and other resources.
- Affected countries could be supportive of the PoA by providing in-depth knowledge, good practices and guidelines that could be shared and developed in a wider context.
- The creation of a roster of expertise and an international database on ongoing/completed assistance programmes could be further explored, together with an in-depth study to map the current situation and previous programmes.
- States are encouraged, within their subregion, to undertake the necessary coordinated efforts to formulate compatible and mutually reinforcing measures on small arms control. States and appropriate international and regional organizations in a position to do so should consider, upon request, rendering technical and financial assistance to support such a process, particularly in the Asia region, which has received the least assistance on small arms.

Notes

- ¹ General Assembly resolutions A/RES/56/24 of 24 December 2001, A/RES/57/72 of 22 November 2002, A/RES/58/241 of December 2003, A/RES/59/86 of 3 December 2004 and A/RES/60/463 of 16 November 2005, available at <www.un.org/documents/>.
- ² Elli Kytömäki and Valerie Yankey-Wayne, 2004, *Implementing the United Nations Programme of Action on Small Arms and Light Weap-*

ons: *Analysis of the Reports Submitted by States in 2003*, United Nations, Geneva.

- 3 The project, funded by the Governments of the Netherlands, Norway, Switzerland and the United Kingdom, aims to develop assistance tools for States to report on measures taken to implement the PoA. The assistance package developed by the project includes reporting guidelines and a suggested template for completing the national report. More information about the project is available at www.undp.org/bcpr/smallarms/PoA.htm.
- 4 136 UN Member States as well as the Holy See as a Permanent Observer of the United Nations.

CHAPTER 1

INTRODUCTION

United Nations Member States will convene in New York from 26 June to 7 July 2006 for the first Conference to Review Progress Made in 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 (Review Conference), as stipulated in 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) that was adopted in 2001 at the first Conference on Small Arms. The Review Conference will provide the opportunity to assess progress made in implementing the PoA since its inception and will also be an occasion for Member States to look to the future and consider how measures to combat the illicit trade, proliferation and misuse of small arms could be further strengthened.

In addition to the Review Conference, the follow-up process established by the PoA called for two biennial meetings of States (BMSs), in 2003 and 2005. As an important part of implementing the PoA and following up its commitments, Member States have also agreed to exchange information on the progress made in the form of national reports.¹

This book is an analysis of the national reports submitted by UN Member States to the United Nations Secretary-General in response to the annual United Nations General Assembly resolutions on small arms.² The analysis covers all reports submitted from the adoption of the PoA in 2001 to the second BMS in 2005, and builds on a previous analysis of national reports submitted in 2003.³

In this reporting analysis, special emphasis is placed on progress made in implementing the PoA at the regional level. Regional efforts have been recognized as key to promoting global small arms action,⁴ and have brought about positive results in combating the illicit trade in small arms. There are considerable differences in the types of problems that small arms pose in

different regions, and regional organizations have become involved in combating illicit small arms in various ways and levels. Taking into account the importance of the regional level in national implementation efforts, this analysis is organized according to regions—Africa, the Americas, Asia and Pacific Oceania, and Europe—where Member States, with a few exceptions, are discussed through their participation in regional organizations.

Special emphasis is also given to issues that have received the most attention in different regions, as well as some areas of particular interest with regard to the upcoming Review Conference in 2006. The analysis identifies the regional developments in PoA implementation from 2001 to 2005 and assesses the general level of engagement of the process in different regions, as well as highlights regional priorities, needs and strengths. Additionally, the analysis points out areas where small arms-related assistance has been given or received, and where States have indicated that further efforts are needed.

In addition to analysing the national reports on the implementation of the PoA in the regional context, the analysis provides a global overview of reporting on its specific themes, such as export, import and transfer controls and stockpile management and security. Where applicable, the findings build on and are compared to those of the previous reporting analysis conducted in 2003. However, the analysis also underlines some issues and themes that are currently not part of the PoA, but that States addressed in their national reports. It is our hope that including the States' reflections on these issues, even if they are currently out of the PoA's scope, will prove useful in preparations for the 2006 Review Conference. To feed into the discussion of the Review Conference, this analysis also highlights some topical issues, such as references to ammunition or brokering regulations. And, as part of the national reports, statements made during the general debate of the two BMSs are taken into account where relevant.

The exchange of information on PoA implementation is voluntary, and national reports can assume any form and length. At the time of writing, 137 countries⁵ had submitted at least one national report. Five States have submitted reports every year since the adoption of the PoA, and a majority of States has produced two reports. Similar to the frequency in reporting, the length and level of detail of reports also vary widely. Thus, disparities in reporting frequency as well as reports' varying characteristics set limits to a

comprehensive assessment of the national and regional policies in place to implement the PoA.

Reporting as such does not fully reflect all current implementation efforts, and the analysis of the reports should not be confused with the analysis of PoA implementation. Nevertheless, analysing the available official information in the form of national reports is important: national reports are used and analysed in order to improve the implementation process. Reporting is an essential part of the follow-up process to the PoA, and a way to show continuous commitment to international efforts to curb illicit trade in small arms and light weapons (SALW). National reports offer a means to highlight important developments at the national level. They provide an opportunity for States to take stock of the measures taken at various levels by different sections of the government, and are an excellent way of sharing information about the implementation process. In addition, and especially when complemented by an analysis of their content, national reports provide a chance to review achievements and progress made in implementing the PoA. They function as a forum to identify areas where further action or assistance might be necessary, and help in directing resources in an efficient and comprehensive manner by bringing up national and regional strengths as well as highlighting areas where further capacity-building or assistance is needed.

This book aims to provide information about the current status of States' commitment to the PoA through the analysis of national reports and to highlight progress made during its first five years of existence. In this, we hope that the analysis will serve as an important reference for donors as well as affected countries in improving future assistance programmes on small arms.

Various sections of the analysis use numerical data with examples to help illustrate general trends and developments. They are not meant to scrutinize or rank performances, and should be read and utilized while keeping in mind all limiting factors such as applicability of some issues only to some States and the non-exclusive nature of examples.

By pointing out remaining problems and weaknesses in the implementation process, the analysis intends to help in future allocation of resources to assist affected countries in tackling the problems of illicit small arms proliferation. In addition, the analysis complements the project

entitled Capacity Development for Reporting on the United Nations Programme of Action on Small Arms, jointly undertaken by the United Nations Development Programme (UNDP), the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Department for Disarmament Affairs (DDA) and the Small Arms Survey (SAS).⁶

The conclusion of this analysis includes specific recommendations for States to take into account while continuing to implement the PoA and combating the illicit trade and proliferation of SALW.

Overall, the analysis finds that these first years of implementation of the PoA, from 2001 to 2005, have resulted in some notable progress. The number of States participating in the reporting process is encouraging and indicates a growing awareness of problems related to illicit trade in SALW across the globe. However, both the level of reporting and the degree of implementation remain unequal across regions. While the number of reporting States is increasing in most regions, the level of reporting and implementation still remain low in others. Significant further action is needed for all countries to fulfil the commitments they have undertaken through the PoA.

Despite positive developments, reporting in many countries seems to be more of an ad hoc exercise than a continuous commitment though, in general, the quality of reporting is increasing. States have adopted different ways for update reporting: some repeat the information from previous reports, while others provide shorter updates that concentrate only on issues where progress has been made since the submission of the previous report. The reporting template developed as part of the UNDP/DDA/UNIDIR/SAS project is increasingly used as the format for reporting, and has been complemented with an update reporting template. Looking beyond 2006, an important question will be the consistent form of update reports.

Significant disparities also remain with regard to reporting in different regions: for example, there is good representation from, inter alia, the Andean community, Eastern Europe and the Southern Common Market (Mercosur), where all countries have reported at least once on PoA implementation. In other regions, such as the Caribbean and the South Pacific, the commitment to report remains low with less than half of the countries in these regions participating in the process.

The analysis concludes that despite assistance provided to affected States and regions, further efforts are needed at national, regional and global levels to ensure that on-paper commitments are translated into real action and positive impacts on the ground, and that the PoA continues to maintain the momentum as an effective framework agreement to curb the illicit trade in SALW.

Chapter 2 provides an overview of the PoA themes addressed in the national reports from 2002 to 2005. It also gives information about the current status of establishing National Points of Contact (NPCs) on small arms and National Coordination Agencies (NCAs).

Chapters 3 to 6 examine the implementation process of the PoA at the regional level and presents developments in Africa, the Americas, Asia and Pacific Oceania, and Europe through States' participation in their respective regional organizations. Separate sections provide an overview of small arms problems in each region, give general trends in reporting and implementation, discuss stated priorities and progress made since 2001 and provide examples of given and received assistance. There is also a discussion of areas of specific interest of each region and presents the views of several States about the future of the PoA.

Chapter 7 draws upon the analysis of the national reports and proposes some key conclusions and recommendations concerning reporting on and implementation of the PoA. It is hoped that this analysis will help formulate issues for the 2006 Review Conference and contribute in the years to come to a more effective implementation of the PoA.

CHAPTER 2

GLOBAL RESPONSES TO THE UN PROGRAMME OF ACTION

The five years since the adoption of the PoA in 2001 have seen an increase in information related to activities to combat the illicit trade of SALW.⁷ The built-in follow-up mechanism has ensured that countries have kept the issue on the agenda and started developing responses to the most pressing problems. During the past few years, several agreements have been concluded and initiatives have been undertaken to further assess and combat problems related to the illicit trade and proliferation of SALW. These five years have also seen a remarkable increase in research on small arms-related issues.⁸ However, despite positive developments in some regions, enhanced efforts and continuous commitment is needed to ensure sustainable results. So far, implementation efforts have largely concentrated on certain regions and specific aspects of the PoA, with little or no attention to other significant areas. A handful of countries have become active supporters of small arms programmes worldwide, and the capacity of affected States to address SALW-related issues is building in many regions. Nevertheless, increased regional and international efforts to build States' capacity are needed in order to ensure long-term positive developments.

The PoA has created and sustained momentum for international action on small arms issues over the five years since its adoption, however, the extent to which it is achieving its goals of curbing the illicit small arms trade and reducing the consequent human suffering on the ground remains challenging to measure. Difficulty in obtaining comprehensive information and in "measuring" actual impact have led some to question the value of current concrete implementation efforts.⁹ Even so, given the short time of PoA implementation, its results are encouraging. Most disarmament negotiations and agreements take many years, if not decades, to function. The five years of PoA implementation is a short time in which to expect great changes, and its achievements stand in stark contrast to the recent lack of progress in many other areas of disarmament.

As a global framework agreement on small arms, the PoA was designed to not simply be an implementation mechanism in itself, but also a stimulant to developing national, regional and global SALW activities in different issue areas. The emergence of various regional and subregional instruments to address the small arms problem can be seen as a positive development in this regard, and have proven to be valuable in complementing and supporting the PoA. And as the national reports suggest, despite some shortcomings, progress in implementation is under way in most regions.

This reporting analysis hopes to contribute to the discussion by bringing out information that States have provided on their implementation efforts since 2001, and adding to our knowledge on the PoA by showing trends, commonalities and differences in its implementation.

This chapter gives an overview of the PoA process and the response to it from different regions. First, it outlines the follow-up events that have taken place or have been scheduled to review the implementation of the PoA. Second, it presents the two areas—tracing and brokering of SALW—where special action was agreed to take place at the UN level. Finally, there is an overview of thematic areas of the PoA as addressed by States in their national reports. As a complement to the regional analysis in Chapters 3 to 6, this chapter discusses the PoA implementation progress as a global process and highlights general trends and views expressed by States.

FOLLOW-UP EVENTS

Section IV of the PoA establishes a follow-up process to the 2001 Conference of Small Arms, which includes a review conference to be held five years after its adoption and BMSs to consider national, regional and global implementation of the PoA.

BMSs have been held in 2003 and 2005, and a series of regional follow-up meetings have been held in Africa, Asia, Latin America and the Caribbean, South-Eastern Europe (SEE), Central Africa and the Arab States.¹⁰ In 2006, States will come together for the first Review Conference.¹¹ The PoA has also led to the adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (Tracing Instrument)¹² and to a series of broad-based consultations on further steps to enhance

international cooperation in preventing, combating and eradicating illicit brokering in SALW. As a result of these consultations, the General Assembly resolved to establish a group of governmental experts to consider issues related to illicit brokering of SALW.¹³ Support for the continued implementation of the PoA was recently reiterated by heads of State and government participating in the 2005 World Summit; the Outcome Document of the summit declared support for the implementation of the PoA and expressed grave concern at the negative effects that small arms have on development, peace, security and human rights.¹⁴

As part of its follow-up process, the PoA also established a mechanism of information exchange through national reporting. The first round of reports was submitted in 2002, and the General Assembly has repeated its support for information exchange through national reporting in annual resolutions.¹⁵ The resolution of 16 November 2005

encourages Member States to provide, on a voluntary basis, information to the Secretary-General on their national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology.

After a rather languid start in 2002, when only 16 countries submitted national reports, the reporting mechanism has ensured its place as a central follow-up tool for implementation of the PoA. In addition to national reports, States exchange information by submitting data on their national SALW legislation to DDA, which posts them online.¹⁶ As of December 2005, this information was available for 18 Member States.¹⁷

BIENNIAL MEETINGS IN 2003 AND 2005

The BMSs are established by the PoA as part of its follow-up mechanism. They are intended as an opportunity for countries to come together every two years to review progress in PoA implementation and to raise issues of special concern for general discussion. The meetings do not have the mandate to take decisions or to negotiate new agreements to the PoA.

To date, two BMSs have been held in New York on 7–11 July 2003¹⁸ and 11–15 July 2005.¹⁹ Both meetings opened with a general debate session, during which Member States presented statements on their

implementation efforts. A thematic debate of two to three days followed, during which States—and at the 2005 meeting also UN Agencies and international organizations—discussed and exchanged views on selected issues. In 2003, the chair proposed a thematic discussion around the following clusters:

- weapons collection and destruction, stockpile management, and disarmament, demobilization and reintegration (DDR) of former combatants;
- capacity-building, resource mobilization, and institution-building;
- marking and tracing;
- linkages (terrorism, organized crime, trafficking in drugs and precious minerals);
- import/export control, illicit brokering; and
- human development, public awareness and culture of peace, and children, women and the elderly.²⁰

In 2005, the thematic discussion was organized around 13 themes proposed by the chair:

- weapons collection and destruction;
- stockpile management;
- DDR of former combatants;
- capacity-building;
- resource mobilization;
- institution building;
- marking and tracing;
- linkages (terrorism, organized crime, trafficking in drugs and precious minerals);
- import/export control;
- illicit brokering;
- human development;
- public awareness and culture of peace; and
- children, women and the elderly.²¹

International cooperation and assistance was discussed as a cross-cutting theme relevant to all other themes. Both meetings devoted a session to statements by civil society organizations (CSOs) and international bodies to inform States about their activities to support PoA implementation.

Procedural reports were issued at the end of both the 2003 and 2005 BMSs.²²

At the first BMS in July 2003, 148 States participated,²³ and 110 took part in the second meeting in July 2005.²⁴ During the 2001 Conference on Small Arms, 124 Member States took the floor to give national statements,²⁵ whereas the number of national statements presented at the 2003 and 2005 BMSs was 100²⁶ and 76,²⁷ respectively. A notable difference between the two BMSs was that in 2005 States were encouraged to make regional rather than national statements to allow more time for the thematic debate.

FIRST REVIEW CONFERENCE

The PoA will be reviewed for the first time at the Review Conference in New York from 26 June to 7 July 2006. It will be the first opportunity for Member States to re-examine the implementation of the PoA as a whole, and consider, *inter alia*, its further strengthening together with follow-up procedures and initiatives. The Review Conference is especially relevant in order to set the agenda for activities beyond 2006. It is also an opportunity to address the connections between the peace, security and human development challenges posed by the illicit trade and proliferation of small arms.

To prepare for the Review Conference, a Preparatory Committee meeting was held in New York on 9–20 January 2006.

TWO SPECIAL AREAS OF POA FOLLOW-UP

MARKING, RECORD-KEEPING AND TRACING

On 23 December 2003, with the resolution entitled “The illicit trade in small arms and light weapons in all its aspects”, the General Assembly decided “to establish an open-ended working group, to meet in three sessions of two weeks each in duration, to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons”.²⁸

The open-ended working group held three meetings between 2004 and 2005.²⁹ At its third substantive session, the group adopted the draft

Tracing Instrument as an annex to the report of its meetings³⁰ and it was adopted by the General Assembly in 2005.³¹

When negotiating the Tracing Instrument, the open-ended working group faced strong disagreement over a number of issues, notably the nature the instrument (politically versus legally binding) and the inclusion of ammunition in its scope. The group's negotiations resulted in a politically-binding instrument containing a preamble and seven sections, which address the following areas:

- general provisions;
- definitions;
- marking;
- record-keeping;
- cooperation in tracing;
- implementation; and
- follow-up.

Among others, the Tracing Instrument establishes a system of follow-up that includes biennial reporting by States to the Secretary-General, which "may form part" of States' national reports on PoA implementation. BMSs are also part of the follow-up framework.

BROKERING

On 24 December 2001, following the adoption of the PoA, the General Assembly adopted the resolution entitled "The illicit trade in small arms and light weapons in all its aspects",³² which undertook to "consider at its fifty-seventh session (2003) further steps to enhance international cooperation in preventing, combating, and eradicating illicit brokering in small arms and light weapons". In 2003, the resolution entitled "The illicit trade in small arms and light weapons in all its aspects"³³ took the issue up again by requesting the Secretary-General to

hold broad-based consultations, within available financial resources and with any other assistance provided by Member States in a position to do so, 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, taking

into consideration the views of States provided to the Secretary-General, and requests the Secretary-General to report to the General Assembly at its fifty-ninth session on the outcome of his consultations.

Between April 2004 and June 2005, six rounds of such consultations were organized by DDA in Geneva and at the United Nations Headquarters in New York.³⁴ The broad-based consultations directly fed into the request, made by the General Assembly to the Secretary-General, to continue the broad-based consultations

with a view to establishing, after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group, a group of governmental experts, appointed by [the Secretary-General] on the basis of equitable geographical representation, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, and requests the Secretary-General to report to the General Assembly at its sixtieth session on the outcome of his consultations.³⁵

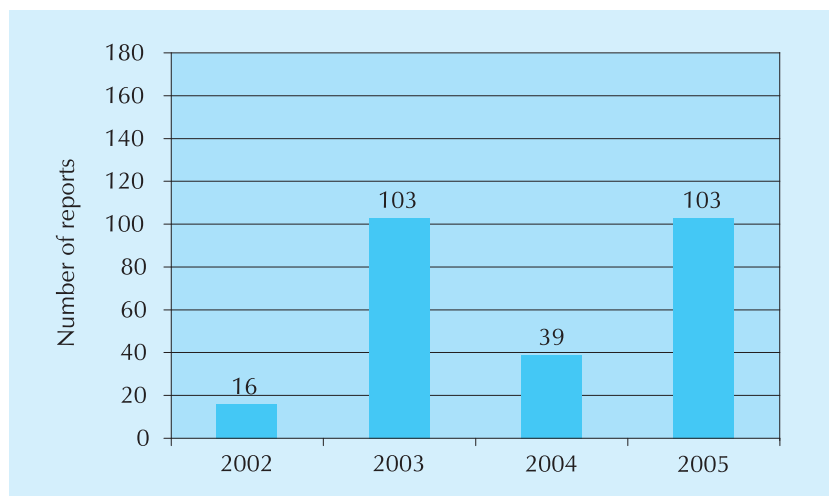
The formal decision to establish such a group was taken by the General Assembly in 2005.³⁶ Although the details of the group's scope and mandate have yet to be established, many would like a process similar to that followed on marking and tracing. This would entail giving the group the task to examine the feasibility of an international instrument for the control of brokering activities, possibly with a view to initiating an international negotiation process such as that brought forward by the marking, record-keeping and tracing open-ended working group. In addition to the developments in the UN process, a host of activities and commitments to control brokering activities have surfaced in several regions. Discussions on brokering have been held, inter alia, within the European Union (EU), the Organization of American States (OAS), the Wassenaar Arrangement, the Organization for Security and Co-operation in Europe (OSCE) and the Nairobi Secretariat (now known as the Regional Centre on Small Arms). In a few instances, such discussions have resulted in the adoption of legally binding instruments for the control of brokering activities, notably in the EU and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol) framework.³⁷

OVERVIEW OF REPORTING ON POA IMPLEMENTATION

From 2002 to 2005, 137 States have reported at least once on the implementation of the PoA, while 55 States have yet to produce their first national report. Submitting national reports is voluntary, and countries can decide both the frequency and the format of reporting.

So far, global reporting activity has been most intense in 2003 and 2005, which coincided with the convening of the BMSs. The importance of information exchange was highlighted prior to the meetings in informal consultations proposed by the chair. National reports that were submitted by the deadline were included in the meeting documents and circulated to all participants. The number of national reports submitted from 2002 to 2005 is shown in Graph 2.1.

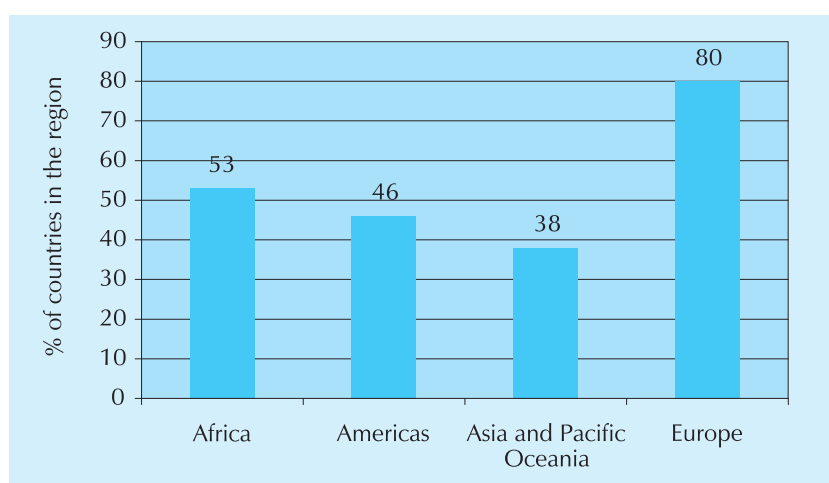
Graph 2.1. National reports submitted in 2002–2005



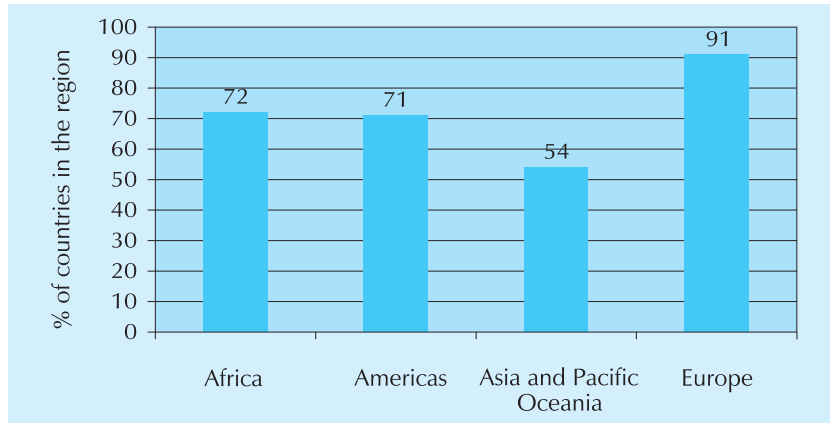
In the five-year period since the adoption of the PoA, 59 countries have submitted two reports, while 48 countries have reported once. A smaller active group of 25 States has reported three times, and five countries—Austria, Belarus, Hungary, Mexico and the United States—have reported every year since 2002.

Important differences in reporting activity are noticeable at the regional level. Europe was the most active reporting region in 2005, with almost 80% of the countries reporting. Over half (53%) of African countries reported in 2005, while in the other two regions this form of information exchange was less active—particularly in parts of Asia and Pacific Oceania, with only 38% of countries reporting in 2005 (see Graph 2.2).³⁸

Graph 2.2. Percentage of countries reporting by region in 2005



The period 2002–2005 reveals some minor changes in national reporting by region. Europe was the most active reporting region, with 91% of countries reporting. Africa and the Americas were the second most active regions, with 72% and 71%, respectively, of countries having reported at least once. The least active region was Asia and Pacific Oceania, where only a little over half (54%) of the countries participated in the information exchange (see Graph 2.3). The regional differences become even more striking when considering subregional differences, which are discussed in Chapters 3 to 6. The limited changes in regional participation are also reflected at the national level: in all regions there are countries that have been active in the information exchange since the beginning and continue to submit reports, while others in the regions remain inactive and have not participated in national reporting.

Graph 2.3. Percentage of countries reporting in 2002–2005, by region

Just as the frequency of reporting varies among countries, so do the form and content of reporting. Some countries have consistently produced detailed reports that present their implementation of the PoA paragraph by paragraph, while others have summarized their activities more briefly and/or generally, touching upon the most important aspects of the problem to the State, or have submitted the information in the form of a one or two page letter to the Secretary-General. During the first few years, there have not been many changes to the wide range of reporting styles; despite some overall positive developments toward more comprehensive reporting, the heterogeneity of reporting still remains a central factor in this information exchange and makes comparative analysis difficult.

While States can decide which topics to report on and the format of reporting, it is important that the information submitted be as accurate and comprehensive as possible in order to make the best use of the information exchange mechanism. Often the reason for brief or non-specific reporting can be the lack of information about the PoA and/or the reporting mechanism. To help countries prepare their national reports, the joint UNDP/DDA/UNIDIR/SAS project on capacity development has created and promotes reporting guidelines as part of their assistance package. These guidelines have been widely distributed and are increasingly used by Member States in preparing their national reports. And even though using the template is optional, the format promoted by the Capacity Development Project is used increasingly for reporting.

In addition, a few States have adopted a matrix model for preparing their national reports. There is some variation in the format of the matrix, but it usually contains a column for the relevant PoA paragraph, a national-level activity report on that paragraph, regional/global-level action in support of the PoA, plus a column on the given/received assistance in support of the PoA.

Overall, the level of detail in reporting seems to have increased slightly since 2002. While in 2005 there were still a few countries that provided information with just a few issue-specific bullet points, the percentage of comprehensive and focused reporting was higher than in 2002 or 2003. Also, since the majority of countries had reported previously, the brevity of some reports can be explained by the type of update reporting a country used: some countries repeated the relevant though unchanged information in all of their national reports, while other countries choose to report only the changes that had taken place after the previous round of information exchange (see Box 2.1).

Box 2.1. Formats for update reporting

Countries that have reported more than once on the implementation of the PoA have generally adopted three methods of producing update reports:

1. Retaining the same format that was used in the first report for subsequent reports, including all of the information that was submitted the first time. Changes and updates to previous reports are made by adding new information where valid or removing information that is no longer valid.
2. Maintaining the first report as a reference point, without using it wholly in the update document. Information is submitted only on those points where new developments have taken place compared to the previous report. This type of update report is usually shorter and does not follow the main structure of reporting, since the areas where information is provided are only those where new action has been taken.
3. Using a different format from previous reports. Thus, some information is repeated and updates are provided where relevant, but the reporting does not follow any continuous model. Most examples of this type of update reporting have been cases where a country has first submitted a very brief national report, and then later used more complete templates such as the reporting guidelines developed by UNDP, DDA, UNIDIR and SAS within the Capacity-Building Project.

The 2003 reporting analysis provided an overview of the themes addressed in national reports submitted during that year.³⁹ A comparison with the themes that were covered in the 2005 reports shows some changes in the overall reporting trend, such as increasing reporting on brokering activities, but confirms that throughout the years, some PoA themes such as export, import and transit controls and legislation and regulations on small arms are the most commonly addressed topics. For more details about the frequency of themes discussed in national reports in 2003 and 2005, see Graph 2.7.

NPCs AND NCAs

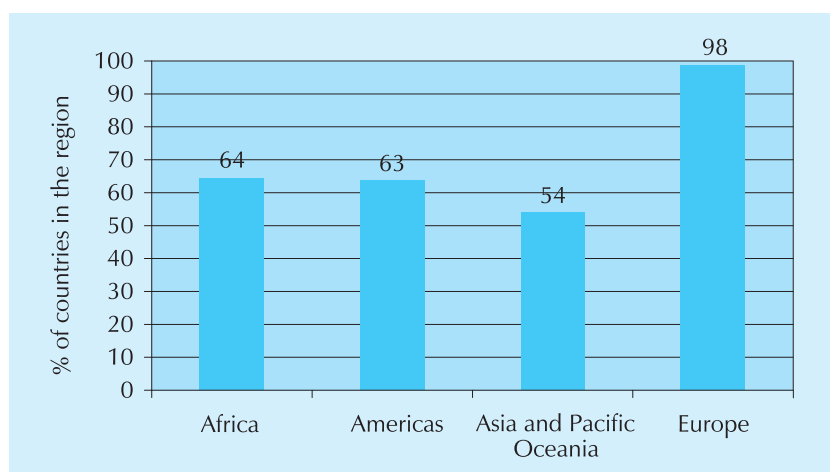
By the end of September 2005, 133 Member States (69%)⁴⁰ had established an NPC on small arms and communicated its contact information to DDA. The development since 2003 was moderate, since 122 NPCs (64%) were already in place by the time of the first BMS. Establishing a national body responsible for liaising with other States on questions related to the implementation of the PoA is one of the first steps to be taken. In this regard, it is promising that over two thirds of countries have established such a body. However, over 90% of the NPCs were established before 2003, which means that there has been little progress in establishing new NPCs between 2003 and 2005. Thus, it is the recommendation of this analysis, as it was in 2003, that all Member States appoint an NPC as soon as possible, and communicate the contact details to DDA.

Graph 2.4 shows the percentage of countries in different regions that have appointed NPCs: almost all European countries have established an NPC, and over half of the countries in all other regions have done so.

The majority—78 NPCs or 59%—of NPCs functions within the Ministry of Foreign Affairs (MoFA). Other common hosts are the Ministry of Defence (15 NPCs), the National Police (8 NPCs) and the NCA for SALW (9 NPCs). Almost 20 countries have appointed more than one NPC, either within the same ministry or in different ministries. The 2003 analysis of the national reports recommended that States appoint a specific department or create a permanent e-mail/phone line to function as the NPC to avoid problems related to constant updating of contact information. While some countries—at least 47—have appointed a “permanent NPC” with, for example, a specific NPC e-mail address, many countries still refer to

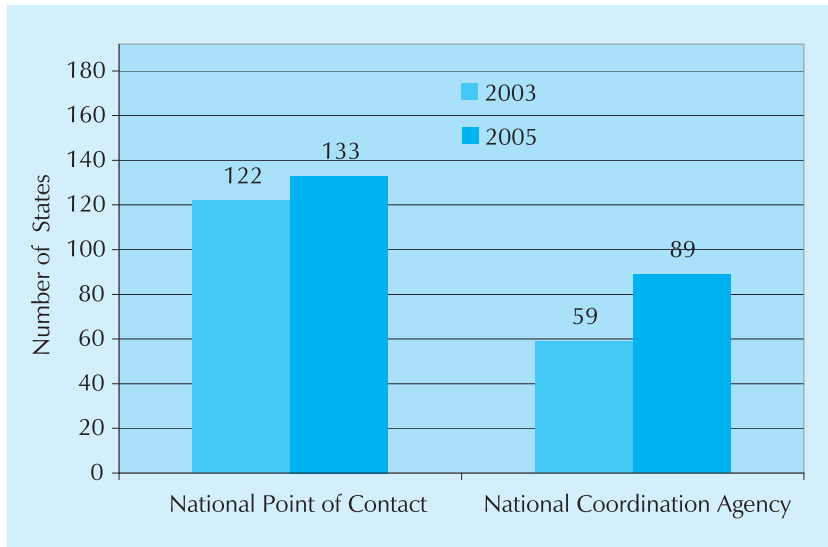
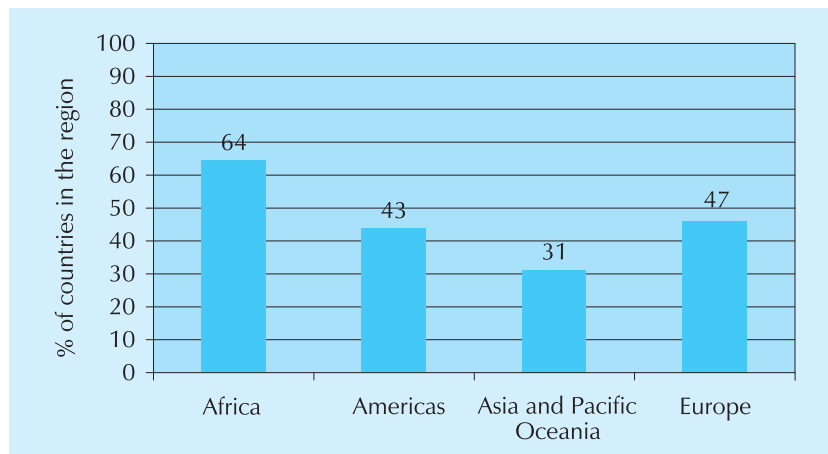
individuals and their contacts instead of departments that would serve as more permanent NPCs. Now that 5 years of PoA implementation have passed, countries might wish to evaluate the status of their NPC: is the body in which the NPC was originally appointed the most appropriate place for it? Have there been any problems related to the functioning of the NPC? Countries are also advised to ensure continuity in the functioning of the NPC by appointing a separate phone line and e-mail address to it.

Graph 2.4. Percentage of countries by region with NPCs



The exact number of NCAs is more difficult to assess than the number of NPCs, since apart from national reports, countries do not share details of those bodies internationally. Based on the analysis of the reports, at least 89 countries have established such a coordination body to be responsible for managing small arms-related actions within the State. The growth in the number of NCAs has been greater than for NPCs between 2003 and 2005: since 2003, at least 24 countries have established NCAs or have reported about them in their national reports (see Graph 2.5).

According to national reports submitted by States, Africa has been the most active region in establishing NCAs and is the only region where over half of the countries have developed such a body.⁴¹ In Europe, the number is close to 50%, while in the Asia and Pacific Oceania region it is less than 40% (see Graph 2.6).

Graph 2.5. Number of NPCs and NCAs in 2003 and 2005**Graph 2.6. Percentage of NCAs by region as of 2005**

However, simply the existence of a national coordinating body—be it called a National Commission, NCA or National Focal Point—is obviously insufficient to control small arms activities in the country. While some countries in their reports mention activities undertaken by the coordination body, most references to NCAs are brief and include only when it was established and its composition rather than its activities. As the PoA implementation proceeds, it will be increasingly important to exchange information about the specific activities of the coordination bodies—for example, an annual report could list the activities undertaken by the NCA during the previous reporting year, highlight successes and describe planned activities. This type of explanatory and detailed reporting would be welcome information to all States that have established NCAs.

POA THEMES AT THE NATIONAL LEVEL

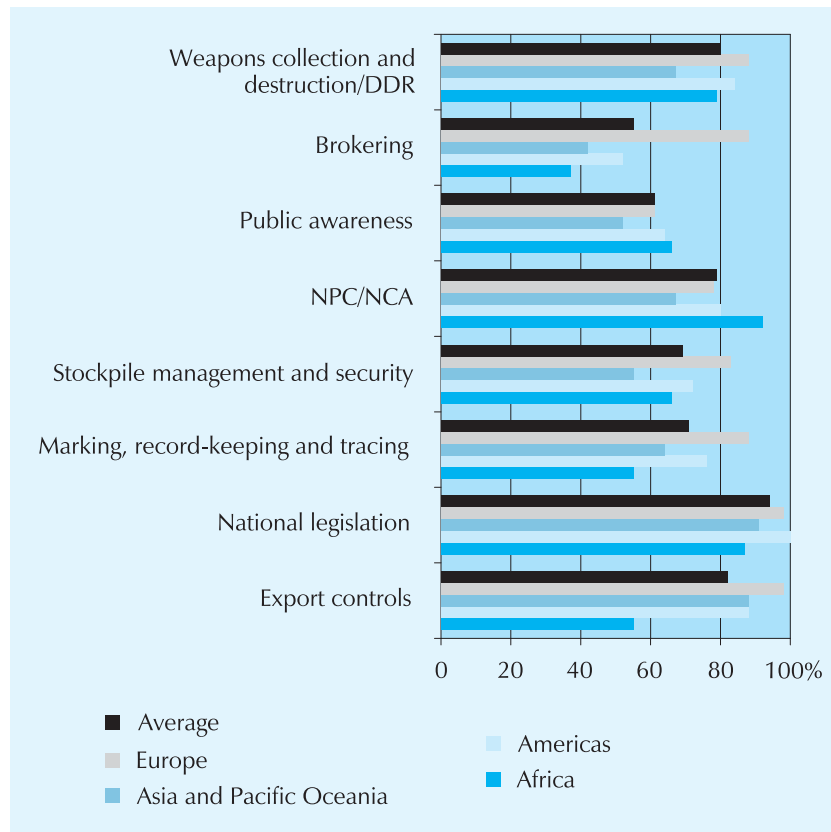
There are notable differences in the frequency that countries reported about different themes of the PoA (see Graphs 2.7 and 2.8). National legislation and export, import and transit controls are the most commonly addressed themes in national reports from all regions, and this information is usually repeated or updated in update reporting. Over 90% of countries that have submitted at least one report have provided information regarding national legislation on SALW. In addition, references to NCAs and NPCs are among the most frequent themes, with over 80% of reporting countries covering them.

Brokering controls and raising public awareness are the least frequently addressed themes in national reports throughout the years. Still, both of these issues have been covered by over half of the countries that have submitted at least one national report since 2002. DDR is also one of the least commonly mentioned topics, mainly because it is applicable to countries in post-conflict situations that may not be in condition to submit reports for reasons such as lack of resources, different priorities or the political situation.⁴² Moreover, these programmes are difficult to track down or count, as they may be small scale and “local”. In Graph 2.7 the issue is presented together with weapons collection and destruction activities, which are addressed by a larger number of reporting States, the percentage presented is higher than it would be for DDR only.

When comparing the developments in reporting since 2003 with overall reporting in 2002–2005, there are some clear changes in reporting

trends (see Graph 2.8). Export controls and legislation issues remain the most referred to issues of national reporting in 2005, as they were in 2003. In addition in 2005, marking, record-keeping and tracing was one of the most widely covered topics, being discussed by at least 81 countries. The working group on developing the international SALW Tracing Instrument is likely to have had an impact in increasing the number of references to the topic, even though most countries reporting about marking, record-keeping and tracing refer to them by describing national practices rather than international aspects.

Graph 2.7. Percentage of references to selected PoA themes in national reports by region in 2002–2005



Graph 2.8. Percentage of references to selected PoA themes in national reports in 2003 and 2005



Increasing attention is being paid to the issue of controls on brokering activities. In 2003, brokering was mentioned in roughly half of the reports, while in 2005 almost 60% of countries discussed their national practices on arms brokering controls.

The opposite development seems to be occurring for references to public awareness-raising and DDR activities. Public awareness was discussed in almost 60% of the national reports submitted in 2003, while only little over 50% of countries reported on these activities in 2005. Also DDR-related reporting went down from 2003 to 2005, with only 30% of countries addressing the issue in 2005, down from around 35% in 2003.

Ammunition is mentioned by almost 90% of the countries that have reported at least once on the implementation of the PoA. For the most part, the references to ammunition related to questions of legislation and regulations that are applicable to the production, trade or stockpiling of small arms (and ammunition), but a few countries discussed the issue in further detail.

ISSUES OUTSIDE THE POA THAT ARE ADDRESSED IN THE NATIONAL REPORTS

There are several issues that are currently not covered by the PoA, but which countries have taken up in their national reports. Such issues include questions related to civilian possession of small arms, their transfer to non-state actors and demand issues.

In 2003, 67% of reporting States addressed issues related to civilian possession of firearms, which confirms the general trend in reporting on this topic: since 2002, 70% of countries across regions have mentioned issues related to civilian possession of SALW in at least one of their reports. The reporting on this aspect is most common in Africa and Asia and Pacific Oceania, but civilian possession was referred to by over half of the countries in each region.

Fewer references were made to transfers to non-state actors even though some countries explicitly expressed their support for having a regulation procedure covering transfers of SALW to these recipients.

A considerable number of States also referred to the demand-side of small arms problems.⁴³ The issue was most prominent in reports by African States, but was also mentioned by countries from other regions.

ASSISTANCE: PROVIDED, REQUESTED AND RECEIVED

Achievements made in implementing the PoA as well as already accomplished programmes received more attention in the national reports than remaining problems and further needs of assistance. Countries from Europe and parts of the Americas described projects they have supported by providing either technical or financial assistance, while reports from other regions indicated programmes that have been undertaken with the support of external actors.

African countries in particular have included requests for assistance in their national reporting and highlighted areas where their national capacities were inadequate to address the problems. Developing technical capacities of national authorities, for example, in customs systems and electronic management of weapons stockpiles were identified as a priority

need across regions. In addition, countries mostly from the Americas noted the lack of information in general about SALW-related issues, and mentioned the need to develop better methods and means of collecting, storing and using data. On the other hand, Asian countries noted the need to improve data collection and expressed their desire to establish a regional register of SALW as well as other specific subregional transparency and confidence-building measures, such as exchanging national lists of registered arms brokers.

While many countries reported about ongoing reviews of laws and regulations, this is also an area where further efforts are needed. Countries, particularly in Africa, need more financial and technical assistance to establish and operate NCAs and to develop National Action Plans on SALW.

Weapons collection and destruction remain crucial ways for removing illicit and surplus weapons from circulation. The destruction of surplus stocks was reported as a major issue, especially in South-Eastern Europe where national reports contained several references to future needs of assistance for this effort.

More detailed discussion about assistance programmes and remaining SALW PoA implementation needs as indicated by countries in their national reports is provided in the regional chapters.

CHAPTER 3

AFRICA: REPORTING ON IMPLEMENTATION

SMALL ARMS IN AFRICA

This analysis covers the five subregions of the Africa region:⁴⁴ Economic Community of West African States (ECOWAS);⁴⁵ the Great Lakes Region and the Horn of Africa;⁴⁶ the Economic Community of Central African States (ECCAS);⁴⁷ the Southern African Development Community (SADC)⁴⁸; North Africa.⁴⁹

SALW continue to exacerbate conflict, civil unrest and criminal activities in Africa. Although armed conflicts have declined dramatically in the past decade,⁵⁰ small arms proliferation continues to threaten fragile regions and security still remains volatile in most post-conflict regions with a risk of renewed hostility.

Arms proliferation still poses a great threat given tensions simmering in the background—for example, civil unrest in the northern parts of Ghana, Nigeria and Uganda as well as the Niger delta of Nigeria; tension between the Salafist Groups for Preaching and Combat rebels, the Islamic Salvation Army and the Algerian security forces; tension between Islamic militants and the Egyptian government; secessionist tensions in the Caprivi Strip (the narrow strip of land in the far northeast of Namibia), Angola's Cabinda enclave and the Casamance region in southern Senegal; and the western Sahara political impasse between the Moroccan government, which claims the former Spanish colony, and the Frente POLISARIO independence movement. Post-conflict countries such as Angola, Burundi, Democratic Republic of the Congo, Liberia, Republic of the Congo, Rwanda and Sierra Leone are yet to realize sustainable peace; whereas Côte d'Ivoire, Guinea, Guinea-Bissau, Somalia and the Sudan still need special attention.

Furthermore, social havoc caused by illegal arms in the hands of criminals is on the increase, particularly in Southern Africa and East Africa.

Some of the most dramatic changes are occurring in traditional pastoral communities in Africa. This concerns inter-clan feuds over a dwindling resource base—cattle, water sources and vegetation—and subsequent renewal of territorial land. SALW have become the weapons of choice for the traditional pastoral activities or intercommunal disputes over resources—for example, cattle rustling—in communities in Ethiopia, Kenya, the Sudan, Uganda and Zambia, among others. This in effect has made confrontations more deadly.⁵¹

African governments concerned about the devastating consequences of the indiscriminate availability of small arms on stability and socio-economic development in the region have taken the initiative to place the small arms debate on the regional and international agenda. Since the 1990s, sub-Saharan Africa, in particular, has taken the lead in intensifying regional initiatives that ultimately feed into international processes for the control of SALW (see Box 3.1).

To date, the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Protocol) and the Nairobi Protocol are two of the three legally binding regional instruments aimed at curbing the illicit trade in small arms worldwide.⁵² Member States of ECOWAS are presently working on converting the Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (ECOWAS Moratorium) of 1998 into a legally binding convention.⁵³

Mechanisms for police cooperation in Africa through committees for regional police chiefs—EARPCCO, SARPCCO, WARPCCO and CARCCPO (East African, Southern African, West African and Central African Regional Police Chiefs Cooperation Organization, respectively)—have become active in arms control in the region. Of these, EARPCCO and SARPCCO have been the most active on small arms programmes.

EARPCCO's legal subcommittee developed the Nairobi Protocol in 2001. The Nairobi Regional Centre on Small Arms worked with EARPCCO to get the protocol on small arms signed in December 2004.⁵⁴ At the subregional level in Southern Africa, SARPCCO was identified as the implementing agency for SADC initiatives on small arms. In this regard, SARPCCO presented the SADC Protocol to the SADC Committee on Small Arms in April 2000. Implementation of the SADC Protocol has been

delegated to the SARPCCO regional body. WARPCCO and CARCCPO are yet to take a proactive stance on small arms programming in their respective region.

All of the regional police chief cooperation organizations work closely with the International Criminal Police Organization (Interpol) to promote, strengthen and perpetuate cooperation on SALW and foster joint strategies for the management of all related forms of cross-border crimes and other crimes with regional implications. The new Interpol subregional bureau for North Africa in Cairo has yet to focus on trafficking of firearms and their use in crime and civil unrest in the region.

The issue of SALW and the link with conflict prevention and post-conflict reconstruction is a priority in the African region and has received increased attention from the international community for weapons collection programmes, DDR programmes and capacity-building for law enforcement in stockpile management, among other issues.⁵⁵ Diverse actors, including the UN Security Council, donor governments, regional and multilateral bodies, Member States, CSOs, local communities, the private sector and various international agencies and non-governmental organizations (NGOs) have been actively involved in conceptualizing, assessing, coordinating, prioritizing, implementing and monitoring policy responses to the problem of small arms in Africa.

The biggest challenge for arms control in the region has been addressing the problem within the nexus of security, humanitarian and development dimensions of post-conflict reconstruction and peace-building. Furthermore, the region has yet to adequately build its legal and administrative capacity to address the menace of small arms transfers through theft from government arsenals and the transfer of arms between subnational groups, armed deserters and demobilized soldiers and criminals. Most importantly, all of the numerous regional and international initiatives, including legally binding instruments at the regional level and financial and technical assistance, will prove futile without strong international measures to complement the regional efforts and to close the loopholes within the international arms transfer system.

Box 3.1. African initiatives at the continental and regional levels

Continental initiatives before 2001

- Organization of African Unity (OAU) Decision A/53/179, annex I, CM/DEC.432 (LXVIII) on the Proliferation of Small Arms and Light Weapons, adopted June 1998 by the Council of Ministers at its 68th Ordinary Session in Ouagadougou, Burkina Faso. The decision stressed the role that OAU should play in coordinating efforts to address the problem in Africa and requested the Secretary-General of OAU to prepare a comprehensive report on the issue.
- OAU Decision AHG/DEC. 137 (LXX) on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted July 1999 by the Assembly of Heads of State meeting at its thirty-fifth Ordinary Session in Algiers, Algeria.
- Council of Ministers meeting on decision AHG/DEC. 137 (LXX), adopted in July 1999 at the OAU seventy-first Ordinary Session in Addis Ababa, Ethiopia, in March 2000, adopted Decision CM/DEC. 501 (LXXI).
- Council of Ministers meeting on decision AHG/DEC. 137 (LXX), adopted in July 1999 at the OAU seventy-second Ordinary Session in Lome, Togo, in July 2000, adopted Decision CM/DEC. 527 (LXXII).
- Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking on Small Arms and Light Weapons (Bamako Declaration) in December 2000.

Regional agreements

- ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa (ECOWAS Moratorium), October 1998, renewed 1 November 2001 for another three-year period.
- Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking in 1998.
- The SADC Council Decisions (A/54/488-S/1999/1082, 21 October 1999) on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes.
- Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Declaration), March 2000.

Box 3.1 (continued)

- The Joint SADC/EU Declaration on Illicit Trafficking in Small Arms and Light Weapons, November 2000.
- Declaration Concerning Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Declaration), March 2001.
- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region (SADC Protocol), August 2001.
- The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (Nairobi Protocol), April 2004.
- The African Post-Conflict Reconstruction Framework developed through the broad consultative process facilitated by the New Partnership for African Development, June 2005.

REPORTING IN AFRICA: GENERAL TRENDS IN REPORTING AND IMPLEMENTATION

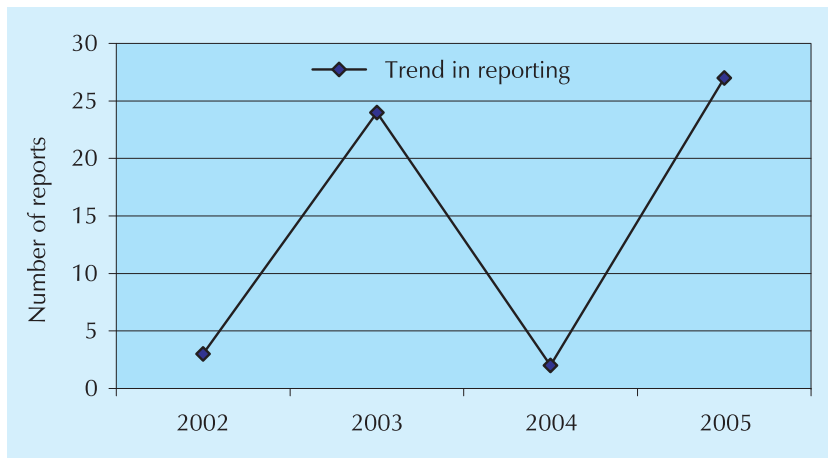
In Africa, 38 countries have submitted at least one report on their implementation of the PoA to the Secretary-General since its adoption in 2001, and 37 of the 53⁵⁶ Member States of the African Union (see Annex 3) have provided at least one report on the implementation of the PoA to DDA since 2002.

In 2002, five countries from the region reported, 24 reported in 2003, two in 2004 and 27 in 2005. Graph 3.1 gives an overview of African States' commitment to the reporting process. Both 2003 and 2005—the years with BMSs—were the most active years of reporting. Since the adoption of the PoA in 2001, no country in the region has reported every year.

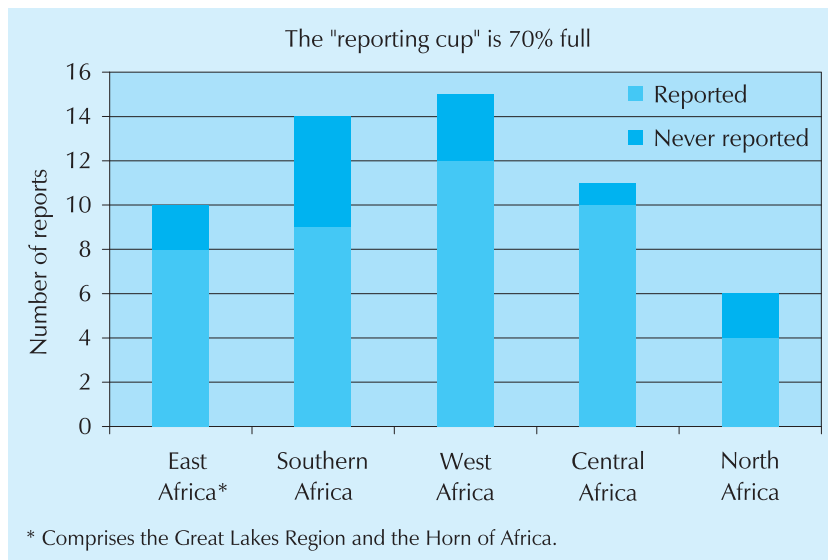
States that have never submitted a report are Angola, Cape Verde, the Comoros, Eritrea, Guinea, Guinea-Bissau, Libya, Madagascar, Malawi, Seychelles, Somalia, Swaziland, Tunisia and the United Republic of Tanzania. Graph 3.2 shows that the number of countries that have never reported includes five from the SADC,⁵⁷ three from ECOWAS,⁵⁸ one from

ECCAS,⁵⁹ three from the Great Lakes Region and the Horn of Africa and two from North Africa.⁶⁰

Graph 3.1. Number of African countries reporting in 2002–2005



Graph 3.2. Reporting from African subregions in 2002–2005



However, awareness of countries' responsibility to report on their implementation of the PoA in the Africa region is very high. About 70% of countries in the region have reported. The countries that have not reported are either conflict-prone or post-conflict regions that do not yet have the systems—human resources, financial and technical resources, coordination mechanisms within government structures—in place to put together a report. On the other hand, countries such as the Comoros, Madagascar, Seychelles and Swaziland have not reported perhaps because small arms have yet to be seen as a national priority.

It appears that some countries are not clear about the procedure for submitting a report or how to differentiate between formal and informal reporting. Also there is some misunderstanding on what constitutes the formality of the report. Procedurally, reports are to be submitted to the Conventional Arms Branch of DDA through the country's Permanent Mission in New York. In 2003, it appears that some West African countries submitted reports to the UNDP West Africa Program for Coordination and Assistance for Security and Development in Africa (PCASED), rather than to DDA. During the first BMS in 2003, some countries such as Botswana, Gabon, Ghana, Namibia, Nigeria, Sierra Leone and Togo did not officially transmit a report to DDA but instead presented substantive statements, which they expected to represent their national reports. Tunisia and the United Republic of Tanzania presented their national reports at their respective UN regional workshop on small arms in Tunis and Nairobi in 2004.

The length and quality of reports submitted by African countries vary widely (see Table 3.1). Several countries submitted comprehensive reports covering almost all of the provisions of the PoA, while others chose to focus on their small arms problem, achievements and needs. A few reports were brief and non-factual regarding implementing the PoA. In general, since 2002, the quality of reporting improved for most countries in the region.

Table 3.1. Overview of national reports from the African region in 2002–2005

Country	Reporting year	Scope of reporting*	Report focus
Algeria	2003	Medium	National legislation on SALW
Benin	2003 2005	Heavy	National legislation on SALW and weapons collection
Botswana	2002	Light	In the process of amending national laws and cooperating at the regional level
Burkina Faso	2002 2003 2005	Heavy	National legislation on SALW and public awareness programmes
Burundi	2003 2004 2005	Heavy	National legislation on SALW and DDR activities
Cameroon	2003	Light	National legislation on SALW and cooperating at the subregional level
Central African Republic	2003	Heavy	National legislation on SALW and weapons collection
Chad	2003	Heavy	National legislation on SALW, weapons collection and other programmes on small arms control
Côte d'Ivoire	2003 2005	Heavy	National legislation on SALW, weapons collection and public awareness programmes
Democratic Republic of the Congo	2003	Heavy	National legislation on SALW and weapons collection
Djibouti	2003	Light	Weapons collection
Egypt	2003 2005	Medium	National legislation on SALW
Equatorial Guinea	2003	Light	Small arms problem; no information on implementation of the PoA was provided
Ethiopia	2002	Light	Process of establishing an NCA on small arms; no information was provided on implementation of the PoA

Country	Reporting year	Scope of reporting*	Report focus
Gabon	2005	Medium	National legislation on SALW
Gambia	2003 2005	Medium	National legislation on weapons collection and disposal
Ghana	2005	Medium	Small arms problem with emphasis on craft production, including national strategies to address the small arms problem
Kenya	2002 2003 2005	Heavy	Small arms problem and activities undertaken by the National Action Plan
Lesotho	2005	Medium	National legislation and stockpile management, collection and disposal
Liberia	2005	Medium	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on weapons collection and DDR activities
Mali	2003 2005	Medium	Weapons collection and public awareness programmes
Mauritania	2005	Light	Illicit trafficking and insurgency in the region
Mauritius	2005	Light	National laws and regulations on SALW
Morocco	2003 2005	Heavy	National laws and regulations on SALW; assistance it has provided to other States on DDR programming
Mozambique	2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations, National Action Plan, weapons collection and DDR activities
Namibia	2005	Light	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations and National Action Plan

Country	Reporting year	Scope of reporting*	Report focus
Niger	2003 2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations on SALW and weapons collection
Nigeria	2005	Medium	National laws and regulations on SALW, public awareness and strengthening border security
Republic of the Congo	2003	Medium	National laws and regulations on SALW and weapons collection
Rwanda	2002 2003 2005	Light	National laws and regulations on SALW and weapons collection
Sao Tome and Principe	2003	Medium	National legislation on SALW and weapons collection
Senegal	2003 2005	Heavy	National laws and regulations on export controls and possession and weapons collection
Sierra Leone	2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations on possession and export controls and DDR activities
South Africa	2003 2005	Heavy	Firearms Control Act and National Convention Arms Control Act
Sudan	2003	Light	National legislation on SALW
Togo	2004 2005	Medium	National legislation on SALW and weapons collection
Uganda	2003 2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations on possession and export controls, DDR programming and the National Commission on Small Arms

Country	Reporting year	Scope of reporting*	Report focus
Zambia	2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulations on possession and export controls and criminalizing illicit activities
Zimbabwe	2005	Heavy	Structure of report suggests it used the reporting guidelines; generally covered most provisions of the PoA with emphasis on national laws and regulation on exports, imports and possession and export controls and criminalizing illicit activities

* These subjective categories are meant to give an indication of the range of issues covered and the level of detail found in the report(s).

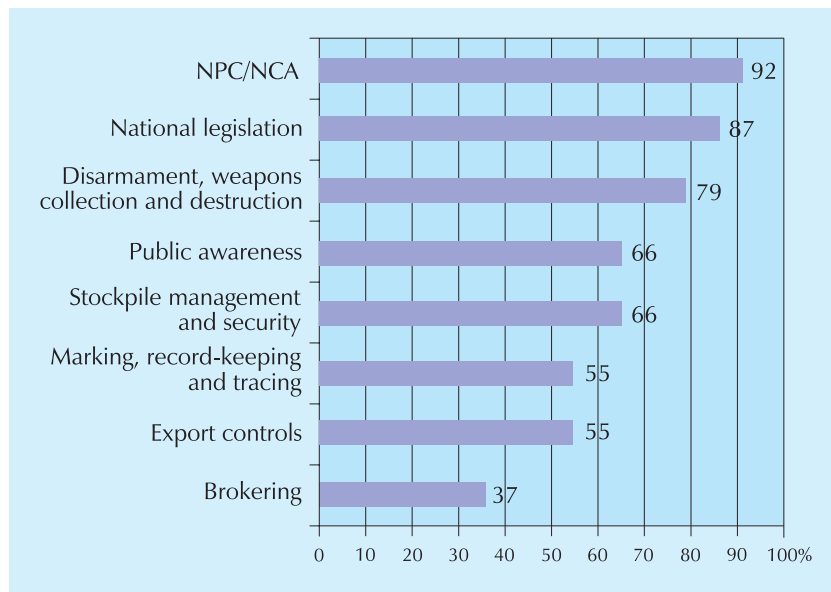
Note: Reporting guidelines developed by UNDP, DDA, UNIDIR and SAS within the Capacity-Building Project.

PROGRESS MADE IN POA REPORTING AND IMPLEMENTATION SINCE 2001

Graph 3.3 demonstrates that, on average, national reports covered about two thirds (67%) of the relevant provisions of the PoA, with the highest coverage on national legislation and administrative measures for small arms and the lowest coverage on the question of brokering activities.

Although the extent of coverage in reporting is impressive, the information provided in the national reports alone is not enough to measure the level of implementation. With this caveat in mind, the following section analyses information from national reports to give an indication of the level of progress in the implementation of the PoA in these areas: NCAs and NPCs; export and import controls; national laws, regulations and administrative procedures; marking, record-keeping and tracing; stockpile management and security; brokering activities; DDR activities, weapons collection and destruction; public awareness; and regional cooperation.

Graph 3.3. Percentage of references to selected PoA themes in national reports from Africa in 2002–2005



NCA and NPC

Recognizing the significance of NCAs and NPCs for the effective development and implementation of small arms policies through harmonizing the activities of relevant government agencies and providing the national capacity to address both national-specific problems and broader regional issues, all of the African subregional organizations dealing with small arms issues have identified special units that are responsible for the “plan of action(s)” on small arms. In addition, all subregional organizations actively working on small arms issues have designated regional NPCs, which act as liaison with Member States on matters relating to the implementation of small arms programming.

The concept of NCAs responsible for policy guidance, research and monitoring of small arms programming in African States precedes that of the PoA. All of the regional instruments established before the PoA—the

ECOWAS Moratorium (1998), Nairobi Declaration (2000), SADC Protocol (2001)—provide for special units responsible for a “plan of action(s)” on small arms programming.

Following the adoption of the PoA, the ECCAS Secretariat has a designated point of contact that coordinates with Member States and other regional bodies on the implementation of the Council for Peace and Security in Central Africa Protocol. A Central African programme on SALW issues was created in 2003 and a declaration was issued in June 2005 on peace and security development that highlights the problem of SALW in the region, among other issues. North African States are associated with the Disarmament Affairs Division of the Multilateral Relations Department of the League of Arab States on small arms issues.

As of November 2005, 34 African States had designated an NPC and formally submitted the contact details and relevant information to DDA.⁶¹ There are variations in the names of agencies responsible to act as liaison with other States on matters relating to the implementation of the PoA. For West Africa, the national coordination is most often referred to as “National Commission” because the ECOWAS Moratorium, which preceded the PoA, made provisions for National Commissions. As a result, all countries in West Africa have a National Commission. In the countries in Central Africa and East Africa, the NCAs are known as “national focal points”.

Most countries in Central Africa, East Africa and Southern Africa have a Police Commission as the coordinator of the office of the national focal point. Other countries, such as Burundi and Uganda, use the Office of the President due to the impact of arms proliferation to national security.

In most cases, the office of the NCA responsible for coordinating small arms policy and activities within the State also acts as the NPC liaising with Member States on matters relating to the implementation of the PoA. Some National Commissions are independent of the State. For example, most National Commissions in West Africa were created by PCASED and not by an act of parliament. As a result, governments might not take responsibility to allocate funding for the operationalization of the commission. As a result, sustainability of small arms programmes becomes a challenge with no budget line from national expenditures for the work of National Commissions.

The Mozambique National Commission provides a good example of the coordination between the relevant government agencies to address the small arms issue in the country and to implement the PoA. The Mozambican National Commission has two levels, ministerial and technical, and it also has working groups that deal with relevant aspects of the implementation of the PoA (see Box 3.2).

Box 3.2. Example of an NCA: Mozambique

The Mozambican National Commission has both a ministerial and a technical level.

The ministerial level is political and the main decision-making body. Meeting quarterly, it is chaired by the minister of the interior, the minister of defence is the deputy chair and the commission comprises the ministers of foreign affairs and cooperation, finance, planning and development, justice, and education and culture. The chair may call an extraordinary meeting whenever such a meeting is necessary, as well as invite other institutions to their working sessions.

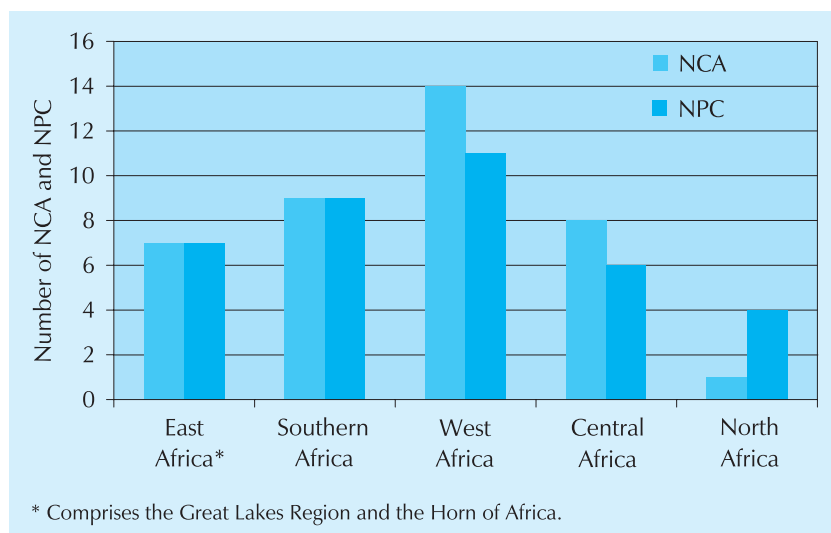
The technical level is the executive body. Meeting once a month, it is chaired by the permanent secretary of the Ministry of the Interior, comprising experts from the Ministry of the Interior, Ministry of Defence, Ministry of Foreign Affairs and Cooperation, Ministry of Justice, Ministry of Planning and Finance, Ministry of Education, the Centre for Strategic and International Studies and the Office of the Press. The chair may call an extraordinary meeting whenever such a meeting is necessary, as well as invite members of other institutions to their working sessions.

The National Commission has also established working groups on legal affairs, operational affairs, public awareness, and international cooperation.

National report of Mozambique, 2005.

From the national reports and information from the Biting the Bullet report, countries that have designated a National Commission, but have not yet informed DDA about their designated NPC, include Angola, Cape Verde, Guinea, the Sudan and the United Republic of Tanzania. Graph 3.4 compares the number of established NCAs with the number of designated NPCs in the African subregions.

Graph 3.4. NCAs and NPCs in African subregions⁶²



Although just a handful of States referred to civil society participation in national coordination activities in their national reports, other sources indicate that CSOs, particularly in West Africa and East Africa, are proactive and do take an active part not just in the implementation of the small arms programmes, but also in drafting regional and national regulations and frameworks.⁶³ For example, on 5 October 2005, the civil society coalition in West Africa, the West African Action Network on Small Arms, presented the Draft Convention on Small Arms and Light Weapons to the ECOWAS Secretariat for consideration by Member States.⁶⁴

EXPORT AND IMPORT CONTROLS

A number of African States have amended legislation on SALW imports and exports that have been in place since the colonial period. On the issue of transit, a number of countries have national regulatory procedures covering arms transit through their territories. In accordance with the Egyptian State regulatory laws, for example, it is not legally permissible to transfer arms from one place to another within the country without the permission from the relevant supervisory authorities in both the place of

origin and the destination. Strict security measures are taken during loading, transportation, unloading and storage.⁶⁵

Generally, in the case of transit, countries do not monitor what happens beyond their borders. Some countries have no provisions to require an end-user certificate (EUC) during transit and no provisions to require notification of the original exporting State.

NATIONAL LAWS, REGULATIONS AND ADMINISTRATIVE PROCEDURES

The national laws, regulations and administrative procedures covered by the reports mainly relate to national legislation covering production, import, export, transit, transfer and possession of small arms. Strong emphasis in the national reports on this issue demonstrates commitment to combat the illicit trade and misuse of small arms through the establishment of effective national legislation and administrative procedures. A number of States mentioned relevant laws that have been put in place, while others indicated that their current legislative procedures are out of date and in need of review and revision. For example, Sierra Leone's existing firearms legislation was adopted during colonial times and is ineffective in meeting security demands in a post-conflict situation.⁶⁶

MARKING, RECORD-KEEPING AND TRACING

Since most States in the region do not commercially manufacture arms, marking at the time of production is not seen as a priority issue, though some States indicated that they ensure that all national transactions are properly marked. Instead, emphasis is put on record-keeping and the need for technical capacity for efficient record-keeping systems.

STOCKPILE MANAGEMENT AND SECURITY

Although most States have the basic requirements for stockpile security and management, they do not have standard procedures for identification and disposal of surplus stocks of SALW held by the armed forces, police and authorized bodies. Existing facilities for stockpiling in some instances were those provided during the colonial administration and are now obsolete and dilapidated. For example, this problem contributed to the large-scale ammunition explosion in Lagos, Nigeria, in 2002.

In 2005, Uganda reported that arms management and control systems remained inadequate to eliminate leakage of arms from licit government stocks to illicit possession. The government is, therefore, trying to address this issue by drafting guidelines for national policy, proposing the establishment of an Arms Management and Disarmament Committee that would determine national requirements for security of SALW as well as procedures for identifying surplus stocks and means for their disposal, in accordance with the Guidelines for Best Practices for Stockpile Management adopted by the States signatory to the Nairobi Declaration and Nairobi Protocol. South Africa is among the handful of States that have a national policy on destruction of surplus and reported in 2005:

The South African Government position is that all surplus, redundant, obsolete and confiscated small arms of a caliber below 12.7mm should be destroyed in order to prevent these from ending up in the illicit small arms trade.

The South African government has an ongoing programme to identify and destroy redundant and obsolete State-owned firearms.

BROKERING ACTIVITIES

Out of the 15 States that have referred to the issue of arms brokering in their reports, some have indicated that regulating brokering activities is not applicable to them since they are not SALW producing countries. Others have indicated that they have yet to take the precautionary measures necessary to regulate arms brokering at the national level. Kenya, Niger, Rwanda, South Africa and Zimbabwe are among the few countries that made reference to existing regulations covering brokering activities.

AMMUNITION

In the African national reports, all references to the regulation of small arms production, import and export also covered ammunition. This indicates that ammunition and explosives in Africa form an integral part of small arms control. For example, in its 2005 report, Zambia specifically referred to regulating the import and sale of blank cartridges. Kenya reiterated its support for transparency and accountability in transfers of ammunition.⁶⁷

DDR, WEAPONS COLLECTION AND DESTRUCTION

DDR programmes are a priority for most post-conflict States or communities affected by pockets of civil unrest. In Sierra Leone, the Arms for Development programmes⁶⁸ have made significant progress.

For Uganda, a priority is the Karamoja Disarmament Programme, which has been carried out since 2001. The government has initiated broad-based consultations leading to the development of a comprehensive National Action Plan for disarmament in Karamoja. Amnesty initiatives have been undertaken in a number of communities to encourage voluntary surrender of SALW by armed combatants. The Amnesty Commission in Uganda facilitated the voluntary surrender of 16,100 ex-combatants and recorded over 4,000 small arms as surrendered in 2002.

Most governments are working with NGOs and donors to provide psychosocial counselling, protection, vocational training and integration of children affected by armed conflict. NGOs help in tracing and resettling the children with their families. Where parents of affected children are not found, the children are allowed to remain under the protection of the NGOs.

Amnesty initiatives have also been undertaken in a number of countries to collect and remove arms in unlawful possession.

PUBLIC AWARENESS

Public awareness programmes, including educational programmes, are key to implementing national efforts to curb proliferation, reduce demand and promote responsible management of small arms, particularly in affected regions. National networks of CSOs, particularly in Southern, East and West Africa, have actively cooperated with some National Commissions to implement public awareness programmes. In South Africa, for example, public awareness and debate focuses on communicating implementation processes in relation to the new firearms legislation, firearm owner responsibilities in relation to children and safekeeping and protection of children in environments where firearms are stored and kept.

Most countries, however, do not have the necessary funds to conduct effective and sustainable awareness campaigns, particularly in the rural

areas, border towns and affected communities. Burkina Faso expressed this frustration in its 2003 national report. The example of the Kenyan National Action Plan for public awareness demonstrates the scope of public awareness programming in conflict-prone and crime-ridden communities (see Box 3.3).

Box 3.3. Kenya Public Awareness Action Plan

The Kenyan government has a broad strategy to raise public awareness, including:

- *Public awareness campaigns* where communities are educated through local forums by local administrative officers, political leaders and civil society on the need to give up weapons as a measure to bolster security and restore order
- *Community safety initiatives* under the Control Arms Campaign
- Programmes to encourage *the surrender of illicit weapons* in return for immunity from prosecution
- Measures to *promote traditional peaceful conflict resolution mechanisms* as an effort toward sustainable peace
- Community-based organizations encourage communities to *adopt alternative means of livelihood* apart from livestock keeping and to move away from cultural practices that encourage stock theft and other retrogressive practices
- *Early warning mechanisms* have been developed to address potential conflicts before they occur, hence a disincentive to gun ownership
- *Awareness-raising* through print and electronic means, including the rural press that uses vernacular languages, public *barazas* (meetings), pronouncements by senior government officials and political leaders and civic education carried out by civil society. Youth have been particularly targeted through school and media campaigns
- *Weapons destruction events* highlight issues related to small arms, security and development. The role of civil society in this particular area has been of utmost importance

National report of Kenya, 2005.

SALW IN CONFLICT

Governments in Africa recognize that the easy availability and accumulation of SALW continue to intensify conflict and render peace processes and peace-building volatile. Political instability and civil unrest in neighbouring countries provide a convenient and steady proliferation of small arms to relatively peaceful communities. In 2005, Kenya reported that Somalia, for example, poses such a problem for the East Africa region. African countries' concern about the role of small arms in conflict and instability were the most frequently raised issue in national statements and introductory comments in the reports on their implementation of the PoA.

PEACE-BUILDING

DDR activities and weapons collection programmes are undertaken within the context of peace-building processes, where efforts to remove weapons from society are linked with initiatives to address the root causes of conflict, as well as linking voluntary disarmament with long-term development (see the section on demand issues).

SALW AND CRIME

Due to the easy availability of small arms, there has been an upsurge of crimes, including armed robberies, car-jacking and armed cattle rustling in many communities. Small arms have become the weapons of choice for the traditional pastoral activities or intercommunal conflicts, such as cattle rustling, over resources in communities in Ethiopia, Kenya, the Sudan, Uganda and Zambia. This in effect has made confrontations more deadly.

With respect to armed criminal activities, South Africa, for example, has developed a firearms strategy that includes a plan for reducing and eradicating the criminal use of firearms. This involves the detailed tracing of the illegal origins of firearms, procedural interventions by the criminal justice system, focused organized crime projects and cross-border operations. South Africa's firearms strategy also includes a project to ensure that public awareness and civil awareness programmes are used to promote the prevention of crime and violence.

BORDER CONTROLS

One of the challenges for most African States is the proliferation of illicit small arms across their long and porous borders. Threats along State borders include smuggling and illegal trade and movement of small arms by rebel and criminal groups. In an effort to effectively strengthen national borders, for example, the Nigerian government has undertaken massive resource mobilization with local, regional and international partners. The country has also worked with the US Bureau of Alcohol, Tobacco and Firearms to provide border security training.

REGIONAL COOPERATION AND COORDINATION

While the primary implementation of the PoA must be at the national level, it has been vital to have an effective subregional body to coordinate the implementation process. Shared borders and shared security concerns have underpinned subregional cooperation and coordination on small arms issues.

SOUTHERN AFRICA

The SARPCCO Secretariat has developed a programme for SADC Member States that includes, among other things, the harmonization of legislations, institutional capacity-building, joint cross-border operations, DDR and development, research publication activities (to work with civil society research institutions) and arms destruction.⁶⁹ The programme, estimated to cost US\$ 2.5 million annually, will be outsourced from cooperating partners and Member States.

Within the framework of the SADC Protocol on Politics, Defence and Security Cooperation, there is a public security subcommittee that brings together customs, police, immigration and all other agencies responsible for border control. In order to strengthen regional cooperation and ensure mutual accountability, SADC has established a technical committee on small arms, which is a channel of communication between Member States and the regional decision-making bodies such as the Ministerial Committee of the Organ and Inter-State Defence and Security Committee. Through the committee, the Member States share best practices and agree on mutual

assistance on management of stockpiles, security safety measures and cost effective methods of destruction of surplus firearms.⁷⁰

GREAT LAKES REGION AND THE HORN OF AFRICA

The Nairobi Regional Centre on Small Arms, in conjunction with EARPCCO, is developing a training manual/curriculum for law enforcement officers in the subregion. Signatories to the Nairobi Protocol have adopted guidelines on best practices in stockpile management; import, export and transfer control; marking, tracing and brokering; public awareness and arms destruction; and mutual legal assistance and operation capacity, public education and disposal. These guidelines are to be incorporated in the draft guidelines for national policy and review of legislation of Member States. It is expected that these best practice guidelines will be translated into domestic legislation of Member States by April 2006 according to the approved implementation plan on the harmonization of legislation for Member States. The Nairobi Regional Centre on Small Arms (the coordinating agency for the Nairobi Protocol), in collaboration with EAPCCO and with the technical assistance from SaferAfrica and Saferworld and the Security Research and Information Centre, have formulated a training curriculum for law enforcement agencies to strengthen capacity to deal effectively with the problem of SALW.

In order to enhance transborder cooperation for purposes of combating the illicit SALW, the Governments of Uganda and the Sudan signed a memorandum of understanding in 2002 to facilitate cooperation between the two States aimed at restoring security in their border regions. Under the terms of the memorandum, the Government of the Sudan allowed the Uganda Peoples Defence Force into its territory to hunt down the rebels of the Lord's Resistance Army, which has waged a deadly rebellion that has devastated the northern part of Uganda, killing and maiming civilians. Although it has not altogether halted the operations of the rebel group, this cross-border cooperation has helped to recover stocks of arms from the Lord's Resistance Army.⁷¹

WEST AFRICA

In 1999, UNDP established PCASED with the specific objective to support West African States in the implementation of the ECOWAS Moratorium. PCASED has been instrumental in assisting Member States to

establish focal points. Of the 15 Member States of ECOWAS, PCASED assisted 13 countries to establish a National Commission to oversee the implementation of the ECOWAS Moratorium. PCASED, working in close collaboration with the UN Department for Economic and Social Affairs, promoted coordination and exchange of information and experience between the countries in ECOWAS.

CENTRAL AFRICA

In Central Africa, the United Nations Advisory Committee on Security Questions in Central Africa continues to make efforts to promote arms restraint, disarmament and confidence-building measures. The committee has adopted the Non-Aggression Pact designed to prevent future armed conflicts and strengthen confidence among States in the subregion. However, the committee has not received sufficient assistance or attention to enable it to continue to carry out its mandate.

NORTH AFRICA

Algeria, Egypt, Libya, Mauritania and Tunisia⁷² as Member States of the African Union are committed to the Bamako Declaration, as well as to the Constitutive Act of the African Union and the Protocol on Establishment of Peace and Security Council of the African Union.

All the North African countries (including Morocco, as well as Djibouti and the Sudan), as members of the League of Arab States, cooperate on small arms issues through the League's Disarmament Affairs Division.

ACTIVITIES OF CSOs

CSOs are often members of National Commissions on Small Arms. For example, Uganda reported in 2003 and 2005 that it has four and Kenya has five CSOs as members of their respective National Commission. The Sudan reported in 2003 that out of the 26 members of the National Commission, 13 are CSOs, which participate in developing national policy and fostering action on small arms. A number of CSOs are active in supporting and encouraging governments to implement their arms control commitments of promoting peace-building and conflict resolution as well as conducting research in arms-related issues. For example, The Uganda Joint Christian Council, a coalition of faith-based organizations, is engaged in peace-

building through public awareness and mobilization of pastoral communities—for example, the Karamoja Disarmament Programme—to support the arms collection and disarmament exercise. Faith-based organizations have also been involved in peaceful resolution of the conflict in northern Uganda by facilitating dialogue between the government and armed rebels.⁷³ National networks of CSOs have forged regional networks with their counterparts in their respective subregions, such as the Eastern Africa Action Network on Small Arms and Western Africa Action Network on Small Arms. These regional groupings have drawn up joint regional strategies and country programmes to advance arms control.⁷⁴

ASSISTANCE IN THE REGION: PROVIDED, REQUESTED AND RECEIVED

Post-conflict and conflict-prone communities, in particular, have been on the priority lists of donors as far as small arms issues related to post-conflict reconstruction, peace-building and conflict prevention is concerned. Organizations providing assistance to Africa include UN agencies such as UNDP, United Nations Children’s Fund (UNICEF), United Nations High Commissioner for Refugees, United Nations Department for Peacekeeping Operations and the Office of the United Nations High Commission for Human Rights and donors include the EU/European Commission and the World Bank and the Governments of Belgium, Canada, Denmark, Finland, France, Germany, Ireland Italy, Japan, the Netherlands, Norway, South Africa, Sweden, Switzerland, the United Kingdom and the United States. Issue areas that have drawn the highest levels of assistance include weapons collection and DDR activities.

States in the region have been active in providing mutual legal assistance in investigations of transnational organized crime and illicit transfers to neighbouring States that required it. Some States have cooperated with Interpol and other international organizations for the purpose of identifying groups and individuals engaged in illicit trade in small arms, through the exchange of information that has helped in investigations and tracing illicit small arms. Uganda, for example, is cooperating with the UN Group of Experts on the Arms Embargo in the Democratic Republic of the Congo.⁷⁵

South Africa has taken the lead in providing assistance to Lesotho, Mozambique and Swaziland for cross-border operations in the area of weapons collection and destruction. Members of the National Police of the Democratic Republic of the Congo were trained by the South African Police Service in 2004 to carry out weapons collection and destruction programmes. In March 2005, the South African Police Service was part of a workshop that was organized by the East African Police Chiefs Co-operation Organisation aimed at providing training in marking and tracing in the context of the implementation of the Nairobi Protocol.⁷⁶

A number of CSOs have provided technical services, including capacity-building, consultancy and project management.⁷⁷

Weapons collection and DDR programming in some communities have not sufficiently addressed the demand factors relating to security and development needs. National reports referred to the need for assistance in key issues areas such as stockpile management and security; transborder customs cooperation and networks for information sharing among law enforcement; review and revision of national legislation; and capacity-building for regulating national legislation that have received inadequate attention. Table 3.2 outlines requests for assistance for SALW issues by States in the region.

Table 3.2. Requests for assistance from African countries in 2002–2005 national reports

Country	Requests for assistance
Burkina Faso	Financial and technical assistance to develop awareness campaigns on the danger of proliferation and acquisition by non-state actors Financial and technical assistance to implement a national registration procedure for weapons Financial assistance to implement stockpile management and security projects

Country	Requests for assistance
Burundi	<p>Financial and technical support to update legal instruments, implement DDR programmes, reintegrate ex-combatants and maintain a special unit for disarmament and data processing equipment to control and trace the traffic/transit of firearms</p> <p>International support to hunt down armed groups and enforce ceasefire agreements</p>
Cameroon	<p>Technical and financial support to develop a national policy and a record of statistical data on weapons in illicit circulation, create a permanent structure for SALW registration, reinforce the system of control and detection of weapons, capacity-building for national border control and organization of campaigns for collection and voluntary handover of weapons subject to remuneration and destruction</p>
Central African Republic	<p>Financial and technical support to implement the National Demobilisation and Reintegration Programme</p> <p>Technical assistance for training and development of control programmes on borders</p>
Chad	<p>Technical equipment, staff training and installation of the structures and mechanisms recommended for small arms control</p>
Democratic Republic of the Congo	<p>Assistance from the international community for DDR, rehabilitation and resettlement programming</p> <p>Financial and other assistance for local marking of all existing licit weapons</p> <p>Cooperation with Interpol and the UN system to implement embargoes</p>
Djibouti	<p>Financial and technical assistance to operationalize the National Commission</p>
Equatorial Guinea	<p>Human and financial assistance to implement instruments designed to guarantee peace, security and stability in the Central African subregion: UNSACSQCA, Central African Peace and Security Council, MARCA, FOMAC</p>

Country	Requests for assistance
Ethiopia	Wide range of expertise and financial assistance, in particular for capacity-building
Kenya	<p>Support for developmental interventions to reduce the gun culture and address the indiscriminate use of small arms in the competition for resources (for example, cattle rustling)</p> <p>Capacity support for law enforcement agencies, governmental and non-governmental cross-border initiatives and a comprehensive study on cattle and gun culture among the pastoral communities in the region</p> <p>Development assistance particularly needed for rural illicit arms problem</p>
Liberia	<p>Technical and financial support for training in all aspects of small arms control, especially police training with light weapons from Belgium, the United States and the United Nations</p> <p>Capacity-building of civil society, support to rebuild and equip the armed forces, police and national security agencies, and support for public awareness campaigns</p>
Mozambique	<p>Funds for reintegration projects</p> <p>Financial and technical assistance to support the operations of COPRECAL (NCA); two-year UN project to control SALW proliferation was expected to start in August 2005</p>
Namibia	Assistance and training for weapons collection, disposal and stockpile management (detailed assessment of needs is set out in the Namibia National Action Plan 2005)
Niger	<p>Logistic and material support for sensitizing field missions</p> <p>Assistance is required to supplement the strong support already received from PCASED</p>

Country	Requests for assistance
Nigeria	<p>Modern and computerized filing system and equipment to improve stockpile management and security and to harmonize and strengthen legislations</p> <p>Support for the establishment of joint intelligence networks</p> <p>Financial and technical assistance to implement modern border security equipment (scanners, infra-red goggles, cameras and computers)</p>
Republic of the Congo	<p>Urgent call for transition credits for disarmament for a one-year period; US\$ 2–3 million needed to complete the collection of 15,000–20,000 weapons</p>
Rwanda	<p>States that the UN should play a supervisory role in the harmonization of regional, subregional and international legislation on firearms and their ammunitions as well as public awareness and campaign through regional, subregional and international meetings</p>
Sao Tome and Principe	<p>Assistance to collect illicit SALW and destroy stockpiled mines and explosives</p> <p>Financial support for a 12-month disarmament project</p> <p>Financial and technical assistance to train security staff</p> <p>Financial and technical assistance to train/equip official staff in charge of security issues</p>
Senegal	<p>Financial and technical assistance for National Commission and the development of the National Plan of Action</p>
Sierra Leone	<p>Financial and technical assistance for review of the Arms and Ammunition Ordinance of 1955</p> <p>Capacity-building and equipment for firearms tracing for the police</p>
Sudan	<p>Technical and financial assistance to implement the National Commission on Small Arms</p>
Togo	<p>Technical and financial assistance to review and revise national legislation</p>

Country	Requests for assistance
Zambia	Financial assistance for buy-back programme in selected parts of Zambia (cash payment/food for surrendered firearm); the previous programme is stalled because initial resources are exhausted Capacity-building for the National Commission on Small Arms Assistance to destroy surplus weapons Financial and technical assistance to collect illegal weapons and dispose of surplus stocks Financial and technical assistance for effective and efficient border control system to monitor and check movements of SALW
Zimbabwe	Funding and training materials for capacity-building Assistance in computerization of the Central Firearms Registry

ISSUES OUTSIDE THE POA THAT ARE ADDRESSED IN THE NATIONAL REPORTS

CIVILIAN POSSESSION

Although the PoA does not contain any specific commitments relating to civilian possession of SALW, about 76% of African States' national reports explicitly or implicitly referred to regulating civilian possession of small arms, with most references linked to the issue of criminalizing illicit SALW-related activities. Egypt, Namibia and South Africa are among the few countries that explicitly called for measures to regulate the civilian possession of weapons. Some of the reports also referred to the type of weapons that can be acquired by civilians as well as to restrictions on the private possession of military style weapons.

The national reports indicated that most States apply, as a minimum standard, the requirements stipulated by the UN International Study on

Firearms Regulations (1998), which are considered as norms for domestic firearms controls worldwide.

In 2003, Zimbabwe reported that automatic rifles cannot be held by civilians, as outlined in the Firearms Act 10:09. Uganda also reported in 2003 that possession of war materials is restricted to military personnel, and people subject to military law are liable to a maximum sentence of death for the misuse of war materials. In its 2003 report, Sierra Leone noted that possession of arms by private security companies has been limited.

What sets the African case apart from other regions in terms of civilian possession is the fact that all of the subregional instruments clearly set out a framework for regulating civilian possession of arms. Details of these provisions are highlighted below.

ECOWAS Moratorium: Article 9 (3) of the code of conduct:

Exemptions may be granted to permit individual ownership of a single weapon in categories 1, 2, and 3A of Annex 1 for hunting or sporting purposes (excluding military rifles, semi-automatic, automatic and submachine guns). Applications for such exemptions are processed by National Commissions and recommended to the ECOWAS Executive Secretariat for approval, which with the technical support of PCASED, develops and issues guidelines to National Commissions on the exemptions procedure.

SADC Declaration: Prohibits the unrestricted civilian possession of small arms and the possession and use of light weapons by civilians.

SADC Protocol: Article 5 (3): State parties undertake to incorporate the following elements in their national laws as a matter of priority:

- prohibition of unrestricted possession of small arms by civilians;
- prohibition of the possession and use of light weapons by civilians;
- and
- regulation and centralized registration of all civilian-owned firearms in their territories.

Nairobi Protocol: Article 3 (c): States parties undertake to incorporate the following in their national laws:

- prohibition of unrestricted civilian possession of small arms;
- prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns; and
- regulation and centralized registration of all civilian-owned small arms in their territories (without prejudice to Article 3 c(ii)).

DEMAND

The preamble and some provisions of the PoA include implicit references to key demand issues, including empowerment of marginalized populations, conflict resolution, community development, justice reform, youth programming, addressing the needs of children affected by conflict, post-war peace-building and addressing the security needs of conflict-prone communities and affected communities.⁷⁸

A considerable number of African States, implicitly or explicitly, referred to demand issues in their national reports and statements, more so than other regions probably because most of the States in the region are in one way or another affected by small arms though post-conflict contexts and continuing insecurity caused by small arms that is strongly linked to socio-economic development in the region.

For example, in addressing the disarmament issue of the Karamajo region of north-eastern Uganda, the government has initiated a broad-based weapons collection programme to be undertaken within the context of peace-building programmes, where efforts to remove weapons from society are linked with initiatives to address the root causes of conflict, as well as linking voluntary disarmament with long-term development.⁷⁹

In 2005, Mali reported that it has embarked on a series of weapons exchanges for micro-development programmes in the northern part of the country.

Through public awareness programmes in Kenya, the communities have been encouraged to adopt alternative means of livelihood apart from livestock keeping, which as the only source of income for some communities encourages armed thefts and raids in times of drought and restocking. Through deliberate interventions, the government is creating alternative means of livelihood and development to deal with the problem.⁸⁰

TRANSFERS TO NON-STATE ACTORS

Some States have expressed support for including a regulation procedure to cover the transfer of SALW to non-state actors. In its 2005 report, Uganda, for example, reiterated its support for the Small Arms Consultative Group Process,⁸¹ convened by Biting the Bullet, which has made significant progress in developing and refining guidelines for national controls over transfers to non-state actors and guidelines on existing responsibilities under international law for transfers of SALW.

THE WAY FORWARD IN IMPLEMENTING THE POA

National reports from African States indicated that priority areas for the region are, among others:

- addressing the root causes of conflicts;
- stemming the illicit trafficking across borders;
- addressing the upsurge of crimes including armed cattle rustling in most communities;
- supporting sustainable DDR programming;
- using public awareness as a tool to reduce demand and promote responsible management of small arms particularly in affected regions; and
- addressing the small arms problem within the nexus of peace, security, humanitarian and development dimensions.

In the African region, 26 States have made specific requests for assistance, such as:

- developing customs systems and security agencies and providing them with advanced equipment and instruments to assist them in the detection of smuggled weapons and ammunition;
- enhancing intelligence cooperation among countries to facilitate the tracking of weapons consignments from the source to the recipient;
- reviewing and revising laws and administrative procedures at the country level to permit effective control of exports and of possession of weapons by individuals and groups; and

- providing financial and technical assistance for National Commissions and the development of National Action Plans.

For the African region, one of the greatest challenges with the proliferation of small arms is its easy accessibility to non-state actors. A strong international instrument on transfers, including exporting licensing and end-use and brokering activities would greatly contribute to stemming illicit trafficking in SALW to conflict or conflict-prone regions.

In its statement at the first BMS, the African Group called for the cooperation of the international community in investigating and identifying the link between illicit trade in small arms and illicit exploitation of natural and other resources.

Although the number of national reports submitted by African States has not necessarily increased over the years, the depth of information in some of the reports has proved useful in identifying needs and priorities of specific communities. In order to make reporting a worthwhile process and build confidence among States, the States along with the appropriate international and regional organizations in a position to do so should seriously consider rendering assistance where needed in the implementation of the PoA.

CHAPTER 4

THE AMERICAS: REPORTING ON IMPLEMENTATION

SMALL ARMS IN THE AMERICAS

This analysis covers the Member States of the OAS.⁸²

Organized crime, armed violence and weapons smuggling—often linked to trade in illicit goods such as narcotics—together with terrorism, remain crucial problems for the Member States of the OAS. The legacy of armed conflicts in Colombia and Central America, and unrest elsewhere in the region,⁸³ have led to problems with human security and societal development and have kept small arms control high on the political agenda, both at the national and regional level. The United States, with its significant arms industry, is increasingly paying attention to enhancing international controls of legal SALW transfers, including tracing and brokering controls. While there are differences in both the type of problems faced in its subregions—such as Mercosur and the Andean Community—as well as initiatives developed to combat these problems, the illicit spread and misuse of SALW cause concerns across the Americas.

The region's emphasis on SALW-related crime and trafficking was already evident before the PoA with the adoption of the arms trafficking convention entitled the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA) of the OAS, which was signed in 1997 and entered into force the following year.⁸⁴ The main purpose of the convention is to prevent, combat and eradicate the illicit manufacture of and trafficking in firearms, ammunition, explosives and other related materials by promoting and facilitating modification of domestic legislation and corresponding procedures, as well as by encouraging a broader exchange of information and experiences between States. The convention also seeks to reduce the illegal small arms trade in the region through the adoption of minimum standard national gun laws and increased

information sharing among law enforcement agencies. This major framework agreement works in conjunction with another major initiative entitled the Model Regulations for the Control of the International Movements of Firearms, Their Parts, Components and Ammunition (CICAD Model Regulations) of the Inter-American Drug Abuse Control Commission (CICAD) (see Boxes 4.1 and 4.2). The Americas region also fights to reduce small arms related crime, violence and the availability of weapons under the auspices of the Security Commission of the Central American Integration System (SICA), which in June 2003 approved the Central American Project to Prevent and Combat the Illicit Trade in Small Arms and Light Weapons.⁸⁵ Aside from regional initiatives, subregions—especially Mercosur—have been active in improving small arms control and adopting new measures to combat the illicit SALW trade. In general, regional and subregional cooperation in the Americas is quite well developed. In particular, National Police forces in the region have well developed systems of cooperation and information exchange. Also, governments, the UN and CSOs have organized many regional workshops and seminars since 2001.

Promising initiatives have emerged at both the subregional and national levels with regard to combating illicit trade in SALW. The analysis of national reports from the region shows that reviews of legislation are being undertaken in many OAS countries, with humanitarian impacts of small arms high on the agenda. Also, weapons collection and destruction initiatives, and programmes to raise awareness and improve capacities to tackle small arms problems are under way in most of the region's countries. Ambitious weapons collection and destruction programmes are often backed up by weapons amnesties or buy-back programmes, recognizing the detrimental effects that the existence and availability of weapons have in societies. Civil society is seen as an important partner in the implementation of these projects, and the Americas is the home to a variety of NGOs active in small arms issues.

Despite positive developments, weak points in SALW control remain. First, implementation of the PoA in the Caribbean subregion remains weak, probably largely due to scarce resources and other prioritized pressing issues in other policy fields, but possibly also because of limited awareness of the problem. Thematically, weaknesses in controlling the illicit trade and proliferation of SALW in the OAS region remain linked to legislative issues, border controls and national capacities. Questions related to controlling civilian ownership of weapons remain one of the main issues and opinion

dividers in the region. In addition, information about arms trade and the proliferation of weapons at the regional level remains inadequate and hinders efforts to address problematic issues in the best and most efficient manner.

OAS Member States have reported to be in need of more assistance for SALW control, especially for capacity-building activities and technical assistance to gather data on small arms-related crime and the control of possession. Criminal aspects of illegal SALW and their misuse, together with the threat of terrorism, remain pressing in the region.

Box 4.1. Example of regional action: CIFTA

On 14 November 1997, the OAS adopted CIFTA, a convention against illicit arms trafficking. It was the first legally binding regional agreement on illicit firearms trafficking. As of 2005, 33 States had signed CIFTA and 26 had ratified it.

States that have signed the convention commit themselves to:

- establish criminal offences on the illicit manufacturing and trafficking of firearms;
- set up and maintain an effective system of licenses and authorizations for the export, import and transit of firearms;
- mark firearms at the time of manufacture, as well as at the time of import;
- strengthen controls at export points;
- share necessary information between law enforcement officials who are investigating arms trafficking offences; and
- provide adequate training for law enforcement personnel.

CIFTA has raised regional standards for firearms export controls. By creating a mechanism for exchanging information, cooperating on investigations and ensuring that law enforcement personnel are adequately trained, it also increases the regional capacity to identify, investigate and prosecute illicit firearms manufacturers and traffickers.⁸⁶

Box 4.2. Example of regional action: CICAD Model Regulations

Since the early 1990s, CICAD⁸⁷ has conducted studies and held seminars on issues related to illicit trafficking of various commodities. Its Expert Group developed the CICAD Model Regulations, which were approved in November 1997. In June 1998, the OAS General Assembly adopted the CICAD Model Regulations, encouraged Member States to apply them and requested the Experts Group to work on further improvements.⁸⁸

The CICAD Model Regulations complement and supplement CIFTA in focusing in more detail on measures to control the export, import and transfer of firearms. They have been integrated into many countries' firearms legislation, but as such, are not legally binding for OAS Member States.⁸⁹

REPORTING IN THE AMERICAS: GENERAL TRENDS IN REPORTING AND IMPLEMENTATION

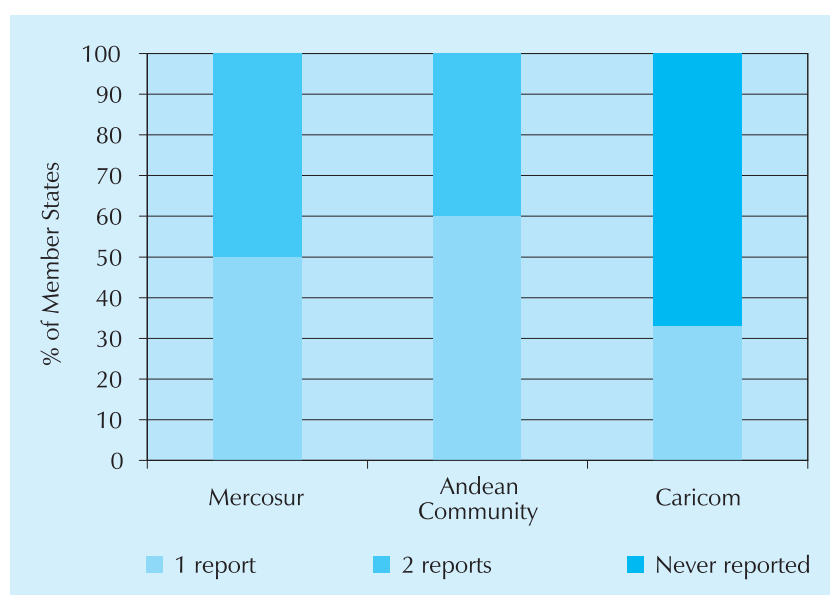
Participation of the Member States of the OAS in the information exchange on the implementation of the PoA has on average been at the same level as participation from other regions: 25 (71%) of the 35 OAS Member States have submitted national reports at least once since 2002. However, there are notable subregional differences in the frequency of reporting. All Member States of Mercosur⁹⁰ and the Andean Community⁹¹ have reported at least once, whereas only five of the 15 Caribbean Community (CARICOM)⁹² Member States have reported (see Graph 4.1).

Reporting in the OAS region as a whole has been more ad hoc than based on a continuous commitment: even though two countries, Mexico and the United States, have reported every year since the adoption of the PoA in 2001, 12 of the 25 Member States that have reported have done so only once.

As in other regions, the commitment to reporting was very low in 2002 when only three OAS Member States—Costa Rica, Mexico and the United States—reported. Apart from this slow start, there have not been major developments with regard to the number of reports submitted from the region in 2002–2005 (see Graph 4.1). Both 2003 and 2005 have been the most active years, with 18 countries reporting in 2003 and 16⁹³ in 2005,

which reflects the region-wide participation of countries in national reporting.

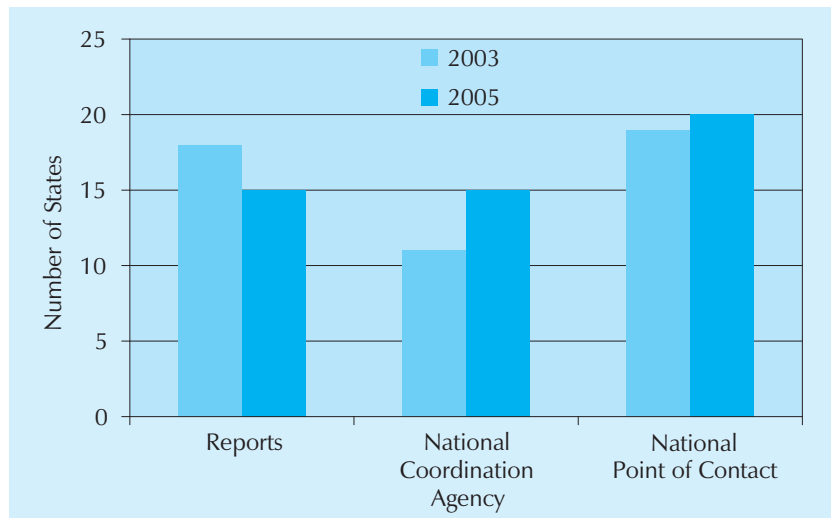
Graph 4.1. Reporting from the OAS region in 2002–2005



In addition to national reports, most OAS Member States have given statements at the BMSs in 2003 and 2005. In 2003, 21 States from the Americas gave a national statement, while in 2005 the number of statements from the region was 17.⁹⁴

As noted elsewhere in this analysis, reporting alone is not an adequate indicator of PoA implementation, nor for the general awareness of SALW. However, the reports give indications, even if not exhaustive, about the level at which the PoA is being implemented. While there were fewer national reports from the Americas in 2005 than in 2003, the region has increased the number of NCAs and NPCs during that period (see Graph 4.2).

Graph 4.2. National reports, NCAs and NPCs in the OAS region in 2003 and 2005



While there are undoubtedly several reasons for non-reporting, such as limited SALW problems or inadequate administrative resources or organization to compile a national report, the low number of reports submitted from the CARICOM Member States could also indicate that political awareness of the PoA remains low in some parts of the OAS region: 10 countries have not reported at all, of which seven are small island States in the Caribbean.⁹⁵ Also, based on information available in the national reports and on the DDA web site, 24 countries⁹⁶ from the OAS region have established NPCs and, based on the national reports, 15 countries have established an NCA for SALW-related matters. The slight increase in the number of both NCAs and NPCs indicates that some progress is under way in improving implementation of the PoA.

The length and quality of reports submitted by OAS Member States varies widely. Unlike in Europe, for example, there has not been much development toward more comprehensive reporting. While several countries have reported two or three times⁹⁷ and have improved the quality of their reports, there are also countries that have provided relatively brief political statements about the importance of addressing problems

related to illicit SALW instead of factual reports on the progress made in implementing the PoA. The format of continuous reporting in the region varies by country, and there is no “usual” method for updating national reports (see Table 4.1).

Table 4.1. Overview of national reports from the Americas region in 2002–2005

Country	Reporting year	Scope of reporting*	Report focus
Argentina	2003 2004 2005	Heavy	2004 report builds on and updates the 2003 report; 2004 report has annex on regional seminar on regulative mechanisms on SALW; 2005 report based on a slightly different format
Barbados	2003	Light	One-page information exchange mainly from crime point of view
Bolivia	2003 2005	Light	2003 report discusses different types of security matters; 2005 report is a one-page update of PoA implementation
Brazil	2003 2005	Heavy	Both reports follow the same structure; 2005 report is an update of 2003
Canada	2003 2004 2005	Heavy	Reports follow the same structure; new annual information exchange fills in/ changes relevant information while repeating what has not changed; 2004 and 2005 annexes on SALW definitions
Chile	2005	Heavy	Annex on new (2005) legislation in progress
Colombia	2003 2005	Heavy	Reports use different formats and focus on different issues

Country	Reporting year	Scope of reporting*	Report focus
Costa Rica	2002 2003 2005	Light	Attached to the 2002 report was a summary of a conference on SALW (3–5 December 2001) in Central America to discuss the control and regulation of weapons transfer in PoA implementation; annex table on recommended actions for national and regional PoA implementation in Central America compares the PoA and OAS Convention, with recommendations for further development of concrete and detailed National Action Plans; 2005 report is a brief update of 2003
Cuba	2003	Light	Issues related to SALW control; refers to international cooperation
Ecuador	2003	Medium	Two-page report emphasizing SALW and crime
El Salvador	2003 2004 2005	Heavy	2004 report provides a brief update of 2003; 2005 report is in the form of a matrix, but different from that used by the US
Grenada	2004	Light	One-page, very general report
Guatemala[†]	2004	Light	Briefly lists PoA implementation activities
Haiti	2003	Medium	National coordination, legislation, criminalized activities, disarmament, sensitization and international cooperation and assistance

Country	Reporting year	Scope of reporting*	Report focus
Honduras	2003 2004	Medium	Reports use different formats; 2004 report reviews the PoA paragraph by paragraph; 2003 report has annex on import and export statistics from 2002
Jamaica	2005	Light	National level concerns and measures, action at the international level and related conclusions
Mexico	2002 2003 2004 2005	Medium	All reports follow different format; 2005 report is an update of the year; 2004 report is a two-page update on what has been done since 2003 and the remaining challenges; 2003 report is the most comprehensive
Nicaragua	2003	Medium	SALW issues mainly through legislative paragraphs
Panama	2005	Heavy	SALW control at the national level; refers to international cooperation
Paraguay	2003 2005	Light	2005 report covers action at the national, regional and global levels and updates 2003; 2003 report provides statistics on imported and registered weapons
Peru	2003 2005	Heavy	Both reports follow the reporting assistance package; 2003 report has annex on SALW definitions; 2005 report includes graphs on assistance and activities undertaken at the national, regional and global levels

Country	Reporting year	Scope of reporting*	Report focus
Trinidad and Tobago	2003 2004	Medium	Reports use different formats and report on PoA implementation independently
United States	2002 2003 2004 2005	Heavy	Matrix is the same each year and new/outdated information is added/removed annually
Uruguay	2005	Heavy	Covers all central PoA themes at the national, regional and international levels
Venezuela	2004	Medium	SALW control

* These subjective categories are meant to give an indication of the range of issues covered and the level of detail found in the report(s).

† Guatemala submitted its 2005 national report at the end of December 2005, after the analysis for this study had been completed. Therefore, the 2005 national report has not been analysed in detail.

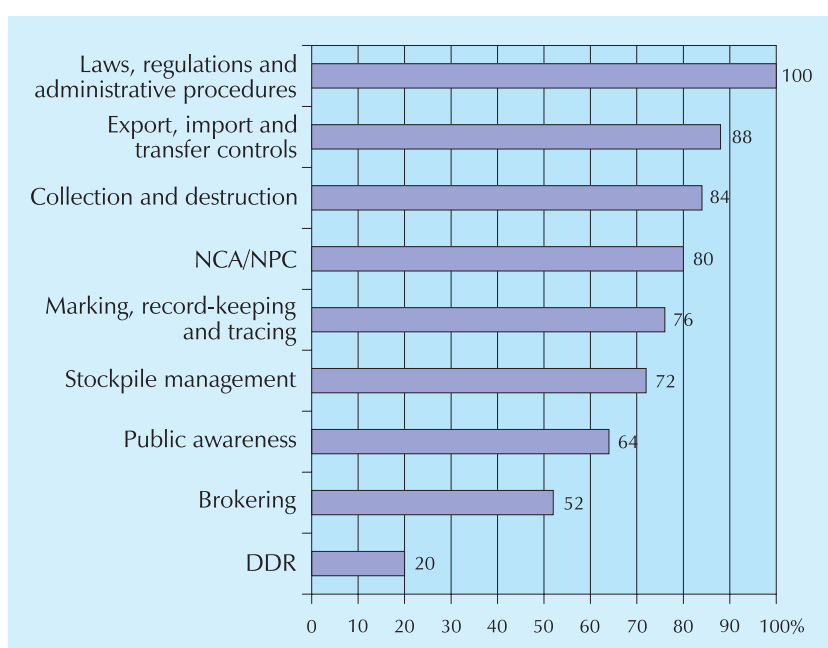
Graph 4.3 shows the number of references to PoA themes in the national reports from the OAS region.⁹⁸ On average, the States have covered almost three fourths (71%) of the PoA themes, which reflects the trend in global reporting. The highest coverage was on references to laws, regulations and administrative procedures, as well as on export, import and transfer controls. The fewest references were made to brokering and DDR programmes.⁹⁹

In the OAS region, civil society is strongly involved in PoA implementation. CSOs have been reported as participating in eight of the coordination agencies operating in OAS Member States, and almost all countries from the region mentioned NGOs as valuable partners in undertaking SALW reduction programmes.

Overall, reports from the region often highlighted certain aspects of PoA implementation, and paid less attention to other themes. This can be interpreted, not necessarily as an indication of an uneven or weak

implementation process, but as emphasizing certain region-wide SALW problems that are given higher importance in the reports.

Graph 4.3. Percentage of references to selected PoA themes in national reports from the Americas in 2002–2005¹⁰⁰



PROGRESS MADE IN POA REPORTING AND IMPLEMENTATION SINCE 2001

Issues most commonly mentioned in reports from the OAS region were laws, regulations and administrative procedures; export, import and transfer controls; and collection and destruction of SALW. In addition, a few issues, such as armed criminality, were discussed relatively more frequently in the OAS reports than in reports from other regions. This section discusses some of the priority issues of the countries in the Americas region, based on a subjective selection of relevant and representative references. Themes that are covered are NCAs and NPCs, crime, collection and destruction,

legislation issues, capacity-building and awareness-raising. In addition, the section covers brokering; marking, record-keeping and tracing; and ammunition as specific topics, even if they did not have come across as priorities in reporting from the region. The aim is to draw attention to issues that are widely covered in national reports as well as to highlight areas where progress in PoA implementation has been made.

NCAs AND NPCs

There seems to be regular policy coordination on SALW in at least 17 (48%) of the OAS Member States, which is a slightly higher percentage than in the other regions.¹⁰¹ There has been some positive development in the establishment of NCAs since 2003, with a handful of countries having established such a body after the first BMS, or at least mentioning it for the first time in the national information exchange after 2003. In addition, some countries such as Ecuador report a more ad hoc system of policy coordination. Ecuador's 2003 report noted that the Combined Armed Forces Command holds regular meetings with the Ministry of Foreign Trade, Industrialization, Fisheries and Competitiveness and the Ecuadorian Customs Corporation to coordinate and implement courses of action to improve monitoring of administrative procedures in formalities for the import of civilian weapons, with a view to combating and eradicating illicit trafficking through an existing policy coordination mechanism rather than a formal established body. Similarly, though neither the 2003 nor 2004 reports of Trinidad and Tobago indicated the establishment of an NCA, they did mention that the Firearms Bureau and the Customs and Excise Division of the Ministry of Finance are the two leading agencies involved in the control and monitoring of the import, export and trans-shipment of firearms, their component parts and ammunition.

In contrast to the positive developments with regard to national coordination activities on SALW, the number of NPCs for SALW in the OAS region is below the overall global average. In September 2005, the number of NPCs on the DDA list from the OAS region was 22, or 63% of the 35 Member States. Thus, there has not been much development since 2003 since 20 countries already had an NPC by then.¹⁰² Since 2003, contact details of three new NPCs—Bolivia, Grenada and Uruguay—have been added and El Salvador has been removed. However, this seems to be more of a problem of communication, since El Salvador mentions an NPC in its 2005 report. In addition, Honduras reported in 2004 about the

establishment of an NPC in the National Preventive Police, but the contact details have not been communicated to DDA.

There is quite a lot of variation in the governmental bodies in which the NPCs have been established. As in most regions, the single most common authority is the MoFA. However, only nine of the 22 NPCs are in the MoFA. Other usual bodies hosting the NPCs are the National Police (three countries), the Ministry of Defence or National Security (four countries) and armament offices (three countries). In addition, Costa Rica and Uruguay have appointed two NPCs each, most likely to ensure that enquiries can be directed to the person who knows most about a specific aspect of SALW problem or coordination in the country.

Information in the *Biting the Bullet* report suggests similar numbers, though there are discrepancies. According to the report, there are 24 NPCs in the OAS countries—the information does not cover the NPCs of Grenada and Uruguay—including Guatemala and Nicaragua; however, this information has not been transmitted to DDA.

In some cases, countries have reported that the NPC for SALW in the PoA also acts as a liaison between States under the OAS Convention, and there is frequent mention of the NPC as the chair of the national SALW policy coordination body.

Civil society participation in NCAs was usually not mentioned in national reports, but the 2005 *Biting the Bullet* report indicates that civil society is in most cases included in the activities of the NCAs in the region. There is at least one case in which the national civil society has been organized around a national network on SALW action: in 2004, Argentine NGOs established the Argentinean Disarmament Network (see Box 4.3).

Box 4.3. Drafting a National Action Plan on SALW: Argentina

In its national reports submitted to DDA, Argentina highlighted a 30 September–1 October 2003 meeting to discuss possibilities to develop a National Action Plan on SALW control. The *Arms Forum: Towards a Plan of Action* was organized by the Department of National Security of the Ministry of Justice, Security and Human Rights, in partnership with the Commission on National Security of the Senate, the NGO Association for Public Policy and SaferAfrica, which provided financial assistance to organize the meeting.

Box 4.3 (continued)

The Argentine provincial authorities and the relevant agencies of the central government participated in the forum, which was organized to analyse the nature of the problem of illicit arms trafficking in Argentina, including control, regulatory aspects and issues of arms supply, demand and transfer. Based on this information, the final aim was to develop a National Action Plan to prevent, combat and eliminate the illicit trafficking of firearms. The forum was the first gathering convened to implement a comprehensive policy for firearms control in the country.

Among the most significant conclusions of the forum's analysis were the need to manage arms depots, create a national registry of decommissioned weapons, build capacity and conduct disarmament campaigns within civil society. It was also determined that greater cooperation and coordination be instituted at the international and subregional levels in order to set standards that would help to prevent and combat illicit firearms trafficking.

National report of Argentina, 2003, 2004 and 2005.

SALW AND CRIME

Criminal aspects of the SALW problem were more strongly reflected in the OAS region national reports than in other regions. Of the 25 reporting countries, 14 (56%) mentioned problems with armed criminality in at least one of their national reports. Many countries also reported on developments in combating crime since 2001. Trinidad and Tobago reported in 2004 that:

The large number of arms being seized by law enforcement authorities is an indication of the high availability of arms at the street level. Statistics have revealed that in Trinidad and Tobago for the period Jan to Nov 2003 the use of firearms in the commission of the crime of murder in drug and gang related cases are 100% and 98% respectively.

Jamaica reported in 2005 about the link between illicit arms trafficking and drugs as well as the increasing civilian ownership of weapons. According to the country's national report, the proliferation of illicit SALW, coupled with the continued scourge of the illicit trafficking of narcotic drugs, is intrusive and dangerous to national security, and increased

criminality has led to peaks in registration of civilian weapons and the establishment of private security firms.

Many activities have been undertaken and continue to receive attention in order to address the situation. For example, in its national report of 2003, Barbados indicated that the National Police has been vigorously pursuing people who possess illegal firearms as well as investigating gun-related crimes. In 2002, the National Police established an Anti-Gun Enforcement Unit to investigate all incidents of gun-related activities on the island and to develop intelligence relative to the movement and usage of illegal firearms. Ecuador reported in 2003 that coordinated crime-fighting operations between the country's armed forces and the National Police have been implemented. The aim of these operations is to gain better control over the possession of weapons and licenses to carry them and to increase the decommissioning of weapons. In its 2003 report, Honduras presented a government plan for 2002–2006 to combat the illicit arms trade, which forms part of its overall public security strategy to combat and eliminate common and organized crime.

In the reports, armed criminality is often considered linked to problems of smuggling goods and people. For example, Jamaica mentioned that weapons are trafficked illegally together with other illicit goods. National reports from all PoA implementation years identified crime and weapons smuggling as priority issues of concern in the region, and questions of terrorism were sometimes linked with the discussion on armed criminality. The need for regional and international action on criminal SALW-activities was mainly discussed in relation to CIFTA and the UN Firearms Protocol. Many countries in the region give their explicit support to international efforts and institutions on combating armed criminality, and reported on assistance given or received related to fighting armed criminality.¹⁰³ The region has established a Regional Plan Against Organized Crime, which contains a specific sub-item against the illicit traffic of arms, ammunition, explosives and related materials.

In addition to regional and international commitments, Colombia reported in 2005 about the bilateral relationship with Brazil on armed criminality, and as a result organized the first meeting of the Working Group to Combat Criminality and Terrorism between Colombia and Brazil in March 2003.

Regarding the future of the PoA, Bolivia reported in 2003 that the PoA should include activities designed to reduce urban violence and promote the disarmament of the population as well as the development of campaigns for peace and social order, with the basic aim of reducing crime rates and armed violence.

The priority of crime-related aspects of SALW problems was evident in the projects undertaken by the countries in the OAS region since 2001. For example, Colombia reported in 2005 that it has undertaken a project entitled Future Colombia to reduce juvenile crime. The project was organized by the Technical Body of Investigations of Colombia and resulted in the sensitization of 286,989 people in 2004. Jamaica reported in 2005 about a programme for citizens to report crimes that they had witnessed, as well as a project entitled Operation Kingfish, which offers rewards for information that could lead to the arrest of criminal gangs and their leaders who are involved in arms trafficking, drug trafficking and other organized crime.

In addition to national reports, the criminal aspects of SALW proliferation were prominently represented in national statements delivered by OAS Member States at the 2003 and 2005 BMSs. In 2003, 21 OAS countries covered crime in their statements. In 2005, Mercosur and SICA mentioned crime in their regional statements and 17 (47%) OAS countries referred to aspects of criminality in their national statements.¹⁰⁴

COLLECTION AND DESTRUCTION OF SALW

Based on the information provided in the national reports, there seems to be a breadth of projects ongoing in the OAS countries with regard to weapons collection and destruction as the issue is discussed in over 80% of national reports. Unlike in SEE countries, the existence of government surplus is not mentioned as a priority problem, instead high levels of armed criminality and problems with arms smuggling across the region, together with the issue of large numbers of illicit weapons in civilian hands, have probably led to the initiation of these various weapons collection programmes. Table 4.2 summarizes weapons collection programmes and efforts from national reports from OAS States in 2001–2005. The numbers, while naturally not exhaustive, suggest that at least 500,000 weapons and hundreds of thousands of ammunition and explosives have been destroyed in the region since 2001. In particular, information from Colombia and

Brazil indicated a wide variety of weapons collection and destruction programmes.

Table 4.2. National reports of weapons destruction programmes in the OAS region in 2001–2005

Year	Country	Reported number of weapons destroyed	Remarks
2001	Peru	803	803 arms collected and destroyed and disposal of 1.4 tons of surplus stocks
		2,573	Firearms confiscated by police and destroyed
	Uruguay	16,667	Between April 1999 and August 2004
2002	Barbados	107 (ammunition)	107 rounds of ammunition seized between July 2002 and 18 March 2003
	Chile	7,586	Destroyed between 2002 and 2004
	Colombia	15,026	Weapons/ammunition destroyed in three destruction processes
	Jamaica	1,430	Weapons collected over a number of years
2003	Argentina	4,265	Public destruction event on 2 May
		3,131	Public destruction event on 13 September
		4,500	Public destruction event on 22 December
		5,005	Firearms and munitions destroyed in the province of Mendoza with the assistance of UN-LiREC

Year	Country	Reported number of weapons destroyed	Remarks
	Colombia	54,756 (+2,076,937 ammunition)	Seized in 2003
	El Salvador	3,241	Public SALW destruction event; around 21,404 SALW destroyed between 1996 and 2003; weapons collection and destruction campaign: <i>Intercambio de Armas por Biener de Consumo</i> , a UNDP project for children, 24,566 weapons destroyed between 1996 and 2004
	Haiti	249	Public destruction event: Flame of Peace
2004	Argentina	11,200	Diverse origin of weapons: seized by police, abandoned by civilians, surplus, etc.
	Canada	20,000	Royal Canadian Mounted Police destroyed more than 20,000 surplus revolvers, exact date of destruction not reported
	Colombia	71,937 (+2,479,613 ammunition)	Seized in 2004
	Jamaica	10,132	Weapons collected over a number of years and destroyed in 2004
2005	Brazil	253,321	7 August 2004–30 July 2005: Brazilian Army destroyed 253,321 weapons (of which 187,803 were collected by the Disarmament Campaign)

Year	Country	Reported number of weapons destroyed	Remarks
	Paraguay	109,424 grenades and other ammunition	Armed forces destroyed obsolete firearms, ammunition and grenades (92,093,37 kilos) with the support of UN-LiREC

As in other regions, destruction was usually not mentioned as the only means to dispose of surplus weapons. Brazil, for example, reported in 2005 that all illicit weapons are meant to be destroyed, but only after completion of judicial measures that may be needed for criminal investigation purposes. Chile in 2005 and Venezuela in 2004 reported that, apart from museum weapons, all confiscated weapons were destroyed. Also in 2005, Panama reported that all prohibited weapons confiscated by the National Authority and which are not kept as evidence should be destroyed, though seized legal weapons can be issued to and used by the National Police.

Uruguay, in 2005, is the only country that suggested that all surplus weapons would be destroyed, though it also mentioned museum use as the only exception to the collection and destruction of surplus weapons. Cuba reported in 2003 that it had no surplus weapons. In 2005, Colombia reported that it had no surplus stocks or management and Costa Rica reported that no surplus weapons destruction was planned.

Based on the national reports submitted in 2002–2005, Canada is the only OAS country that reported an anticipated change in its current legislation or procedures concerning destroying all surplus weapons as opposed to other means of disposal. In 2005, the country reported on the new Public Agents Firearms Regulations¹⁰⁵ that require the destruction of surplus firearms held by public agencies, with limited exemptions for public purposes. When these regulations are fully in force, public agencies will not be able to transfer surplus firearms to individuals or businesses.

According to the reports, an amnesty programme or a similar initiative to remove illicit small arms from circulation has been implemented in at least 10 OAS States since 2001. In 2005, Brazil reported that the federal

government, in collaboration with state governments, CSOs and churches, launched a major nationwide initiative in 2004 known as the *Campanha do Desarmamento* (Disarmament Campaign) aimed at promoting a culture of peace and raising public awareness on the dangers inherent in the possession of weapons and to stimulate their voluntary disposal by means of a massive buy-back programme. As of June 2005, more than 350,000 firearms had been collected by the campaign, far more than the 80,000 originally expected.

Several OAS reports referred to programmes in which weapons have been exchanged for small sums of money or for food. The same type of buy-back programme used in Brazil was also reported in 2003 both by Colombia, where 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, and in Mexico, where weapons can be exchanged for redeemable coupons, money or household items.

As in many other activities undertaken in the OAS region on SALW, civil society is often an implementing partner in amnesty programmes. In El Salvador, a weapons collection campaign entitled Consumer Goods for Guns Swap was organized with the collaboration of civil society, the church, private foundations, the National Police, the Ministry of Defence and the Ministry of Education, the private sector and UNDP. Honduras and Peru also reported UNDP assistance in amnesty programmes.

Weapons collection programmes in the OAS region are often combined with an event to publicly destroy weapons. For example, Argentina reported in 2003, 2004 and 2005 that the National Arms Registry has publicly destroyed weapons on four occasions between 2002 and 2004, partially with the assistance of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC).

LAWS, REGULATIONS AND ADMINISTRATIVE PROCEDURES

All OAS Member States that submitted national reports mentioned at least some laws that are relevant to SALW. Many OAS countries also reported that they have introduced new weapons laws since 2003, which are either already in place or will be implemented soon. For example, Canada and Chile reported in 2005 that modifications to arms-related

legislation were planned to come into force in 2005. Jamaica reported in 2005 that its Firearms Act, the main act governing the import of arms and ammunition in the country, will be comprehensively reviewed and amended to cover the smuggling and illicit import of SALW. Amendments are expected to include increased sentences and penalties for the illicit import, export and internal distribution of arms and ammunition. It is also expected that relevant aspects of the PoA will be considered for inclusion in any amendments made to the act, particularly for issues related to the marking and tracing of weapons. With regard to criminalization, the United States reported in 2005 that it adopted substantially increased criminal penalties for the unlawful possession, export, import or transfer of man-portable air defence systems (MANPADS) in 2004.

Brokering legislation and new regulations are under way in many countries, even though several OAS Member States maintained that brokering is not relevant to them. In general, national firearms laws in the region were reported as having been updated or reviewed quite recently. In 2003, Cuba reported of a study conducted on new legislation to control SALW, and in 2005 Ecuador reported about the implementation of directives to set up administrative and operational procedures for improved control over weapons, munitions, explosives and related materials. Guatemala is the only country that explicitly stated that there is a remaining need to review arms legislation and reported in 2004 that its legislation needs modification.

Regional aspects of SALW control and questions about the harmonization of legislation to better combat the illicit trade in small arms figured prominently in the national reports. Many OAS Member States noted their efforts at the regional level to exchange information and mutually promote SALW controls, and almost all countries mentioned CIFTA as a crucial regional mechanism in this regard.

CAPACITY-BUILDING AND AWARENESS-RAISING

A wide range of capacity-building and awareness-raising campaigns have taken place in the Americas region since the adoption of the PoA. National reports from the region indicated an extensive range of programmes undertaken in this regard, and also referred to ongoing and planned activities: 16 Member States referred to capacity-building and awareness-raising activities in their national reports.

The reports mentioned “traditional” SALW projects such as sensitization campaigns through mass media broadcasting and weapons amnesties, but also provided a variety of examples of different approaches to SALW project implementation. For example, Peru reported an interest in carrying out educational campaigns on the dangers of this type of arms. Argentina reported in 2005 about a collaboration with UNICEF and the Argentinean Disarmament Network on the design and implementation of the campaign entitled Let’s Change for Peace to swap children’s toy weapons for other kinds of toys; the project exchanged around 15,000 toy guns. In 2004, Honduras reported about a training programme at educational centres given by the Preventive Police Department, the Police Education Department and the NGO *Cultura de Vida* in 2002–2003 which focused on eliminating war toys and video games.

Promoting a “culture of peace” was often mentioned as part of awareness-raising activities, see Box 4.4 for Peru’s experience with this type of activity.

The mass media and new possibilities of using the Internet to spread information have also been used in project implementation. Both in 2005, Brazil reported that the Ministry of Justice had started operating an Internet site called Citizen Security dedicated to fostering discussion and spreading information on issues related to public security and Chile reported that an Internet link to relevant legislation is available as a means to promote awareness on SALW.

Some reports referred to the use of studies in directing project planning and building on experience from the field to implement capacity-building and awareness-raising programmes. Argentina reported in 2005 that the Ministry of Justice together with the Latin American Social Sciences Faculty have developed a study on the incidence of firearms in violent deaths. A working group has been created based on this study and ongoing research on firearms is conducted in Buenos Aires. While not referring specifically to studies, in 2005 Chile reported that capacity-building activities have been implemented through institutional evaluation of weaknesses in controlling arms and explosives.

Box 4.4. Promoting a culture of peace: Peru

Peru reported in 2005 that the country engaged in several awareness-raising activities with the aim to encourage a culture of peace.

The Ministry of Education and Ministry of Health participated in a project organized by the Hague Appeal for Peace in collaboration with DDA. The purpose of the project was to analyse the responsibilities and duties of government and civil society to encourage a culture of peace. The focus was on capacity development among public schools teachers in the San Juan de Lujiranchu district and the incorporation of conflict-prevention themes into education curricula.

Another project was undertaken in collaboration with UN-LiREC and the NGOs Transparency Civil Association, Diaconia and Save the Children Sweden. The campaign entitled Rediscovering Our 28th of July seeks to introduce an alternative to the traditionally military values associated with Peru's independence celebration by incorporating culturally-inspired values within the framework of peace education. In addition, Peru participated in the project by the Institute for the Promotion of Quality Education for developing a culture of peace, which is also being undertaken in Albania, Cambodia and Nigeria.

National report of Peru, 2005.

Probably related to the strong emphasis on crime-related aspects of small arms problem in the region and to the studies that show that young men are often the main perpetrators and victims of SALW crime, several OAS countries reported on sensitization programmes directed to young people. As mentioned earlier, Colombia reported in 2005 that a public awareness programme entitled Future Colombia was organized in 2004 to reduce juvenile crime; it sensitized 286,989 people. In its 2005 report, El Salvador described a programme undertaken with the help of UNDP entitled *Armas ni de Juguete* (Not Even Toy Weapons) and National Police public awareness campaigns in schools. In almost all cases, civil society was mentioned as a valuable partner in undertaking public awareness programmes. UNDP was mentioned in many reports as having supported programmes with civil society participation. See Box 4.5 for an example of civil society participation in PoA implementation in Canada.

Box 4.5. Civil society participation in PoA implementation: Canada

In its 2005 report, Canada noted that it “recognizes the contribution of civil society to the Canadian policy-making process on SALW and to the implementation of the Programme of Action” and values partnership on topics such as concrete projects in SALW-affected countries (where NGOs play a key role) and marking/tracing (where the engagement of manufacturers is essential).

In 2002, the Department of Foreign Affairs and International Trade held two sets of consultations on SALW, one with the NGO community that is active nationally and internationally on small arms and the other with representatives of the Canadian industry. Civil society representatives in Canada are also engaged on the issue through annual government-NGO consultations on peace-building and human security and through the National Committee on SALW.

The Canadian International Development Agency through the Voluntary Sector Initiative funded a policy development project of the Canadian Peacebuilding Coordinating Committee, which facilitated policy dialogue between CSOs and federal government departments. It focused on three emerging and interrelated peace-building and human security policy areas—small arms, children and conflict, and gender and peace-building—and supported the activities—meetings, workshops and roundtables and research—of these three civil society networks over a two-year period from 2002 to 2004. Project Ploughshares acted as the coordinating agency for the Canadian Peacebuilding Coordinating Committee Small Arms Working Group.

As part of its strategy to engage civil society, Canada reported that it funds the International Physicians for the Prevention of Nuclear War and the Physicians for Global Survival Canada. These organizations provide a forum for medical and health professionals to “assess the current understanding of the epidemiology of SALW violence and the medical and public health consequences associated with the problem”. Canada also financially supports the work of the SAS.

National report of Canada, 2005.

BROKERING

At least 13 OAS Member States have reported on measures they have taken or are planning to take with regard to controlling arms brokering activities. As with references to ammunition and assistance programmes, regional context in addressing the issue was predominant in many reports. Several OAS Member States referred to brokering with regard to the CICAD

Model Regulations. For example, Colombia reported in 2005 that the model regulations on brokering as approved by CICAD would be implemented, which means that modifications to national legislation are under evaluation. Brazil and Canada approached the issue from a regional/international point of view. In 2005, Brazil reported that it “expects States to agree on basic common control and cooperation elements so that brokering activities can be effectively controlled and illicit brokering halted”, and Canada had a separate section in its 2003 report on “Steps taken to develop common understandings of the issue and scope of brokering”.

Seven OAS Member States reported that they have introduced some type of laws on arms brokering, and two noted that their current legislation does not cover the issue. The findings for this reporting analysis differ quite significantly from the results of the survey undertaken by Biting the Bullet, which reported that only Nicaragua and the United States in the OAS region have explicit brokering controls contained in their national laws and policies governing SALW (see Box 4.6).¹⁰⁶ Varying results probably reflect the different views of countries on how “brokering” is defined, and when it is seen as being covered in national legislation. Argentina reported in 2005 that it was considering brokering issues through new laws. With regard to the OAS proposal to create a register of intermediaries within the framework of the OAS Model Regulations, the National Arms Register keeps a record of “commercial users” of SALW, that is, intermediaries, stating:

if the legislation in force is amended, this system, which is computerized, could be adapted to include the category of intermediaries in the commercial users register, once the scope of an intermediary’s activities has been defined.¹⁰⁷

Box 4.6. Regulation of arms brokers and legal and enforcement tools in the United States

The 2005 report by the United States noted that all US manufacturers, exporters and brokers of commodities covered by the United States Munitions List must by law register with the Directorate of Defense Trade Controls and submit each transaction for government licensing approval. US brokering laws cover all US citizens in the country and overseas, as well as foreign nationals subject to US jurisdiction. The report provided an Internet link to a list of individuals and entities barred from obtaining arms export or brokering licenses in the United States.

Box 4.6 (continued)

Under brokering controls, the United States cooperates on export control assistance, including developing arms brokering laws and regulations and enforcement tools with over 30 countries. The United States also sponsored an OAS General Assembly resolution in 2002 calling for the development of model brokering regulations and the preparation of a study on arms brokering. In December 2003, the United States supported the Wassenaar Arrangement's document on arms brokering legislation entitled *Elements for Effective Legislation on Arms Brokering*, and participated in the 2000 UN Group of Governmental Experts Panel on Brokering. The United States has participated in UN broad-based consultations on brokering controls and developing further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in SALW. Their 2005 report notes that the United States was a major proponent of the OSCE Principles on the Control of Brokering in Small Arms and Light Weapons of November 2004.

National report of the United States, 2005.

MARKING, RECORD-KEEPING AND TRACING

Marking, record-keeping and tracing of SALW is one of the areas referred to most in the OAS Member States' national reports: at least 19 of the 25 reporting countries (76%) referred to the issue in some respect. Many countries reported about the types of markings required on small arms, as well as the registering system. Several countries also reported about changes made or under way to national registers of small arms.

National centralized databases of weapons are reported to be in place in many OAS Member States, which probably reflects the recent regional activities on establishing registers on SALW. The following OAS Member States have established such registers: Argentina, Brazil (currently merging and centralizing the existing local registers—see Box 4.7), Chile (database with 703,000 arms registered as of 21 March 2005), Colombia, Costa Rica, Honduras, Jamaica (selected in 2004 to be part of a project for the installation of the Small Arms and Light Weapons Administration System [SALSA] software to monitor the movement of arms and ammunition throughout the region), Mexico, Panama (a new computerized system to help record-keeping), Paraguay (two national registers established by law) and the United States.

Box 4.7. Reporting on marking and registering SALW: Brazil**Marking of SALW**

Brazil reported in 2005 that it required the marking of all domestically manufactured SALW. The marking must be done by a registered manufacturer on the frame of the weapon and contain at a minimum information about the manufacturer, city or country of manufacture, model, calibre, serial number and year of manufacture. The mark must be at least 0.10mm deep in order to hamper possible attempts to erase or tamper with them. Additionally, SALW that are manufactured for export must be marked by the manufacturer to display the name of the importer and the country initials. SALW that are imported by the Brazilian armed forces, the Federal Police and the Highway Police must be marked to display the Federal Republic blazon as well as the organization's name or initials. Civilian weapons must be marked by the manufacturer to display, inter alia, the name, city and state of the importer.

Registering SALW

The National Arms System (SINARM) is the body responsible for registering SALW. It was created in 1997 by Law 9437 within the Federal Police/Ministry of Justice, and was substituted by Law 10.826 in 22 December 2003. SINARM is a national mandatory register that allows the storage of all relevant data on manufacture, possession and ownership of civilian firearms and the country is currently finalizing the process of merging and centralizing the existing local State registers with this system. A second electronic control system, known as SIGMA, registers weapons of the armed forces, State Military Police organizations, the Brazilian Intelligence Agency and weapons privately owned by military and intelligence personnel. SIGMA falls under the authority of the Ministry of Defence (Army Command), which by 2005 was compatible with the SINARM database.

National report of Brazil, 2005.

In addition, Argentina reported in 2005 about its national system of three SALW databases. The first, established in 1993, includes information on model and serial number of the firearm. The second is a National Register of Confiscated, Seized and Collected Firearms. A third national register, yet to be established, will register the production of firearms, ammunition, explosives and related materials as well as register the import, export and commercialization of weapons' spare parts.

As in other regions, the UN Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons was mentioned in several reports, and

Brazil and Jamaica repeated that they would have preferred a legally binding instrument. Mexico reported in 2004 that it

complies fully with the actions contained in the international plan, including cooperation with other States and international organizations, with the exception of the provisions regarding “marking” of weapons seized, since it still lacks a normative framework establishing the conditions and procedures for this action.

Mexico also reported that several pieces of legislation were studied to provide such a framework in the near future, and Trinidad and Tobago reported that changes to laws in this regard were introduced in 2004.

AMMUNITION

OAS region reports routinely recognized ammunition as part of the SALW definition: 22 (88%) of the 25 Member States that have reported mentioned issues related to ammunition in their national reports often in relation to CIFTA (see Box 4.1).

However, ammunition was usually mentioned as part of a general reference to SALW (“weapons and ammunition”), though some countries discussed it separately. In particular, the Brazil report referred to ammunition whenever discussing the relevant parts of SALW control, such as legislation, marking and tracing and collection. Brazil, as part of the General Assembly 2003 open-ended working group on marking and tracing, called for the inclusion of regulations related to ammunition in the Tracing Instrument and has introduced new laws regarding, inter alia, marking of SALW ammunition (see Box 4.8). In addition, in 2005, Peru provided details about ammunition imports to the country and reported that there were an average of 11,000,000 units of SALW ammunition imported to the country, 60% of which were for sporting use.

Box 4.8. Regulating the marking of ammunition: Brazil

Brazil reported in 2005 of a new law regarding ammunition that entered into force in December 2003. The law stipulates that all ammunition, whether manufactured locally or imported, must bear a barcode sign printed on the smallest packaging unit (box) that identifies the manufacturer, purchaser, ammunition type and the production/delivery lot. Furthermore, in accordance with regulations issued by the Ministry of Defence, as of 1 January 2005, “all ammunition manufactured or imported for use by the Armed Forces, by Federal, State or Municipal Police and Security Forces, as well as by intelligence agents, must have individual marks (in each cartridge or round) that allow for the identification of the production lot and of the purchasing organization.”

National report of Brazil, 2005.

**ASSISTANCE IN THE REGION:
PROVIDED, REQUESTED AND RECEIVED**

Countries in the OAS region reported in almost equal numbers about the assistance provided in the implementation of the PoA as about the remaining needs and areas that require further assistance. Many assistance programmes are related to weapons collection and destruction, and undertaken with the support of or in cooperation with NGOs or international organizations. National reports from the region also highlighted areas that are continuously perceived as problematic in SALW control, and where further cooperation or assistance would be needed. This section discusses the reported assistance that the OAS countries have provided or received, as well as issues that countries have identified as problematic. This analysis could be of value to countries that have special technical or financial resources to assist the countries that lack these means.

PROVIDED ASSISTANCE

Canada and the United States stand out among the reporting countries as major funders of SALW assistance programmes and both countries included extensive descriptions about these programmes in their national reports. Assistance seems to be provided mostly to regions other than the Americas, at least in terms of the number of projects. The United States in

its 2005 report noted that the Department of State's Bureau of Nonproliferation coordinates US export control assistance for over 30 countries. The country also organized specialized licensing workshops and law enforcement training, such as customs inspection and maritime interdiction, and provided technical and financial assistance for the destruction of surplus and illicit stocks of SALW, including in post-conflict situations; physical security and stockpile management briefings; technical and financial assistance to support modest security infrastructure improvements; security upgrades; public awareness campaigns; training on marking techniques and firearms identification; and DDR programmes. Canada reported in 2005 that it provided assistance for DDR programmes. For enhancing mutual legal capacity to assist investigations and prosecutions; and for enhancing States' capacity to fight drug trafficking, transnational organized crime and terrorism as they relate to SALW.

In this type of receiver-provider assistance between countries, the support flowed in one direction with some countries almost always the provider and other countries usually the receiver. However, regional assistance in the OAS region was generally mutually provided and received among the Member States, depending on special technical expertise in different countries. This means that for some projects, a country would provide technical assistance to other countries, and for other projects it would receive assistance from them. Several States reported that these types of mutual assistance programmes were implemented in the form of bilateral cooperation rather than "assistance" programmes. Making a distinction between this type of assistance is both interesting and important. For example, Argentina reported in 2003 about a memorandum of understanding that had been concluded with Brazil to create a permanent mechanism of information exchange on the illicit movement and trafficking of firearms, ammunition, explosives and other related materials. And Colombia reported in 2005 about reciprocal assistance and that it provided technical assistance to other Latin American countries in marking and tracing of SALW and explosives, based on its experience in criminal investigation, training of special units to combat organized crime, judicial cooperation, money-laundering and drug trafficking. Peru included in its 2005 report a reference to a workshop it organized to improve legislation on firearms at the national level for congressmen's advisers of the Andean region (Colombia and Ecuador).

In 2004, Brazil reported that the Brazilian National Public Security Secretariat, in cooperation with UN-LiREC and UNDP, created the Regional Public Security Training Center, through which Brazil has been offering training courses and capacity-building activities to government officials and civil society representatives from Latin American and Caribbean countries who are directly involved in public security issues. One of the priorities of the centre is capacity-building in the area of SALW control (see Box 4.9).

Box 4.9. Regional SALW action: UN-LiREC

In the Americas, UN-LiREC serves as the regional arm for DDA. With its headquarters in Lima, Peru, the centre provides “on request, substantive support for the initiatives and other activities of the Member States of the Latin American and the Caribbean¹⁰⁸ region for the implementation of measures for peace and disarmament and for the promotion of economic and social development”.¹⁰⁹

UN-LiREC’s activities cover 33 countries in Latin America and the Caribbean region, where it aims to assist States in attaining sustainable peace and security through practical disarmament and development measures. Many of its activities are directly related to SALW control. For example, it works to enhance the control of firearms and eradicate their illicit trafficking and to develop weapons collection and destruction programmes. Since the adoption of the PoA, UN-LiREC, with its partners, has undertaken several SALW control and disarmament programmes and organized trainings and workshops in the region.

One of UN-LiREC’s main SALW activities is conducting weapons collection and destruction programmes. In cooperation with CICAD, UN-LiREC developed SALSAs—a web-based computer system that includes over 10 databases on SALW, including databases on official SALW NPCs in Latin America and the Caribbean, national firearms legislation, laws, decrees and directives and UN-LiREC activities. UN-LiREC also works with partners to build the capacity of NGOs to participate in policy making through networking and advocacy work, and created in collaboration with CICAD/OAS and the Swedish Fellowship on Reconciliation (SweFOR) a Parliamentary Exchange Initiative project to provide training and technical assistance to States on the development of national firearms and related legislation.¹¹⁰

PROBLEMS FACED AND FURTHER REQUESTS FOR ASSISTANCE

Reports from the OAS region identify a number of areas where the States consider that their capacity to combat illicit SALW trade and proliferation remains inadequate. The main areas where assistance is needed are capacity-building and data collection and weapons storage activities (see Tables 4.3 and 4.4).

Table 4.3. Assistance received for PoA implementation as reported by OAS countries

Country	Type of assistance received
Colombia	In 2005, Colombia reported that it received training and capacity-building assistance from the US Bureau of Alcohol, Tobacco and Firearms; technical and financial assistance within the framework of the Plan Colombia; training from UN-LiREC; financial and technical assistance from SaferAfrica; and support from Brazil, Switzerland and the United Kingdom to participate in regional and global fora on SALW.
El Salvador	In 2003, El Salvador reported that it received assistance from UNDP for the Consumer Goods for Guns Swap campaign to collect weapons and for the Not even Toy Weapons campaign.
Peru	In 2003 and 2005, Peru reported that it received funding from Canada, Norway, Sweden, the United Kingdom, the EU, Interpol, the United Nations and OAS for workshops, seminars and public awareness campaigns, and from NGOs such as Save the Children, Hague Appeal for Peace, SAS and SweFOR. Support was also received from UNDP, UN-LiREC and OAS to destroy confiscated firearms, plan a new collection and destruction of weapons activity and develop three projects on disarmament and development that will be integrated, in collaboration with UN-LiREC, in the UN Development Assistance Framework in Peru. UN-LiREC provided assistance in gathering information and drafting the 2001–2005 national reports on the implementation of the PoA and will provide funds for the creation of a Combined Task Force with the National Police.

As in many other aspects of effective PoA implementation and reporting in the region, there is an essential need for regional and international assistance and cooperation. According to the national reports, further engagement of multilateral organizations is needed and bilateral cooperation must be decisively promoted.

Table 4.4. Further assistance or capacity-building needed by OAS countries

Country	Type of assistance received
Brazil	In 2003 and 2005, Brazil reported a need for more international efforts and assistance for developing countries in general, and in particular with regard to the engagement of multilateral organizations, including financing. Bilateral cooperation needs to be decisively promoted.
Colombia	In 2003 and 2005, Colombia reported a need for technical equipment for custom/border control and ballistic laboratories, assistance to strengthen judicial investigation and training for members of the NCA on best practices of other countries in implementing the National Action Plan.
El Salvador	In 2005, El Salvador reported a need for technical assistance at both the national and regional level to develop capacity-building programmes for intelligence services, the arms division of the National Police and Ministry of Defense for stockpile management and security, and to upgrade existing techniques and technologies in order to facilitate control efforts.
Guatemala	In 2004, Guatemala reported a need for assistance to further modify legislation, develop new modes of regional cooperation in border control issues and enhance electronic handling of information and registers due to a serious lack of data on SALW in the region.

Country	Type of assistance received
Haiti	In 2003, Haiti reported a need for help in dealing with the extensive proliferation of small arms in the country in four specific areas: porous borders and inadequate border control capacities; the non-disarmament of ex-combatants; socio-economic factors in a society that encourages the fabrication and use of craft weapons; and weaknesses in weapons control mechanisms.
Jamaica	In 2005, Jamaica reported the problem of an influx of arms into the country and welcomed assistance in fighting the scourge of illicit SALW through, inter alia, efforts to build the State's capacity and enhance border security.
Panama	In 2005, Panama reported a need for technical assistance from UN-LiREC to implement international instruments to control arms.
Peru	In 2005, Peru requested seven technical and financial assistance programmes from UN-LiREC to implement the PoA. Assistance is also needed to formulate a new firearms law that takes into account recent developments at the international level with the support of international agencies.
Trinidad and Tobago	In 2003, Trinidad and Tobago reported a need for a computerized data collection and maintenance system.

ISSUES OUTSIDE THE POA THAT ARE ADDRESSED IN THE NATIONAL REPORTS

CIVILIAN POSSESSION

Civilian possession of firearms was mentioned in at least 18 of the 25 OAS Member States' reports. Many developments were reported to be currently under way especially with regard to strengthening legislation on civilian gun ownership in the region. Inter alia, Mexico reported in 2005 that the Federal Law for Firearms and Explosives regulates civilian

possession, and that reforms to this procedure in terms of licensing firearms for civilian possession are under discussion. Also in 2005, Uruguay reported that there is an ongoing process to regulate firearms possessed by civilians. In addition to describing proposed changes to legislation, many countries provided an overview of current controls over civilian SALW possession in their reports. For example, Argentina reported in 2005 that individuals who possess weapons must be licensed and registered at the National Firearms Register. To acquire ammunition, firearms users must present or display the “card of control” of ammunition consumption that is granted by calibre for all types of weapons, and which limits the amount of ammunition a user can maintain in stock. Brazil reported in 2003 about legislation covering civilian possession of arms as well as the national mandatory register (SINARM) that makes possible the identification of all characteristics and ownership of civilian arms.

Several countries provided statistics on civilian arms possession and described recent trends. For example, Jamaica reported in 2005 that since 2001 there has been an increase in private firearm permit holders in the country and a mushrooming of private security firms. According to the report, as of December 2004, there were approximately 50,000 licensed firearm holders in the country. In addition, Bolivia mentioned in its 2003 national report that it would have liked to include the misuse of firearms in the PoA.

Controlling civilian weapons ownership has in some cases been extended to also cover the parts and components of weapons. In 2004, Trinidad and Tobago reported about a new weapons law—Firearms Amendment Act 2004—which stipulates that it is a criminal offence to assemble a firearm. It is hoped that thanks to the new act,

would-be importers would no longer be able to rely on a loophole in previous legislation, which allowed for the purchase and possession of the component parts or ammunition without a Firearm User’s Licence.

Other amendments to the act include the requirement for all imported firearms to be marked by the manufacturer, issuing a provisional license prior to a Firearms User’s Licence, increased penalties and disqualification of people convicted of domestic violence from holding a firearm for five years.

As noted, civilian possession was repeatedly mentioned in national reports from the OAS region, and the issue was also discussed in OAS national statements made at the BMSs, even though not quite as frequently as in reporting. In 2003, the issue was discussed by 10 (48%) of the reporting States from the region, and in 2005, reference to civilian possession of firearms was made in four of the 17 national statements, including Nicaragua speaking on behalf of SICA.

TRANSFERS TO NON-STATE ACTORS

Even though OAS countries discussed their export, import and transit controls widely in their reports, only Brazil stressed the need to limit SALW transfers to government recipients. In its 2005 national report, the country highlighted the “urgent need to halt and prohibit transfers to non-state actors who are not authorized by competent authorities of the importing State”.

References to non-state actors were not common in national statements either: in 2003 the issue was discussed by only four OAS Member States, and in 2005 the topic was taken up only by Argentina, Brazil and Colombia. In its statement, Brazil noted that an effective ban on transfers of weapons to non-state actors that are not duly authorized by the competent authorities of the importing State is one of the most urgently needed measures to improve international arms transfer controls.

DEMAND

Demand of small arms was discussed in the reports of seven (28%) OAS countries. References were made mostly to problems related to domestic demand for firearms. In 2005, Canada reported that it provided assistance to the Quaker United Nations Office’s efforts to encourage more international support for demand side policies and programmes on SALW by undertaking a two-year process to define and publicize the most crucial demand issues. In terms of domestic demand-issues, Canada noted that it continuously devotes efforts to addressing the issues that create the demand for weapons.

In 2003, Haiti referred to demand issues, albeit indirectly, by noting that the SALW problem in the country is due to, inter alia, the conditions of socio-economic life that encourage the manufacturing and use of craft weapons. Mexico provided more precise information about the demand for

illegal weapons in its 2003 report by noting that studies have identified that the most sought after illegal weapons in the country are 22 calibre, 38 calibre and 9mm small arms.

Demand issues have not been discussed in national statements of OAS Member States at the BMSs.

GENDER

Gender aspects, ergo aspects of small arms or programme implementation information specifically related to men or women, were not referred to in the national reports. Only Canada mentioned the issue by reporting its support of the Human Security Network and the Centre for Humanitarian Dialogue for the development of a publication that addresses, inter alia, gender-based violence. In addition, the country reported that the Canadian International Development Agency funds a policy development project that enables policy dialogue between CSOs and the government and that it focuses on gender and peace-building among other things (see Box 4.5).

Even though gender aspects were almost absent from national reports, a handful of OAS Member States referred to gender aspects in their national statements at the BMSs. In 2003, four statements referred to the issue, and in 2005, Chile and Nicaragua—on behalf of SICA—referred to gender aspects when discussing the negative impacts that illicit small arms have on communities.

THE WAY FORWARD IN IMPLEMENTING THE POA

As this chapter has shown, there have been many positive developments in PoA implementation in the Americas. However, as countries have reported, challenges remain especially related to crime and arms smuggling, and current measures to control these problems are inadequate. As in other regions, national reports from the Americas concentrated on describing past activities rather than identifying views or plans for the future.

While some OAS countries referred to ongoing efforts and plans to further implement the PoA, only a few reported explicitly on the way they

would want to see the PoA develop in the coming years. In its 2005 national report, Brazil was the only OAS Member State that specifically discussed its hopes and views about the “way forward”, though a few countries addressed the issue as part of the introductory section, in reference to a specific topic, or in the conclusion.

Brazil reported in 2005 that it attaches

utmost importance to the Programme of Action’s follow-up mechanism, which allows the international community to take into consideration the experience gathered in implementing its dispositions since its adoption in 2001, and to review the Programme’s strengths and weaknesses.

The country also reported that it is the collective duty of all States, in the light of the exchange of national experiences and viewpoints encouraged by the process, to address the problems and outstanding issues identified at the BMSs at the 2006 Review Conference.

Colombia recommended follow-up actions in its 2005 BMS statement, including the possibility of starting negotiations for a treaty on arms trade, civilian possession, assistance to DDR operations, continued follow-up and monitoring process of the PoA and strengthening the Tracing Instrument on tracing and marking of SALW.

Based on the national reports submitted by OAS Member States in 2002–2005, challenges with illicit SALW in the region remain linked with armed criminality and illicit trafficking of weapons. The main areas in which the region’s capacity will have to be developed in the future and to which further resources will need to be allocated include:

- capacity-building for national authorities dealing with SALW issues;
- methods and means of collecting data and technical means to store and use the data electronically; and
- weapons collection and storage.

Regional cooperation remains strong in the region, but further efforts will be needed to ensure effective implementation of the PoA. Further engagement of multilateral organizations is needed, and bilateral cooperation must be decisively promoted.

CHAPTER 5

ASIA AND PACIFIC OCEANIA: REPORTING ON IMPLEMENTATION

SMALL ARMS IN ASIA AND PACIFIC OCEANIA

This analysis covers five Asian subregions: West Asia,¹¹¹ East Asia,¹¹² South Central Asia,¹¹³ South-East Asia¹¹⁴ and Pacific Oceania.¹¹⁵ Reporting and implementation of activities of subregional organizations that address issues related to small arms are examined, including the League of Arab States, the Association of South Asian States and the Pacific Islands Forum.¹¹⁶

Several factors have contributed to proliferation in Asia. Many parts of Asia are affected by armed conflict in some form, from inter-state war and sectarian conflict to protracted or guerrilla warfare.¹¹⁷ Organized crime, the drug trade and smuggling by illicit private businesses has facilitated much of the illicit trafficking in small arms, particularly in South Central Asia and South-East Asia. It is alleged that at the end of major conflicts in Cambodia and Viet Nam, an unknown quantity of weapons flowed from Indo-China into surrounding States to guerrilla groups and criminal elements who plied the waters and land borders of South-East Asia. The Afghanistan war also facilitated the proliferation of small arms in India and Pakistan. According to a study by the Institute of International Relations at the University of British Columbia, many of the small arms that have been intercepted and confiscated in the region came from the Russian Federation.¹¹⁸

Viet Nam is a trans-shipment area for weapons originating from China and the Russian Federation. The weapons enter Viet Nam through its porous northern borders and move to its ports before they are loaded onto cargo ships. Russian weapons also arrive directly at Vietnamese ports from where they are dispersed throughout the region and possibly beyond.¹¹⁹ Taiwanese security officials have also found caches of small arms that originated in Sabah, Malaysia.¹²⁰ China's internal crackdown on illicit small

arms trade has resulted in a surge of weapons movement from the rest of the country to the southern provinces and Hong Kong.¹²¹

The security impact of illicit small arms movements is not confined to the region since the ports may become sites for trans-shipping weapons around the world, including destinations in the Middle East, the Horn of Africa and North Africa.¹²² Inadequate policing and the emergence of major organized crime networks that provide opportunities for arms traders to continue to carry on their illicit activities continue to hamper the region. South-East Asia is a region with long maritime and continental frontiers that are extremely difficult to monitor and police. Moreover, some of these States often store national inventories of legally owned military, security or police small arms in insecure and poorly managed facilities, making theft, loss and, consequently, smuggling possible.¹²³

The international community has cooperated with members of the Association of Southeast Asian Nations (ASEAN) to increase control mechanisms at their ports. The association has developed a framework for combating transnational crime—the ASEAN Ministerial Meeting on Transnational Crime/ASEAN Senior Officials Meeting on Transnational Crime—with arms smuggling as one of the key issues of cooperation. An ASEAN-plus-three-Senior Officials Meeting on Transnational Crime¹²⁴ has been set up to review, discuss and enhance cooperation in combating transnational crime, including illicit trade in SALW. ASEAN holds high-level official meetings with China, the EU and the United States to discuss enhanced cooperation on transnational crime. However, as a result of competing security priorities for ASEAN, it has yet to establish a comprehensive strategy or framework to combat illicit trade in SALW.¹²⁵

The Council for Security Cooperation in the Asia Pacific meeting on preventive diplomacy sometimes considers small arms during discussion on disarmament issues.¹²⁶

Reports by South-East Asian States indicated that there has been good cooperation in the exchange of information between the legal authorities of the ASEAN countries through the ASEAN Association of Heads of Police (ASEANAPOL) and Interpol. ASEANPOL representatives from the 10 ASEAN Member Countries include arms trafficking along borders on the agenda for discussion every year.¹²⁷

Despite its extensive maritime borders the Pacific Oceania region is not as afflicted with large-scale arms trafficking as its neighbouring countries in South-East Asia and South Central Asia. Neighbouring States such as Indonesia are located at the juncture of the Pacific and Indian Oceans.¹²⁸ Some areas in the region—Fiji, the Papua New Guinea province of Bougainville and the Solomon Islands—have experienced armed conflict and violent crime with profound social and economic impact. Small arms that fuelled such conflicts were mostly leaked from government stocks.¹²⁹

Furthermore, firearms leaked from registered private owners to criminals are the most common weapons of gun-related crime and violence in the Pacific Islands area.¹³⁰ Security remains volatile in most post-conflict communities with a risk of renewed conflict. With the exception of Papua New Guinea, levels of firearm violence are generally low, particularly for countries or communities that have not experienced armed conflict. A coordinated regional effort to tighten small arms controls in the Pacific, which began in 1996, led to the Nadi Framework in 2000, and then to the acceptance in 2003 by all 16 Pacific Islands Forum States of the draft model Illicit Weapons Control Bill (see Box 5.1).

The Oceanic Customs Organisation (OCO) carries out an important coordination role in Pacific Oceania by engaging in a range of intelligence activities to strengthen links among its Member States, including the Customs Regional Intelligence Network, which provides an overview of trafficking patterns in the region. OCO States submit reports of seizures, methods of transportation and methods of detection to the Intelligence Section of the New Zealand Customs Service, which updates Customs Regional Intelligence Network data and publishes a quarterly bulletin. The Customs Service of Member States has access to the Customs Asia Pacific Enforcement Reporting System, an international information and reporting system, which is used in a number of OCO States throughout the Pacific Oceania region to encourage greater cooperation, communication and liaison between participating members and achieved by “fostering a coordinated 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”.¹³¹

The Asia and Pacific Oceania region holds a Pacific Chiefs of Police Conference with a working group and a subcommittee that are mandated to suggest common regional approaches to weapons control. Through the

South Pacific Conference of Police Commissioners, a transnational crime centre has been established to prevent and combat the illicit proliferation of small arms, among others weapons.¹³²

In the Arab region, the dimensions and ramifications of the problems of the illicit trade in small arms vary and differ from State to State; some States suffer greatly, while in others the problems are almost non-existent. Some societies within the Arab States in the region have a public weapons culture. For example, in some countries it is customary to celebrate weddings by shooting guns into the air. Males carry weapons routinely, and in most areas guns have become connected to ideas about manhood. In Yemen, for example,

tribal customs, the so-called Qabalyi, are very specific on defence of the tribe, defence of land, water wells, women, qat, and tribal honour. As violence is often used to settle these conflicts—or at least, the threat of violence—all require the possession of weapons.¹³³

However, the increased availability of small arms in the Arab nations does not necessarily contribute to crimes such as armed robbery. The small arms problem has tended to be a transborder problem. The proliferation of small arms and their associated parts and ammunition most often aggravates conflict, terrorist acts and civil unrest in States such as Iraq and Yemen, and across the continent to its neighbouring Arab States in the Horn of Africa such as Somalia and the Sudan.

There is a growing awareness among Arab States of the transnational nature of the threat of small arms availability. The Arab States have initiated its regional coordination by establishing a regional focal point within the Disarmament Affairs Division of the Multilateral Relations Department of the League of Arab States.¹³⁴ Member States of the League of Arab States are taking national measures, adopting relevant laws and regulations and contributing to regional discussions and information exchange at the political and expert level through a series of meetings since December 2003.

The League of Arab States has served as a forum for Member States to coordinate their policy positions and deliberate on matters of common concern, settling some Arab disputes and limiting conflicts. In this spirit, the Council of Arab Interior Ministers and the Council of Arab Justice Ministers

tackled the problem, particularly its legislative side, with the Arab Treaty to Fight Terrorism (see Box 5.1). As a result of these initiatives, a model Arab Law for Firearms, Ammunitions and Explosives was adopted in 2002. At the Preparatory Committee to review progress made in the implementation of the PoA, the League of Arab States reiterated its commitment to paragraphs 9, 10, 11, 12 and 17 of the PoA.¹³⁵

Box 5.1. Example of initiatives by subregional organizations (Asia and Pacific Oceania)

South-East Asia:

- Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime (2002)

League of Arab States:

- Arab Strategy to Fight Terrorism (1997)
- Arab Treaty to Fight Terrorism (1998)
- Arab Law for Firearms, Ammunitions and Explosives (2002)

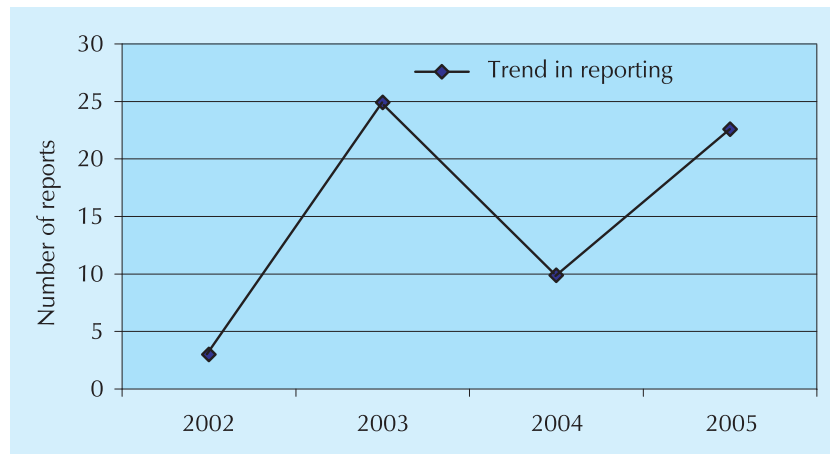
Pacific Islands Forum:

- Nadi Framework: Legal Framework for a Common Approach to Weapons Control (2000)

**REPORTING IN ASIA AND PACIFIC OCEANIA:
GENERAL TRENDS IN REPORTING AND IMPLEMENTATION**

In the Asia and the Pacific Oceania region, 33 countries have provided at least one report on the implementation of the PoA to DDA since its adoption in 2001. Only three countries in the region—Australia, Bangladesh and Japan—reported in 2002. In 2003, 25 countries reported: nine in West Asia, six in South Central Asia, four in South-East Asia, three in East Asia and three in Pacific Oceania. The national reporting dropped to 10 in 2004, and rose again to 23 in 2005 (see Graph 5.1).

Graph 5.1. Number of countries from Asia and Pacific Oceania reporting in 2002–2005



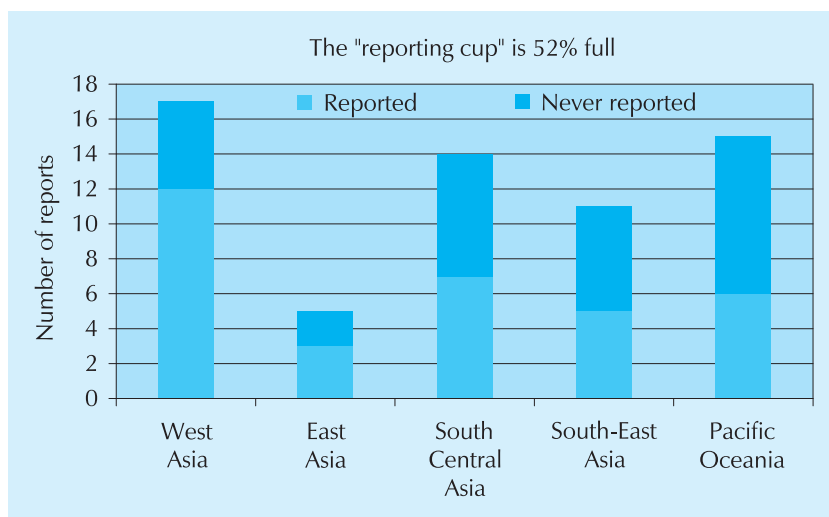
Most States have submitted two reports, particularly in 2003 and 2005 (see Table 5.1), but 29 States have never submitted a report: nine in Pacific Oceania,¹³⁶ seven in South Central Asia,¹³⁷ six in South-East Asia,¹³⁸ five in West Asia¹³⁹ and two in East Asia.¹⁴⁰ Graph 5.2 gives an overview of the frequency of reporting in the region. From 2002 to 2005, West Asia had the highest frequency of reporting, but there were improvements in South Central Asia and South-East Asia. In the Pacific region, Australia has reported every year since the adoption of the PoA, with four reports, followed by New Zealand with three reports.

Although only approximately 50% of States have reported, Graph 5.2 indicates that awareness and commitment to reporting on the implementation of the PoA in the region is relatively encouraging. However, the region may need more assistance in capacity development to report on the implementation of the PoA and to identify their needs.¹⁴¹

Furthermore, trends of reporting by some States indicate the possibility of reporting fatigue. Since Israel and Lebanon produced reports in 2003 and 2004, there is the probability that they had provided all of the information they wanted to and had nothing new to add in 2005. Saudi

Arabia, Tajikistan and Yemen submitted reports only in 2003, while Cambodia and Fiji reported only in 2004 and Bangladesh reported in 2002 and 2003. In some cases, States do not have the capacity or human resources to follow up on relevant commitments at the regional and international levels. Some national reports contained updated information to reports submitted previously. For example, Sri Lanka noted that its 2005 report was a supplement to the 2003 report.

Graph 5.2. Reporting from Asia and Pacific Oceania in 2002–2005



The length and quality of reports submitted varied widely. Some States submitted comprehensive reports covering almost all of the provisions of the PoA, while others chose to emphasize the small arms problems pertaining to the region and the regional initiatives that are in place. In general, the quality of reporting improved for most States in the region over the years. Table 5.1 summarizes the scope of issues addressed in the national reports.

Table 5.1. Overview of national reports from the Asia and Pacific Oceania region in 2002–2005

Country	Reporting year	Scope of reporting*	Report focus
WEST ASIA			
Armenia	2005	Heavy	Covers most provisions of the PoA, emphasizes national, regulatory and legislative procedures
Azerbaijan	2005 2004	Heavy	Covers most provisions of the PoA, emphasizes national legislative procedures
Georgia	2005	Heavy	Covers most provisions of the PoA, emphasizes national legislative procedures
Israel	2003 2004	Medium	Emphasizes national legislative procedures and export control
Jordan	2003 2005	Medium	Emphasizes national legislative procedures, export controls, public awareness and cooperation
Lebanon	2003 2004	Light	Emphasizes national legislative procedures and export control
Oman	2003 2005	Light	Emphasizes national legislative procedures
Qatar	2003 2005	Light	Emphasizes national legislative procedures, export controls, public awareness and cooperation
Saudi Arabia	2003	Medium	Emphasizes national legislative procedures and export controls
Syrian Arab Republic	2003 2005	Light	National legislative procedures and export controls

Country	Reporting year	Scope of reporting*	Report focus
Turkey	2003 2004 2005	Heavy	Emphasizes national legislative procedures and an obligation to OSCE best practices
Yemen	2003	Light	Emphasizes national legislative procedures and border control
EAST ASIA			
China	2003 2004 2005	Heavy	Generally covers most provisions of the PoA
Japan	2002 2003 2005	Heavy	Structure of report suggests that it used the reporting guidelines; generally covers most provisions of the PoA, emphasizes national legislation and assistance it has provided
Republic of Korea	2003 2005	Medium	Emphasizes national legislative procedures and export controls
SOUTH CENTRAL ASIA			
Bangladesh	2002 2003	Light	Reiterates its commitment to the PoA
India	2003 2005	Heavy	Emphasizes national legislative procedures
Iran	2003 2005	Medium	Emphasizes national legislative procedures
Kazakhstan	2005	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA
Pakistan	2003 2005	Light	Emphasizes national legislative procedures and weapons collection

Country	Reporting year	Scope of reporting*	Report focus
Sri Lanka	2003 2005	Medium	Emphasizes activities of the new National Commission on Small Arms
Tajikistan	2003	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA
SOUTH-EAST ASIA			
Cambodia	2004	Heavy	Emphasizes weapons management, weapons collection, disposal and national legislative procedures
Indonesia	2003 2005	Medium	Emphasizes transnational organized crime and national legislation
Malaysia	2003 2005	Heavy	Generally covers most provisions of the PoA, emphasizes information on national laws and regulations on SALW and export controls
Philippines	2003 2005	Heavy	Structure of report suggests that it used the reporting guidelines, emphasizes information on national laws and regulations on SALW and export control
Thailand	2003 2005	Heavy	Emphasizes national legislation on small arms and exports control
PACIFIC OCEANIA			
Australia	2002 2003 2004 2005	Heavy	Generally covers most provisions of the PoA, emphasizes information on national laws and assistance the country provided

Country	Reporting year	Scope of reporting*	Report focus
Fiji	2004	Heavy	Structure of report suggests that it used the reporting guidelines, emphasizes information on national laws and regulations on SALW and cooperation at the regional level
Marshall Islands	2005	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA
New Zealand	2003 2004 2005	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA, emphasizes information on national laws and regulations on SALW and export control
Papua New Guinea	2005	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA, emphasizes information on national laws and regulations on SALW and export control and DDR activities
Solomon Islands	2003 2004	Heavy	Structure of report suggests that it used the reporting guidelines, generally covers most provisions of the PoA, emphasizes information on national laws and regulations on SALW and export control and DDR activities

* These subjective categories are meant to give an indication of the range of issues covered and the level of detail found in the report(s).

Note: Reporting guidelines developed by UNDP, DDA, UNIDIR and SAS within the Capacity-Building Project.

PROGRESS MADE IN POA REPORTING AND IMPLEMENTATION SINCE 2001

Graph 5.3 demonstrates that on average, more States in the region reported on relevant national legislation and administrative measures on small arms than on other provisions of the PoA. Information on public awareness programmes and brokering activities were the areas that were covered the least in the national reports. South-East Asia countries, in particular, covered many activities related to intelligence and search operations to locate, collect and destroy hidden caches of arms and to transborder cooperation to intercept transnational organized crime.

Graph 5.3. Percentage of references to selected PoA themes in national reports from Asia and Pacific Oceania in 2002–2005

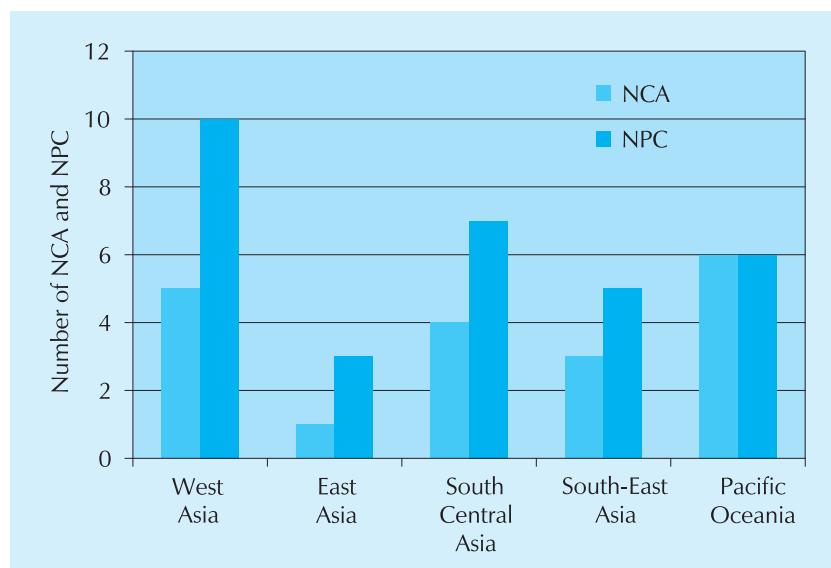


This section uses information from national reports to analyse progress in implementing the PoA provisions. In particular, it focuses on measures relating to the following: NCAs; NPCs; export and import controls; stockpile management and security; and brokering activities.

NCA AND NPC

Of the 61 countries in the Asia and Pacific Oceania region, 19 have established NCAs and 33 have established NPCs.¹⁴² Contact details for the NPCs have been submitted to DDA. Graph 5.4 gives an overview of States that have reported establishing both an NCA and an NPC.

Graph 5.4. NCAs and NPCs in Asia and Pacific Oceania by subregion



The national reports indicated that agencies responsible for coordinating the activities of NCAs on small arms is dependent on security needs and/or bureaucratic structures. In most cases, the office of the NCA or NPC lies within the MoFA or Ministry of Defence. In some cases, these offices closely coordinate with the National Security Council, as in Georgia, Iran and Thailand. The National Security Council of Thailand has a standing mandate to play a coordinating role in all inter-agency matters dealing with national security, in part by calling inter-agency meetings and exchanging information.

In South-East Asia, in particular, NCAs and NPCs primarily focus on transnational organized crime. For example, in 2005, the Philippines reported that the Philippine Center on Transnational Crime is mandated to formulate and implement a concerted action programme of all law enforcement, intelligence and other agencies for the prevention and control of transnational crime.

The NCA in Georgia provides a good example of the coordination mechanism between the relevant government agencies that address the small arms issue in the country (see Box 5.2).

Box 5.2. Example of NCA coordination: Georgia

The NCA in Georgia is an inter-agency monitoring group tasked to create an integrated database of weapons (including SALW), military equipment, ammunition and dual-use products circulating in Georgia. Based on the accumulated information, the monitoring group submits recommendations to the National Security Council's Permanent Interagency Commission on Military-Technical Issues. In addition, the monitoring group, together with relevant Georgian NGOs, researches weapons circulation volume and its effect on the population and conducts multidimensional analyses, taking into account the crime rate, public opinion about the weapons proliferation and the capabilities of different state institutions participating in the resolution of these problems.

National report of Georgia, 2005.

CIVIL SOCIETY PARTICIPATION

Participation of civil society in profiling and addressing the small arms issues in the region is increasing. Governments in the region have varying ways of cooperating with CSOs. For example, in 2005, the Philippines reported that the National Police solicits the support and active involvement of the community by frequently conducting conferences with owners of private security agencies and companies' security forces, recognized gun clubs, dealers and manufacturers of firearms and explosives, business and other civic and NGOs on matters relative to new or updated rules and regulations on firearms and explosives.

Cambodia represents a good example of NGO and government cooperation. In its 2004 report, the country referred to a working group for weapons reduction that was established in 1998 that has evolved into an independent NGO and has assisted the government in weapons collection, awareness campaigns and commenting on the government's legislative agenda on small arms.

CSOs working on small arms can be found in Australia, Bangladesh, Cambodia, Fiji, India, Indonesia, Iran, Israel, Japan, Jordan, Kazakhstan, Kyrgyzstan, Nepal, New Zealand, Pakistan, Papua New Guinea, Sri Lanka and Thailand.¹⁴³ South Asia and South-East Asia have created regional networks of CSOs entitled the South Asia Small Arms Network and the Regional Action to Reduce Armed Violence, respectively. The Middle East and North Africa have a regional network to serve the needs of the Arab States entitled the Middle East North Africa Action Network on Small Arms. The Philippines is the only country in the region with a national network of CSOs: the Philippines Action Network on Small Arms.

EXPORT CONTROLS

States in the region emphasized the need for stringent export control measures. As indicated in Graph 5.3, nearly 90% of States reported on this urgent matter. China, for example, reported that the problem of illicit brokering as it relates to export controls should be earnestly resolved. Since arms brokers frequently play an important role in the illicit trade in SALW, China suggested that States strengthen the supervision and control of brokers and promote international cooperation in this regard. Some countries are currently considering strengthening the legal basis (for example, by amending existing laws) to control arms transit as well as transshipment and brokering.

MARKING, RECORD-KEEPING AND TRACING

In the Asia and Pacific Oceania region, 21 countries have reported on marking, record-keeping and tracing procedures. For example, India reported in 2005 that all small arms that are produced are uniquely marked by stamping, engraving or laser marking to indicate the type of weapon, registration number, manufacturer and year of manufacturing. The marking is made on one or more of the vital and critical components of the small arm—the body, the breech block or barrel—during the final stages of

production. With respect to record-keeping, Pakistan, for example, reported in 2005 that it keeps records of all types of arms manufactured by public sector ordnance factories or imported. Details of weapons, including ammunition with markings, are submitted to the federal authorities for record-keeping.

BROKERING ACTIVITIES

With respect to national legislation and administration procedures covering brokering activities, some States did not clearly describe any existing measures regarding regulating brokering activities. Out of the 14 countries that reported on the issue, several indicated that they do not yet have legislative measures on brokering controls for SALW. Australia mentioned in its 2005 report that it is currently undertaking a review of export control legislation that will address the issue of extraterritorial arms brokering controls. In its 2005 report, China called for the speedy establishment of a group of governmental experts on brokering. China views the establishment of a UN group of governmental experts as crucial for further study of the issue of illicit brokering in SALW, and for seeking effective solutions to the problem.

STOCKPILE MANAGEMENT AND SECURITY

States that recognize the leakage and transfer of dangerous substances that result from the production or composition of explosives or light weapons to terrorist groups have taken the necessary actions to strengthen stockpile security and management. About 50% of the States in the region reported on stockpile security. According to Yemen's 2003 report, the government has placed similar importance on strengthening the role of the supervisory bodies and has allocated sufficient funding for the installation of warehouses that meet scientific and international specifications for the safekeeping of weapons and their accessories. In the Solomon Islands, where the government maintains no armed forces, the Royal Solomon Islands Police STAR Division, a tactical response unit, is responsible for the security and management of the police armoury. Regulations require that weapons stores be checked and the contents counted at specified intervals, for example, daily, weekly, quarterly or biannually.¹⁴⁴

WEAPONS COLLECTION AND DISPOSAL

In the Asia and Pacific Oceania region, 22 countries reported on activities related to weapons collection and disposal and/or disarmament and reintegration programmes. Weapons collection programmes sometimes included active intelligence and search operations to locate, collect and destroy hidden caches of arms. These procedures and standards involved the seizure and confiscation of SALW arising from criminal activities or amnesty programmes. Tajikistan reported in 2003 that in order to implement the Decree of the President, the country had organized a voluntary hand-over of weapons, ammunition and military equipment. This programme was supported by public awareness activities including education through the media on voluntary surrender of illegally kept weapons, ammunition, explosives and explosive devices.

SALW IN TRANSNATIONAL ORGANIZED CRIME AND TERRORISM

Several States in the region, particularly from South Central Asia and South-East Asia, reported on arms smuggling and transnational organized crime, including drugs, human trafficking, transnational organized crime and terrorism. In addition, long unmonitored borders greatly facilitate the availability of illicit SALW. Indonesia reported in 2005 that terrorists smuggle “weapons and other explosives in large number from Southern Philippines and Malaysia through General Santos, Tawi-tawi, Sandakan, Tawau, Nunukan and Palu.”

In 2005, Indonesia reported that other groups are also involved in arms smuggling with the intent of using these weapons in conflict areas such as Aceh and at the border between Indonesia and Papua New Guinea.¹⁴⁵

BORDER CONTROLS

The Asia and Pacific Oceania region is challenged by a less than effective and inefficient border control system to monitor and check the movement of SALW. For example, the extensive maritime borders located at the juncture of the Pacific and Indian Oceans have rendered the task of patrolling and monitoring illicit trafficking in SALW more difficult. Further compounding the situation has been the lack of adequate financial and technical resources to support customs systems and security agencies by providing them with advanced equipment and instruments to assist them in

detecting, intercepting and impounding smuggled goods—including SALW—that cross the borders. Thus, the States in the region are putting greater emphasis on the need for effective border controls. The Republic of Korea, for example, reported in 2005 that it scrutinizes export declaration documentation and conducts a physical examination of consigned goods to verify exporters' compliance with national regulations on SALW and international obligations such as arms embargoes imposed by the UN Security Council.

AMMUNITION

Throughout the reports, there are repeated phrases such as “weapons and their ammunition” and “firearm and its ammunition”. Whether addressing export controls, criminalizing illicit activities or civilian possession of small arms, constant association was made to ammunition.

For example, Thailand reported in 2005 that according to the Ministerial Order of the Ministry of the Interior concerning licensing of the commercial arms stores, each licensee is allowed to hold ammunition for commercial purposes classified by type, size and number as follows:

- up to 2,000 pieces of any type and size of BB rifle ammunition;
- up to 7,500 pieces of any type and size of short gun ammunition;
- up to 10,000 pieces of any type and size of .22 long rifle ammunition; and
- to 30,000 pieces of any type and size of air pistol ammunition.

States in the region also referred to MANPADS and their link to terrorism. Thailand reported in 2005 that it was in the process of drafting a regulation on the control of MANPADS based on the Asia Pacific Economic Cooperation Bangkok Declaration in 2003. The main objective of the draft regulation is to strengthen measures and cooperation among concerned agencies to prevent and control the use of MANPADS. It imposes stricter measures on the possession of MANPADS by setting up a control mechanism concerning illicit trade, smuggling and export/import of MANPADS along with the movement of criminals and terrorists.

In 2005, Israel reported that in light of the current security situation and the imminent threat faced from terrorist activities on a daily basis, it has spared no efforts to combat and prevent terrorist organizations from

acquiring SALW, especially MANPADS, mines and improvised explosive devices, ammunition and explosives.

REGIONAL COOPERATION

In the Asia and Pacific Oceania region, there are a number of regional cooperation efforts through police networks, intelligence agencies and discussion forums, particularly among the Pacific Islands countries, Arab States and South-East Asia. These include ASEANAPOL, the South Pacific Conference of Police Commissioners and the OCO.

In addition, States also cooperate through bilateral and multilateral frameworks on border management, transnational organized crime and terrorism issues. Depending on subregional priorities, Member States share intelligence on arms supplies and illicit activities, drug trafficking, terrorism and piracy. For example, Pakistan reported in 2005 that it has established a number of joint counter-terrorism working groups with China and the Russian Federation, and has proposed similar arrangements to other countries in the region.

ASSISTANCE IN THE REGION: PROVIDED, REQUESTED AND RECEIVED

The South-East Asian nations have taken the lead regionally in addressing the problem of transnational organized crime. ASEAN Member States share critical information on identities, movements and activities of known transnational criminal organizations involved in arms smuggling. Thailand, for example, has provided training and operation assistance to neighbouring countries Cambodia, the Lao People's Democratic Republic, Malaysia and Myanmar, which have worked together to help prevent arms trafficking along their borders. The Royal Thai Police closely cooperates with other countries through Interpol to combat the illicit trade of SALW.

Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation have established a joint working group to coordinate efforts in areas such as intelligence sharing and capacity-building as well as to strengthen joint efforts on counter-terrorism and transnational crime. The group, *inter alia*, facilitates cooperative

programming in areas such as preventing and suppressing illicit trade and trafficking in arms, ammunition, explosives and other dangerous materials used by terrorists on land, sea or air.

India has finalized bilateral agreements and mechanisms with several countries, including Myanmar in October 2004 and Indonesia in July 2004, to combat terrorism and transnational crime. Such arrangements provide for the exchange of documentation, information and experience on activities of people involved in organized crime and terrorism, including, inter alia, illicit trade in arms and funding of international terrorism.

Japan contributed about US\$ 100 million between 2001 and 2004 to support DDR programming in Afghanistan, Cambodia, Côte d'Ivoire, Eritrea, Liberia, the Republic of the Congo, Sierra Leone, the Solomon Islands, Tajikistan and Timor-Leste. Japan provided over US\$ 500,000 between 2001 and 2004 for major training and capacity-building projects at the request of countries in the region. Assistance has been offered to Afghanistan, Sri Lanka and countries in the Asia and Pacific Oceania, Central Africa and Latin America regions. Japan has also financially supported UNIDIR and DDA in their small arms activities by donating US\$ 3.35 million. And the EU has supported projects in Cambodia on weapons collection and weapons for development.

For the Pacific Oceania region, Australia and New Zealand have taken the lead in providing assistance to Pacific Island countries to improve the security, storage, maintenance and management of weapons. Thus far, the Cook Islands, Samoa, the Solomon Islands, Timor-Leste, Tonga and Vanuatu have received such assistance. Through the Australian Agency for International Development (AusAID), Australia funds many projects that address the humanitarian needs of conflict-affected communities, particularly in the Asia and Pacific Oceania region. These projects have included DDR activities and address the needs of children affected by conflict in Bougainville, the Philippines (Mindanao) and Sri Lanka. Australia has also provided assistance for reform and capacity-building for police and the judicial and penal systems in Cambodia, Fiji, Papua New Guinea, Timor-Leste, Samoa, the Solomon Islands and Tonga.¹⁴⁶

The Fiji police have provided a curriculum writer to assist the Solomon Islands police draw up its training programmes; AusAID is seconding the writer for the Solomon Islands police capacity-building project. In addition,

a Fiji police arms and ammunition expert has joined the International Committee of the Red Cross to help teach the responsibilities of soldiers and police officers in armed conflict.

New Zealand has contributed to post-conflict measures in Bougainville and the Solomon Islands, including post-conflict destruction of weapons, reintegration of ex-combatants and managing the risk of resumed conflict.

New Zealand also provides regional assistance to defence and police forces to improve the security, storage, maintenance and management of their weapons. For instance, Vanuatu recently received assistance relating to armoury management. New Zealand's assistance to the Solomon Islands is shifting from immediate conflict resolution and security issues to long-term social and economic stability. See Table 5.2 for some examples of requests for assistance.

Table 5.2. Asia and Pacific Oceania country requests for assistance in 2002–2005

Country	Requests for assistance
WEST ASIA	
Georgia	Assistance to help establish and activate an inter-agency monitoring group on SALW, to improve stockpile management and security and to provide capacity-building for law enforcement and security providers
Jordan	Assistance to conduct amnesty programmes to collect illegal and unregistered weapons from the streets
SOUTH-EAST ASIA	
Cambodia	Assistance to implement and expand weapons-for-development programmes, to control weapons using modern technology, to develop the capacity of and provide support to the National and Municipal Commissions on the reform of arms control, to develop human resources for effective control of SALW and to reduce the growing rate of death due to remaining unexploded ordnance

Country	Requests for assistance
Indonesia	Assistance to increase technical and financial capabilities of the National Police and armed forces to patrol and monitor maritime borders; to develop training programmes to enhance existing capabilities in investigation, intelligence surveillance, detection, monitoring and reporting; to strengthen law enforcement and institutional capacity-building in stockpile management; and to build the capacity of the National Commission
Malaysia	Technical and financial assistance for collection and disposal of weapons, strengthening of law enforcement and institutional capacity-building as part of the objectives of the ASEAN Action Plan; assistance to organize courses, funding for participants and provide expertise for the South-East Asia Regional Centre for Counter Terrorism
PACIFIC OCEANIA	
Solomon Islands	Assistance to improve the limited institutional capacity and the precarious nature of the current situation underline the importance of outside assistance

ISSUES OUTSIDE THE POA THAT ARE ADDRESSED IN THE NATIONAL REPORTS

Similar to other regions, explicit references to gender aspects of small arms control as well as demand are rare in the national reports from Asia and Pacific Oceania. However, countries in the region often report about regulations concerning civilian possession of weapons, which can be regarded as an aspect of addressing the demand for small arms.

Although the PoA does not contain any specific commitments on the civilian possession of SALW, over 90% of reporting Asia and Pacific Oceania States explicitly made reference to national regulations and administrative procedures regarding civilian possession. Many States in the region strongly emphasized that civilian possession of illegal weapons is a threat to national

and regional security. Many reports included a special section dedicated to civilian possession, outlining the national concerns and existing regulations on possession by civilians and/or foreign nationals. Almost three quarters of the 13-page 2005 report of Azerbaijan covered national measures and regulations on civilian possession, registration and storage of weapons and ammunition.

The national reports indicated that most States apply, as a minimum standard, the requirements stipulated by the UN International Study on Firearms Regulations (1998), which are considered the norm for domestic licensing procedures worldwide. These requirements include proof of identity, references, training certification, payment of a fee, photograph, mental health exam, information on proposed storage and a background check for a criminal or domestic violence record.

Israel reported in 2005 that it has reviewed the criteria for private ownership of firearms, and the Ministry of the Interior has issued new criteria and regulations for private ownership, including a prohibition on private collections of firearms. A private license must be renewed every three years and is subject to a health examination and personal legal record scrutiny. The renewal of the license is also subject to participation in specific handling and safety procedures training. Each licensed individual is allowed to hold a limited quota of ammunition, for example, no more than 50 bullets for a revolver. In addition, a consolidated computerized database was established to provide clear and accurate data on the private ownership of firearms. The database includes both health authority and police data concerning all private firearms owners and is regularly updated. Failure to renew a license would immediately appear in the police computer and is subject to criminal sanctions.

Some national norms and regulations clearly state the type of weapons that can be acquired by civilians as well as the restrictions on military style weapons. In 2005, Australia, reported that handguns are limited, except in special circumstances, to a maximum calibre of .38in, with a minimum barrel length of 120mm for semi-automatic pistols and 100mm for revolvers or single shot handguns, and shot capacity must not exceed 10 rounds. Also in 2005, Armenia reported that handgun magazine capacity must not exceed 10 bullets.

New Zealand reported in 2005 that those wishing to possess handguns, restricted weapons or military-style semi-automatic long guns are required to undergo additional vetting procedures, must maintain a higher level of secure storage and may only use such firearms under prescribed circumstances. In order to lawfully possess handguns, military-style firearms and restricted weapons, owners must be registered and an endorsement must be noted on the firearms licence, which sets the conditions on possessing the firearms and requires the holder to demonstrate specific cause to own. These special categories of weapons amount to around 4% of New Zealand's estimated total stock of firearms. The remaining 96% of the country's privately held firearms are not registered, and New Zealand police do not routinely carry firearms.

The Ministry of the Interior of Thailand released a ministerial order on 29 May 2003 to temporarily suspend granting permit licenses for all types of rifles due to the increasing number of crimes using small arms and in accordance with the government policy to suppress firearms, illegal arms and organized crime. The minister of defence must authorize permit licenses.

In Thailand, a pilot policy to stop issuing permit licenses to carry all types of guns into tourist provinces was initiated in Phuket, where the authorities have not issued the permit licenses since 1999. If this policy is successful, it will be applied to other provinces. In its national report for 2005, Thailand mentioned that the Ministry of the Interior has also developed a strategy to increase the effectiveness of existing law enforcement.

Although some Arab States affirmed the right of individuals to possess weapons for the purpose of legitimate self-defence and the liberation of their occupied territories in accordance with the Charter of the United Nations, in particular Article 51 thereof, their reference to regulating civilian possession of guns is bold and rigorous. For example, Jordan reported in 2005 that licensed weapons are restricted to revolvers and hunting rifles.

According to the report submitted by the Syrian Arab Republic in 2005, the Legislative Decree No. 51 comprises the Arms Act currently in force, which regulates all matters relating to the possession of small arms by foreign citizens resident in the country, including licensing, possession, fees, penalties for the unlawful possession and trafficking of such arms,

conditions to be met by a licence applicant in order for the licence to be granted and other measures relating to the transfer, stockpiling, import, export and manufacture of arms. Given the State's concern for controlling the possession of small arms by citizens and reducing the uncontrolled proliferation of such arms, the decree affords citizens a six-month period in which to notify the State of any type of arms in their possession and license those that require it, should they wish to do so and provided that they meet the licensing conditions. Alternatively, should they not wish to license the arms or if, under the provisions of the decree, the arms are not licensable, they are given six months to surrender them to the State in return for appropriate compensation. These measures were introduced by the State as an incentive for citizens to provide information on any arms and ammunition in their possession and to surrender or license them.

THE WAY FORWARD IN IMPLEMENTING THE POA

Reports from States in Asia and Pacific Oceania identified the following areas as priority for the region:

- combating illicit trafficking across borders, including arms proliferation, drug trafficking and piracy;
- fighting organized crime and terrorism;
- promoting stockpile security; and
- regulating civilian possession of arms and ensuring that small arms and its associated ammunition do not reach terrorist groups and non-state actors.

Information from the reports has reinforced the need for coordinated efforts among government agencies dealing with these problems. States in Pacific Oceania, South-East Asia and West Asia deem it essential to strengthen regional customs, law enforcement and intelligence cooperation through existing regional forums such as ASEANAPOL, the OCO and other relevant regional organizations. Subregions without existing regional mechanisms such as States in the south Caucasus region noted that the establishment of full-scale border and regional cooperation would increase the effectiveness of the regional fight against illicit trafficking and would be an important step forward in the overall efforts to curb the spread of illegal SALW.

States have made specific requests for assistance in the following areas:

- improve stockpile management and security;
- technical and financial assistance for collection and disposal of weapons;
- capacity-building for law enforcement and security providers; and
- develop training programmes to enhance existing capabilities in investigation, intelligence surveillance, detection and monitoring and reporting.

The Asia and Pacific Oceania region invites cooperation on small arms control for ongoing activities at the international, regional and national levels in order to curb the spread of this serious problem. States emphasized that curbing the illicit trade in these weapons requires the police, security forces and the judiciary to work together and necessitates considerable expenditure and financial efforts. This implies that further efforts must be made to:

- develop customs systems and security agencies and provide them with advanced equipment and instruments to assist in the detection of smuggled weapons and ammunition;
- establish a regional register of SALW as well as other cooperation mechanisms, such as specific subregional transparency and confidence-building measures to combat illicit trade in SALW;
- enhance intelligence cooperation among countries to facilitate tracking of weapons consignments from the source to the recipient and identify the individuals and groups involved;
- exchange national lists of registered brokers between subregional and regional frameworks;
- review and revise laws and administrative procedures at the country level for effective control of the possession of weapons by individuals and groups;
- assist countries to develop their societies, raise the standard of living and create alternative sources of livelihood to thwart trading in and use of weapons;
- encourage international and regional cooperation and active involvement of government and NGOs in arms control efforts; and
- actively involve Interpol and the World Customs Organization to strengthen control over weapons consignments and identify the

groups and individuals involved in illicit trafficking weapons operations.

In its 2005 report, Indonesia called for initiating “an ASEAN version of the Organization of American States (OAS) Convention against the Illicit Manufacturing of and Trafficking in Firearms, Explosives and Other related Materials”.

States should assume primary responsibility, based on their specific situation, for establishing and improving legal systems, while constantly enhancing their capabilities to prevent the diversion of legally manufactured or transferred SALW to illicit channels. International and regional agreements and cooperation should be strengthened since information from the region indicates that subregional security interests are linked to both sources and responses. Different regions can proceed from their own regional situations to undertake necessary coordinated efforts or formulate relevant uniform measures. States and appropriate international and regional organizations in a position to do so should, upon request from the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the PoA.

CHAPTER 6

EUROPE: REPORTING ON IMPLEMENTATION

This analysis covers the Member States in Europe.¹⁴⁷ Most of the discussion is organized according to national reports from individual Member States, but where relevant, references are made to two subregional organizations active in SALW issues: the EU and the South-East Europe Clearinghouse for SALW Control (SEESAC).

SMALL ARMS IN EUROPE

The illicit proliferation and misuse of SALW pose various problems and challenges to Europe. Issues of primary concern on illicit SALW trade and misuse vary from combating organized crime to post-conflict recovery as well as conflict prevention activities to a smaller degree. It follows that the means to address the problems also vary. Traditionally, European countries have adopted different ways and means to address weapons-related questions, whether related to production, trade or civilian possession. Some European countries are among the top producers and exporters of SALW and their ammunition,¹⁴⁸ and parts of Europe have recently experienced armed conflicts or high levels of criminality. Of particular concern in this regard is the threat of illicit SALW from the Balkans ending up in criminal hands in other European countries.¹⁴⁹ Overall, levels of armed criminality in Europe vary, and problems of misuse and illicit possession of SALW have lately been addressed across the region with new national weapons laws, export control procedures and, for example, by granting weapons amnesties for illegally owned civilian firearms.¹⁵⁰

Member States of the EU have recently concentrated on enhancing SALW export and import controls and have addressed the civilian possession of firearms, but gaps in regulations remain.¹⁵¹ The uncontrolled proliferation and illicit trafficking of SALW also remains a significant problem in SEE countries.¹⁵² A recent challenge for Europe in stockpile

control and management is the legacy of the SALW management, security and ammunition surveillance systems in ex-members of the Warsaw Treaty Organisation, that is, reductions in the size of the countries' armed forces have resulted in large stocks of surplus weapons and diversion risks to the illicit market still exist.¹⁵³ Proliferation of SALW in the region has fuelled crime and insecurity, exacerbated conflicts and undermined post-conflict peace-building.

In recent years, the EU has taken significant steps to increase its policy coherence on SALW-related matters, both with regard to EU-internal issues and to, *inter alia*, common export controls and enhanced assistance programming.¹⁵⁴ The enlargement of the EU in 2004 to include 10 new Member States has meant that it now comprises an even more diverse set of Members, whose small arms problems and solutions vary, requiring even more efforts in building an EU-wide small arms policy. SEESAC was launched in 2002 in the SEE region as a joint initiative of UNDP and the Stability Pact and works with the countries to significantly reduce the flow and availability of SALW, consolidating achievements made so far and supporting the socio-economic conditions for peace and development in the region (see Box 6.1).

Box 6.1. Example of regional action: Regional Implementation Plan on Combating the Proliferation of SALW

The Regional Implementation Plan on Combating the Proliferation of SALW was established in 2001 under the auspices of the Stability Pact for SEE and UNDP to develop a regional mechanism to address SALW problems in South Eastern Europe.

It has developed a specific framework and a regional mechanism for addressing SALW in the region and has enhanced regional cooperation by providing both information sharing and local standard setting geared toward direct project development and implementation. The programme emphasizes moving forward with tangible projects that will result in a lasting reduction of SALW in circulation in SEE.

As part of the plan, a regional clearinghouse for SALW Reduction was established in Belgrade, based in the UNDP country office. The clearinghouse works with all local partners and stakeholders in the region and provides strategic, operational, technical and practical support on, *inter alia*, developing and implementing project proposals, resource mobilization and facilitating information sharing.

Apart from subregional organizations such as the EU, European countries participate in regional cooperation efforts on small arms issues within the framework of, inter alia, the OSCE¹⁵⁵ and the Wassenaar Arrangement.¹⁵⁶ Outside the initiatives of these organizations, a few European countries such as Norway and Switzerland have taken an active role in combating the illicit small arms trade and proliferation. Together with the EU, these countries are major funders of external small arms assistance programmes across the globe, most notably in sub-Saharan Africa and in the European neighbouring regions. The new EU Strategy on Small Arms¹⁵⁷ builds on the Joint Action and sets political, geographic and thematic priorities for European assistance on small arms to developing countries (see Box 6.2).

Box: 6.2. Example of regional action: EU Small Arms Strategy

The European Council adopted an EU Small Arms Strategy in December 2005 to enhance its efforts as a regional organization to combat the illicit trade and proliferation of SALW. The strategy addresses the arms control-related objectives of European action, as laid down in the 2002 Joint Action, and supplements them with new objectives.

According to the strategy, effective multilateralism, complemented by strengthened EU export control policies, is needed to effectively deal with the problems of illicit small arms. Within the EU, this means developing a comprehensive and coherent approach that takes into account the human security and human development aspects of the problem, and is able to act in both preventive and reactive ways.

As part of the strategy, the EU presented an Action Plan to ensure coordination of its security policy and development policy. The main areas of assistance in the Action Plan are reducing surplus stocks, industrial restructuring of sites currently producing low-cost SALW in eastern Europe and SEE, addressing the demand aspects of the small arms problem and supporting the strengthening of the rule of law in unstable countries so as to limit the propensity of local people to provide for their own defence by retaining quantities of small arms.

The EU Small Arms Strategy will be regularly reviewed and updated on its implementation every six months by an interim report of the presidency.

REPORTING IN EUROPE: GENERAL TRENDS IN REPORTING AND IMPLEMENTATION

Reporting in the European region on the implementation of the PoA has been active, especially since the first BMS: as of the end of 2005, 41 of the 45 European countries have reported at least once, thus only four countries have not yet participated in this form of information exchange. All EU Member States except Cyprus have reported at least once, and the majority (84%) of EU Member States has reported at least twice: 12 EU Member States have reported twice and eight have reported three times. Hungary is the only EU country that has submitted a national report every year since 2002.

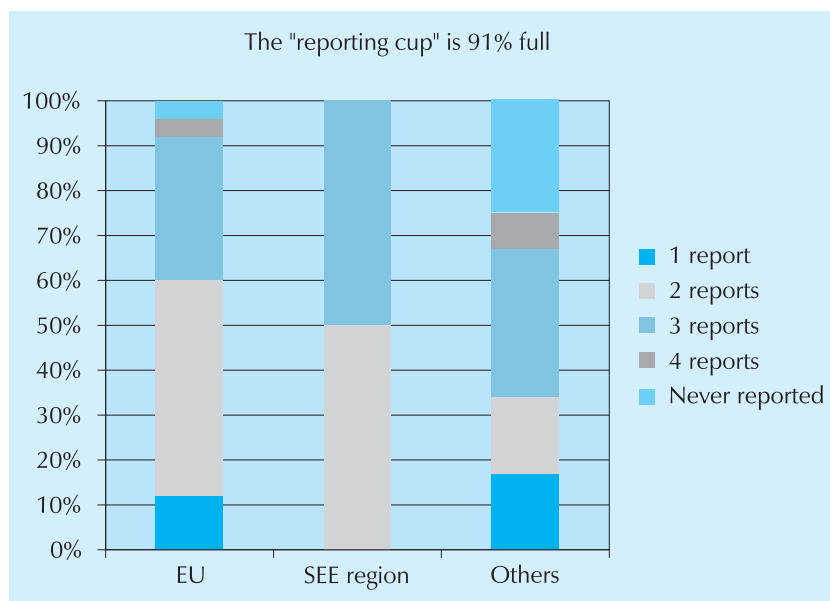
All SEE countries have reported at least once: Albania, the Republic of Moldova, Romania and The former Yugoslav Republic of Macedonia have reported twice, while Bulgaria, Croatia and Serbia and Montenegro have submitted three national reports. Participation from European countries that are not party to these regional groupings or organizations is divided into two groups: active participants and mostly so-called mini-States that have not submitted reports (see Graph 6.1). For example, Andorra and San Marino have not reported, while Norway and Monaco have reported twice, and the Russian Federation, Turkey, Switzerland and Ukraine have reported three times. Belarus has reported every year since 2002.

In addition, 26 European countries delivered statements at the first BMS and 14 at the second BMS, including statements by the EU and other States that aligned themselves with the EU remarks.¹⁵⁸ The former Yugoslav Republic of Macedonia delivered a regional SEE statement at the 2005 BMS.

In general, the statements at both BMSs described the main developments in implementing the PoA, and thereby largely reflected the information provided in national reports. However, some issues, such as marking and tracing, received generally wider acknowledgement in the statements than in the national reports, especially in 2005, probably due to the Tracing Instrument negotiations that came to a close in June just before the second BMS. Issues that were reflected more often in the 2003 statements than in 2005 statements include the OSCE Handbook of Best Practices on Small Arms and Light Weapons (adopted in 2003) and progress made in export controls within the framework of the Wassenaar

Arrangement, such as the adopted Best Practice Guidelines in the Export of SALW in December 2002.

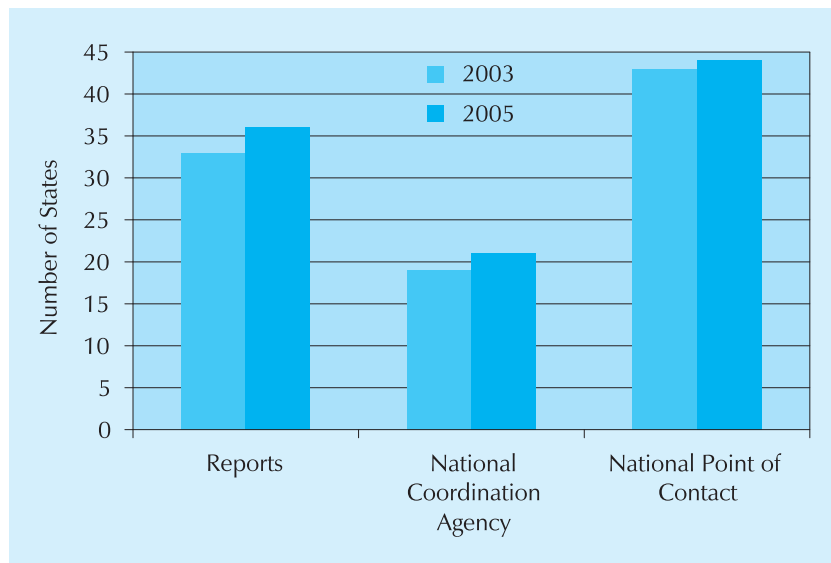
Graph 6.1. Reporting from Europe in 2002–2005



National statements by European countries often reflected legislative developments and recent projects undertaken to implement the PoA. In 2005, national statements more so than national reports were used to bring out general views about the PoA process and the "way forward". This section includes references to national statements along with national reports where relevant when discussing the specific PoA themes in more detail.

The number of reports or statements alone is not adequate to evaluate the implementation efforts made in the framework of the PoA. However, the reports do give indications, even if not exhaustive, of the degree to which the PoA is being implemented. Graph 6.2 shows the number of reports submitted from Europe in 2003 and 2005, as well the number of NCAs and NPCs in both years.

Graph 6.2. National reports, NCAs and NPCs in Europe in 2003 and 2005



As in other regions, strong national reporting in Europe has thus far corresponded with the BMSs years, with the majority of European countries having reported in both 2003 and 2005. In the EU, for example, 19 Member States submitted a report for both the first and second BMS. In this sense, the first years of PoA implementation have not seen a remarkable increase in reporting activity because many European countries have been involved in the reporting process since the beginning. However, there has been some development in Europe toward more comprehensive reporting (see Table 6.1).

Table 6.1. Overview of national reports from European countries in 2002–2005

Country	Reporting year	Scope of reporting*	Report focus
Albania	2003 2004	Heavy	Strong emphasis on weapons and ammunition destruction
Austria	2003 2005	Medium	Both reports have four sections that discuss regional and international aspects of SALW: national marking systems in the manufacture and/or import of small arms; national procedures for controlling the manufacture of SALW; national legislation and current practices in export policy, procedures and documentation; and techniques and procedures for the destruction of SALW; 2005 report describes updates on SALW destruction in the fourth section
Belarus	2002 2003 2004 2005	Heavy	PoA provisions reported paragraph by paragraph
Belgium	2003	Heavy	In form of a matrix based on PoA paragraphs that divides national implementation efforts and global/regional activities undertaken to support the PoA

Country	Reporting year	Scope of reporting*	Report focus
Bosnia and Herzegovina	2004 2005	Heavy	Both reports discuss state-level action on implementation, problems and international cooperation, with detailed information in the annex; 2005 report updates the 2004 report
Bulgaria	2002 2003 2005	Medium	2002 report has an annex on dual-use and arms licensing system; 2005 report updates previous reports and has two annexes: on a meeting held in Sofia in 2002 and on stockpile management and security
Croatia	2003 2004 2005	Heavy	All reports follow the reporting guidelines, 2004 and 2005 reports update the 2003 report
Czech Republic	2003 2004 2005	Heavy	2004 and 2005 reports update the 2003 report; 2005 report has an annex on the firearms and ammunition act (8 March 2002); 2003 report has annexes on SALW export and import statistics; EUCs; numbers of arms permit holders and registered weapons; stockpile management
Denmark	2005	Heavy	Does not follow the reporting guidelines; PoA provisions reported paragraph by paragraph
Estonia	2003	Light	Brief, two-page report on implementation progress since 2001

Country	Reporting year	Scope of reporting*	Report focus
Finland	2003 2004 2005	Heavy	2003 report is divided into two sections: national implementation and international and regional cooperation and assistance in the implementation; 2004 and 2005 reports follow the reporting guidelines and provide similar information in PoA implementation
France	2003 2005	Heavy	Both reports use a table format distinguishing the national position and other observations about implementation
Germany	2003 2004 2005	Heavy	All reports follow the reporting guidelines and update implementation progress; all reports have the following annexes: Political Principles Governing the Export of War Weapons and Other Military Equipment, adopted on January 19, 2000; Analysis and Evaluation of Information Available to the Federal Criminal Police Bureau of Thefts, Losses and Seizures of SALW in 2004; Number of Federal Armed Forces SALW destroyed in the period 2000 to 2004; Location and Sample of Marks
Greece	2003 2004 2005	Medium	2003 and 2004 follow the same format; 2004 report with additional relevant information; 2005 report updates implementation progress

Country	Reporting year	Scope of reporting*	Report focus
Holy See	2005	Light	Reports that it has nothing to report on this issue
Hungary	2002 2003 2004 2005	Medium	2002 report is a two-page overview of the SALW situation in the country; 2003, 2004 and 2005 reports share a similar format whereby reporting is categorized as national, regional or international level action, and regional cooperation; subsequent reports update relevant information; 2004 report has an annex on exported and imported SALW in 2003; 2003 report has an annex on exported and imported SALW in 2002
Ireland	2002 2003 2005	Heavy	2002 and 2003 are brief, two-page reports; 2003 updates the 2002 report; 2005 report uses the reporting guidelines
Italy	2003 2005	Heavy	2005 report updates the 2003 report, only mentioning aspects where there have been developments since 2003
Latvia	2003 2004 2005	Heavy	2003 and 2004 reports follow the same format and discuss issues predominantly from a legislative point of view; 2005 report is less focused on legislative issues and updates progress since 2004
Liechtenstein	2005	Light	Report is divided into "introduction", "military material" and "other weapons"

Country	Reporting year	Scope of reporting*	Report focus
Lithuania	2002 2003 2005	Heavy	2002 and 2003 reports follow the same format, discussing SALW at national, regional and global levels; 2003 report updates the 2002 report; 2005 report follows the reporting guidelines
Luxembourg	2003 2005	Medium	Both reports follow the same format; 2005 report updates the 2003 report
Malta	2004 2005	Light	Brief, two-page reports provide similar implementation information
Monaco	2003 2004	Light	Both reports provide implementation information in the form of a brief report on the domestic legislative framework and international commitments; 2004 report updates the 2003 report
Netherlands	2003 2005	Heavy	Reports use a reporting matrix structured around PoA paragraphs, with columns for national implementation, assistance to support the PoA and global and regional activities
Norway	2003 2005	Heavy	Both reports follow the same format; 2005 report updates the 2003 report
Poland	2002 2003 2005	Heavy	2003 and 2005 reports follow the same format; 2005 reports updates the global and regional sections of the 2003 report

Country	Reporting year	Scope of reporting*	Report focus
Portugal	2003 2004	Medium	Both reports provide the same information, except for adding section II in the 2003 report on regional and international cooperation and assistance in implementation of the PoA
Republic of Moldova	2003 2005	Medium	Reports do not follow the same format, and discuss PoA implementation with a heavy emphasis on the division of responsibilities within the country and export controls
Romania	2003 2005	Heavy	2003 report is in a matrix format with columns for Romanian laws and policies supportive of the PoA, assistance programmes and global/regional activities
Russian Federation	2002 2003 2005	Heavy	Brief 2002 report mainly discusses legislation and regulations; 2003 and 2005 have a similar format and go through PoA paragraphs; 2005 report updates the 2003 report
Serbia and Montenegro	2003 2004 2005	Heavy	All reports provide implementation information in a similar format; subsequent reports update previous ones
Slovakia	2003 2005	Medium	Reports do not follow similar structure; 2005 report updates the 2003 report
Slovenia	2003 2005	Heavy	2005 report updates the 2003 report and is structured according to priorities in SALW control

Country	Reporting year	Scope of reporting*	Report focus
Spain	2003 2005	Heavy	Both reports follow the same format and discuss most of the PoA themes
Sweden	2003 2005	Heavy	Both reports use a matrix format with columns for discussing national implementation, assistance in support of the PoA and global and regional activities; both reports have an annex on SALW-related project supported by the country
Switzerland	2003 2004 2005	Heavy	All reports follow the reporting guidelines; 2003 report has annexes on information on the national administration of depots and the national security procedures of the Swiss army, general survey of some of Switzerland's main activities in support of war-affected children, and initiative in the area of tracing of illicit SALW; 2005 report has annexes on national SALW marking systems and a general survey of some of Switzerland's main activities in support of war-affected children
The former Yugoslav Republic of Macedonia	2003 2004 2005	Heavy	2004 and 2005 reports follow the reporting guidelines; 2005 updates implementation information of 2004 report
Turkey	2003 2004 2005	Heavy	2005 report follows the reporting guidelines; 2005 and 2004 reports update the 2003 and 2004 reports, respectively

Country	Reporting year	Scope of reporting*	Report focus
Ukraine	2003 2004 2005	Medium	2003 and 2005 reports follow the same format; 2004 report briefly updates the 2003 report
United Kingdom	2003 2005	Heavy	Reports use a reporting matrix with columns for discussing national implementation, assistance in support of the PoA and global and regional activities; 2003 report annex contains the report from the meeting "Strengthening International Export Controls of Small Arms and Light Weapons: Implementing the UN Programme of Action", Lancaster House, 14–15 January 2003; 2005 report has an annex on examples of UK SALW destruction activities

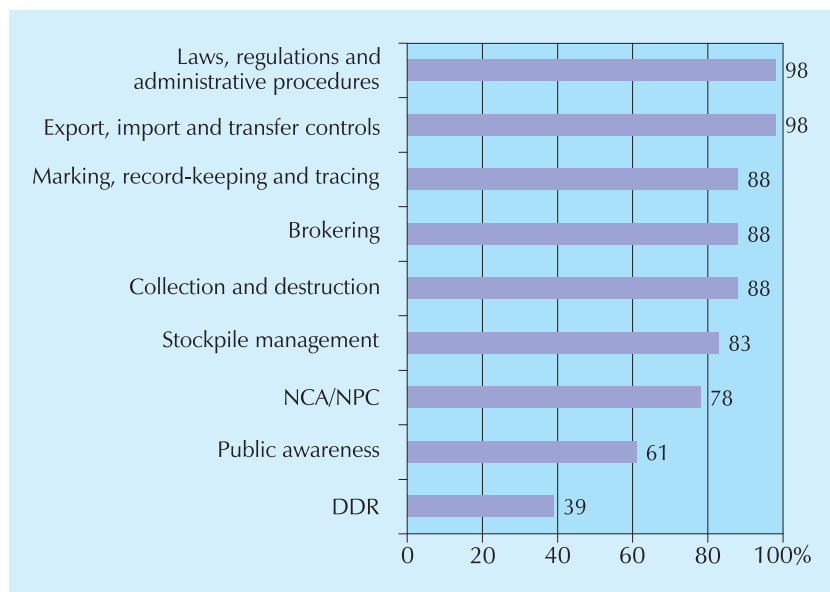
* These subjective categories are meant to give an indication of the range of issues covered and the level of detail found in the report(s).

Note: Reporting guidelines developed by UNDP, DDA, UNIDIR and SAS within the Capacity-Building Project.

As can be seen from the overview of reporting, the format of national reports in Europe is as varied as in other regions. Less than half of the countries have used a consistent reporting format and the methods for continuous reporting and updating information also vary. Most countries simply repeated information that had not changed in subsequent reports, and added information in areas where progress has been made. Other countries, such as Greece, Italy and Latvia have provided short "update reports" that included only information on new developments instead of using the same format for each year.

Generally, the reports from Europe, with some exceptions, are more comprehensive than in the other regions, and due to the quite high percentage of continuous reporting, most aspects of the PoA are covered in at least one of a country's reports. On average, European countries have covered around 80% of the main PoA themes in their national reports (see Graph 6.3).¹⁵⁹ The overall division of light, medium and heavy reporting shows that almost 70% of European countries have produced heavy national reports, while only 12% have submitted light ones.

Graph 6.3. Percentage of references to selected PoA themes in national reports from Europe in 2002–2005¹⁶⁰



As in other regions, the issue areas that were referred to most frequently were laws and regulations and export and import controls, which were covered by 98% of the European countries. The high number of references to brokering and marking and tracing of weapons is probably related to the recent developments in those areas. In addition, weapons collection and destruction was discussed by almost 90% of the countries. Also similar to other regions, references to DDR were less frequent due to

the specific nature of the issue¹⁶¹ and public awareness and capacity-building did not stimulate much discussion. The following two sections discuss some of these themes in more detail.

PROGRESS MADE IN POA REPORTING AND IMPLEMENTATION SINCE 2001

NCAs AND NPCS

Awareness of the PoA in the European countries is high at the political and governmental levels, which is evident both in the large number of reports submitted and in the range of activities and political initiatives that have emerged in the region in recent years.

Based on the information on the DDA web site,¹⁶² 44 of the 45 European countries¹⁶³ have appointed an NPC and communicated the contact details to the United Nations and included them in the national reports. This means that all but one EU Member State and all countries in the SEE region have appointed an NPC. The overwhelming majority of NPCs—38 (84%)—is based in the MoFA. In addition, four countries have appointed the NPC in the Ministry of the Interior and two in the Ministry of Defence. The placement of the NPC in different ministries may reflect the way SALW issues are perceived in the countries, and also have an effect on how they are dealt with. Slight differences arise with regard to the placement of NPCs in EU as compared to non-EU countries: Malta is the only EU country that does not have an NPC in the MoFA. In the SEE region, five countries have their NPCs in the MoFA, while in Albania and Serbia and Montenegro they are in the Ministry of Defence¹⁶⁴ and the Macedonian NPC functions within the Ministry of the Interior.

Most European countries have appointed only one person or a single department as the NPC. However, The former Yugoslav Republic of Macedonia has appointed two NPCs, and Hungary and Portugal have communicated the contact details of three NPCs to DDA. The situation regarding the number of established NPCs has remained unchanged since the first BMS, with only one new European country—The former Yugoslav Republic of Macedonia—having established an NPC since 2003.

The analysis of the national reports indicates that there is regular policy coordination through NCAs for SALW in roughly half (21 or 47%) of the European countries. This is a significantly lower percentage than the number of NPCs, and in some cases seems to indicate that policy coordination is undertaken without establishing a formal coordination body (see Box 6.3). For example, the Czech Republic reported in 2004 that there are several government authorities involved in small arms control activities in the country, but no national coordinating body has been created. Countries that have put informal mechanisms in place instead of an NCA might not have included this information in their report, which makes it difficult to accurately assess the level of policy coordination on SALW.

As in the other regions, several new NCAs have been established since 2003. However, the changes in this regard are not significant in Europe since 19 of the 21 countries in the region already had an NCA by 2003. There are no major subregional differences with regard to these activities: 14 (56%) EU Member States have an NCA and four (50%) SEE countries have one NCA. Of the European countries outside of these organizations, Norway, Switzerland and Turkey each have one NCA. When a country has both an NPC and an NCA, they are usually within the same main body, most often the MoFA.

Civil society participation in NCAs was usually not mentioned in national reports. Also the results of the survey conducted by the Biting the Bullet seem to indicate that civil society is often not, at least officially, part of small arms policy making. According to the Biting the Bullet project, only Finland and Spain have civil society participants in their NCAs.¹⁶⁵ The Netherlands and the United Kingdom reported that they do not have an official coordinating body on small arms, but that civil society is involved in national SALW policy coordination.

Box 6.3. Example of guiding SALW policy: Bosnia and Herzegovina

In 2005, Bosnia and Herzegovina reported that an informal Coordination Board for the Control of Small Arms and Light Weapons was established in 2003. It is composed of the representatives of “the Ministry of Security, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Foreign Trade and Economic Affairs, the Tax Administration, and entities ministries of defense and entities ministries of interior”.

Box 6.3 (continued)

The formal verification process of the board was reported to be under way in 2005 and a formal request for verification has been submitted to the Council of Ministers including the official appointment of the board members, verification of the focal point institution and appointment of the state coordinator for SALW.

The board deals with all aspects of SALW contained in the PoA. The majority of the issues related to SALW falls within the responsibility of the Ministry of Security; however, the board cooperates with the MoFA, the NPC (in MoFA) on negotiations on new SALW control-related instruments. The board also cooperates with other government institutions regarding the implementation of existing projects and agreements and is responsible for:

- development of national SALW policy;
- research regarding the nationally important aspects of SALW issues;
- project implementation and collection of information on data exchange between the United Nations, OSCE and EU Member States as well as other countries in the region; and
- implementation of research projects in the country such as the Small Arms Project and the Small Arms Control and Reduction Project in Bosnia and Herzegovina (the latter project operates in cooperation with UNDP, OSCE, the United Nations Office of the High Representative and relevant ministries).

The coordination body cooperates with other countries regarding implementation of the PoA and other relevant issues such as the OSCE information exchange. It also provides for the exchange of information with other countries on systems and practices on working with SALW.

National report of Bosnia and Herzegovina, 2005.

LAWS, REGULATIONS AND ADMINISTRATIVE PROCEDURES

Laws, regulations and administrative procedures relevant to small arms control were mentioned by almost all of the 41 European countries that have submitted at least one national report to DDA: the only report that did not address legislative issues was that of the Holy See, which limited its 2005 report to stating that it does not have anything to report on small arms-related issues. The extremely wide coverage of legislative aspects of small arms made laws, regulations and administrative procedures, together with

export, import and transit controls, the most widely covered topics in European reports. Usually, reference to laws and regulations was made by mentioning the title and official number of the law or act, frequently followed by a short description of what the ruling covers as well as when it was adopted.

In many reports, references to laws, regulations and administrative procedures were blended with other aspects of the report, or repeated several times due to their relevance with numerous aspects of small arms control in the country. Also, some countries discussed record-keeping and export practices under “regulations”, making it more difficult to distinguish references to these aspects.

Criminalization of illicit activities was usually included in the discussion on legislation, particularly in reference to illicit manufacturing, trade and possession of weapons. Several countries mentioned sanctions on illicit brokering of SALW, which vary from fines to a few years of imprisonment.

The dates when legislation related to arms have been adopted varies widely across Europe, even though most countries have made additions to or conducted evaluations on at least some aspects of the laws since 2001. According to the 2004 and 2005 reports, 14 EU Member States have introduced new laws, regulations or amendments to existing legislation since the first BMS.¹⁶⁶ The 10 new EU Member States introduced new legislation that entered into force on 1 May 2004 when they joined the EU. In addition, Greece reported in 2005 that modifications of the current arms legislation had commenced, and that as part of this process, provisions concerning, inter alia, the control and activities of brokers would be drafted. Sweden reported in 2005 that it is currently analysing what measures need to be taken with regard to national legislation in order to ratify the UN Firearms Protocol. Also in 2005, Norway reported that there is a process in place to review and possibly revise the regulations on SALW legislation. The review is also looking into other parts of national legislation in this regard, such as the possibility of explicitly banning the types of weapons and ammunition that are deemed to be unnecessary or exceedingly dangerous.

Reporting on legislative changes was also prominent in the national reports from SEE countries, which, except for Albania and the Republic of Moldova, all reported having introduced new weapons laws after 2003. For example, the laws in Bosnia and Herzegovina for production were updated

in 2004 and those for marking and tracing in 2003. In 2005, the country passed the Law on Amendment of the Law on Export and Import of Arms and Military Equipment, which introduced the control of exports and imports as well as the control of transit of dual-use goods in the country. In addition, Bosnia and Herzegovina reported in 2005 that it would need a state-level law to regulate the purchase, carrying and possession of arms and ammunition by citizens and legal entities. To support this, the country is creating a central database on issued weaponry registries for individuals and legal entities in the country. In 2005, both The former Yugoslav Republic of Macedonia and Serbia and Montenegro reported new laws on weapons. The Macedonian laws entered into force in January 2005, and the Serbia and Montenegro Law on Foreign Sales of Arms, Military Equipment and Dual-Purpose Goods was adopted in February 2005. In addition, Serbia and Montenegro reported in 2005 that a new law on Arms and Military Equipment Production was in development and was expected to be submitted for adoption at the end of 2005.

In addition, Switzerland reported in 2005 that a decision was made by the Parliament in December 2004 to bring the country's arms law into conformity with the European Council Directive 91/477,¹⁶⁷ which requires introducing a license for arms exported to a country adhering to one of the Schengen association agreements.¹⁶⁸

Box 6.4. Example of changes to SALW legislation: the Czech Republic

In 2005, the Czech Republic reported about changes concerning firearms and ammunition that took effect in 2004 with Act No. 537/2004, amending Act No. 140/1961, Criminal Code, and Act No. 119/2002. The amendment to the Criminal Code, inter alia, adds "terrorist attack" as a new serious crime, and redefines the crime of "participating in a criminal conspiracy".

With the Czech Republic's entry in the EU, the amendment also abolishes the duty to report to the customs authority any exports, imports or transits of category A, B or C arms and ammunition across the country's border.¹⁶⁹

Box 6.4 (continued)

Furthermore, Government Directive No. 151/2004 (effective as of 1 May 2004) allows certain categories of firearms and ammunition to be transferred to the Czech Republic from other EU Member States without the prior consent of the relevant Czech authorities. Following its entry into the EU, Act No. 21/1997 concerning the control of exports and imports of goods and technologies subject to international control regimes, as amended, was repealed by Act No. 594/2004 implementing the European Community regime for the control of exports of dual-use goods and technologies.

The Czech Republic has also made changes to its laws concerning foreign trade of military material, broadening the definition of “foreign trade in military material” to include brokering. It permits the Ministry of the Interior and the Ministry of Defence to trade in military material on behalf of the Czech Republic.

At the time of reporting in 2005, a new bill concerning disposal of some objects destined for protection and security purposes on the territory of the Czech Republic was in the drafting stage and was to be presented to the government by 31 May 2005.

National report of the Czech Republic, 2005.**EXPORT, IMPORT AND TRANSIT CONTROLS**

Export, import and transit controls were widely addressed in European national reports: 40 of the 41 countries that submitted reports mentioned at least some aspect of controls, and the issue was covered by all of the 24 EU Member States that have reported on PoA implementation. Usually the reference to export, import and transit controls was made with regard to relevant legislation, with descriptions of practical processes in place to process export or import license applications. Many countries detailed the authorization procedures and identified the relevant authorities and international commitments. The EU Code of Conduct was routinely mentioned as the minimum standard for the assessment of license applications. Authenticated EUCs were reported to be a regular feature of EU countries’ export control procedures, even though exceptions are frequent. Within SEESAC, Albania, Bosnia and Herzegovina and Bulgaria reported that they require EUCs for licensing transfers.¹⁷⁰ EUCs were discussed in 25 European country reports, of which 16 were EU Member

States that reported at least once on the issue, though no major developments took place regarding these practices. References varied in terms of details and alternatives to EUCs. Table 6.2 lists examples of EUC practices reported by European countries.

Table 6.2. EUC practices of European countries

Country	Reported practice
Austria	2005 report: an EUC is required in “all cases where the application for the export of war materiel covers a larger quantity or if it is deemed necessary in order to remove any concerns that might exist”
Belgium	2003 report: to avoid re-transfers to non-intended recipients, the EUC must contain a clause prohibiting re-exportation without first informing the Belgian authorities
Croatia	The export authority does not consider export requests if the original EUC and a copy of the import license are not enclosed or if they have not been translated into Croatian if issued in a foreign language
Denmark	2005 report: to obtain export licenses “an end use statement may be required, depending on the circumstances”
Finland	2005 report: concentrates on the practical issuance of EUCs; an EUC issued by the competent body of the country of final destination is required in all cases except for exports of components and subsystems, which can use the Certificate on Use in Own Production instead—the significance of the component with respect to the final product of which it is a part is considered when deciding whether an EUC or a Certificate on Use in Own Production is required

Country	Reported practice
Germany	2005 report: the EUC “must normally be submitted along with the application”; end-user documents are distinguished between “official end-user declarations (exhibitor, government or authority of the country of destination), private end-user assurances (exhibitor, company or private individual), and International Import Certificates”; end-user documents place restrictions on re-exports to areas other than the privileged States mentioned in section 3 of Annex II to Council Regulation (EC) No. 1334/2000, and on war weapons to any State
Greece	2003 report: “exporters have to provide the Ministry of National Defence with an authenticated end-user certificate”
Hungary	2005 report: the country co-sponsored with Finland, the Russian Federation, Turkey and the United States a draft decision on harmonizing the elements of EUCs within the OSCE framework
Ireland	2005 report: exporters in the country are required to complete a military export license application form that is accompanied by either an International Import Certificate or an EUC
Norway	2005 report: “EUCs, ICCs or some other official authorization issued by the receiving state is required”; verification can be carried out even when there is no reason to suspect a violation of export control rules; in certain cases, re-transfer is restricted by a specific clause in the EUC
Russian Federation	2005 report: export licenses for SALW may be issued only when the importer submits certain documents, including a duly certified (by the Russian consulate in the importing country) original copy of the EUC issued by the competent State body of the recipient country
Serbia and Montenegro	2004 and 2005 reports: export control practices are applied with respect to specific exports, special attention is paid to the authenticity of the EUCs

Country	Reported practice
The former Yugoslav Republic of Macedonia	2005 report: "a document is issued but the format is not equal to an IIC (International Import Certificate)"
Turkey	2005 report: "any export of arms, ammunition and war materials, so long as the transaction takes place within the jurisdiction of Turkey and through the Turkish customs, is subject to export control rules and regulations which require prior registration, end use/user assurances, licensing procedures and obtaining export permits"
Ukraine	2005 report: "the requisite undertakings and guarantees by the importer to the exporter may be submitted in the form of an import certificate, an end-user certificate and/or other documents that contain them"; the authenticity of the documents is verified
United Kingdom	2005 report: for small arms transfers, "a Prior Import Consent in lieu of an End User Undertaking is required from the appropriate EU member state when applying for an export licence for small arms transfers. For export outside the EU (not covered by the terms of the Weapons Directive) in addition to an end-user certificate being required" ¹⁷¹

The reports submitted in 2004 and 2005 often described in detail the international commitments and normative principles based on the decisions on export licenses that were taken. This probably reflects the increasing momentum of international transfer control initiatives, such as the Arms Trade Treaty and the International Transfer Control Initiative, which emphasize the need for responsible arms exports, even though few countries mentioned them in their reports. Apart from the national reports, the issue was also taken up in the EU statement at the second BMS during the thematic debate. The statement, to which several other European countries aligned themselves, called for negotiations to begin within the PoA process on global principles for SALW transfer controls. Respect for human rights, the security situation in the recipient country and in the

region, the cost of the arms in relation to the development and economic needs of the recipient, and the record of the recipient country in respecting international arms embargoes were noted as key areas to be considered before authorizing transfers (see Table 6.3).¹⁷²

**Table 6.3. International commitments on arms transfers:
examples from European national reports**

Country	Reported international arms transfer commitments
Austria	<p>Reports from 2003 and 2005 note that in the authorization procedure for the import, export or transit of war materiel, including SALW, the possibility of the import, export or transit possibly contravening Austria's international commitments or foreign policy interests must be taken into account. War materiel is not to be exported to or transited through an area of armed conflict, or where one threatens to take place; it is not to be exported to or transited through areas where dangerous tensions exist, or through a country where, due to serious and repeated human rights violations, there is a risk that the supplied war materiel will be used to suppress human rights. Embargo decisions of the UN Security Council are to be duly taken into account, and it must be ensured that there are no concerns that security or defence policy opposes the import, export or transit of war materiel. In deciding on the granting of authorization, particular account has to be taken of the following: no risk to world peace and international security; no risk to the security of Austria; no risk of an essential disturbance to Austria's foreign relations; and no exports to an area where an armed conflict is taking place.</p>

Country	Reported international arms transfer commitments
Belgium	<p>The 2003 report states that Article 4 of the Law of 5 August 1991 concerning import, export and transit of weapons, as amended in 2003, establishes a set of criteria for the assessment of arms export licence applications. The criteria in paragraph 4 are particularly important, as they translate the commitments of the EU Code of Conduct into domestic provisions. Arms export and transit applications are refused if:</p> <ul style="list-style-type: none"> • weapons may be used in the recipient country to commit serious violations of human rights or for internal repression; • the use of child-soldiers in the recipient country has been ascertained; • the weapons may provoke or prolong conflict, increase tension or there is civil war in the destination country; • there is a clear risk that the weapons may be used aggressively against other States; • the recipient country supports or encourages international crime or terrorism; or • there is a serious risk of non-authorized re-exportation of the weapons to third countries.
Denmark	<p>The 2005 report notes that the country's Weapons and Explosives Act does not list the conditions that must be fulfilled in order to grant an export licence; however, as a general rule, export licenses are not granted to countries involved in armed conflict, nor to areas that have a considerable level of unrest and instability that could lead to an outbreak of violent conflict.</p>

Country	Reported international arms transfer commitments
Germany	The 2005 report notes that the country's policy on exports of military equipment is part of the foreign and security policy, which is aimed at preserving peace and stability and at warranting human rights. The country follows export embargoes adopted by the United Nations or other international organizations, and decisions on the export of war weapons and other military equipment are mainly based on the Policy Principles adopted in 2000, as well as on the relevant European and international commitments. The issue of respect for human rights in the countries of destination is a key factor in deciding whether or not to grant licenses as is whether an armed conflict is ongoing or is likely to occur between the country of destination and its neighbouring States, stating "it must be certain that the military equipment will only be used for the purposes of defence and remain in the country of destination".
Norway	The 2005 report notes that strict export control practice with regard to small arms has been implemented, taking into account international security, stability and non-proliferation concerns. Norway will not permit sale of arms and munitions to areas where there is an ongoing war, where war is imminent or to countries where there is civil war. The country follows the criteria and principles of the EU Code of Conduct, the UN Register of Conventional Arms Transfers, the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group, the Missile Technology Control Regime and various regional initiatives.

Country	Reported international arms transfer commitments
Spain	The 2003 report notes that according to the relevant legislation the existence of “reasonable evidence that the defence or dual-use articles can be used in actions that would disrupt regional or international peace, stability or security, or that their export could undermine international commitments undertaken by Spain, the general interest of national defence and State foreign policy, must be taken into account in granting, denying or revoking such authorization”.

Not many changes were reported to be under way with regard to export, transfer and import controls. Ireland is one of the few countries that reported in 2005 that it is in the process of strengthening its strategic export control rules and taking steps to ensure that its export controls conform to the highest international standards. It commissioned a review of its strategic controls systems with a view to recommending how they could best be modernized and strengthened and ensure full compliance with the country’s international obligations. The review was completed in July 2004 and outlined a number of recommendations, including the introduction of new national legislation. An implementation group, comprised of relevant government departments and agencies, is considering the best ways to implement the recommendations.¹⁷³

In its 2005 report, Sweden noted that it has looked into ways of improving its arms export controls by conducting a government inquiry on the issue in January 2005. The inquiry proposed, inter alia, “certain formal adjustments to EU Code of Conduct regarding a common list of defence equipment and clarification of export criteria” and proposed an obligatory declaration at the time of import and an authorization requirement for import of military equipment including SALW with certain exceptions.¹⁷⁴

STOCKPILE MANAGEMENT AND SECURITY

In Europe, at least 34 (83%) States addressed national SALW stockpile security and management in their national reports. References to SALW stockpiles were especially prominent in SEE countries, which discussed their national procedures on stockpile management, often in considerable

detail. In the EU and other States, references were less common though at least 19 EU Member States referred to stockpile management and security.

References to this issue varied widely, both in terms of detail and the practices discussed. Several countries, especially in the SEE region, provided point-by-point detailed descriptions about stockpile management, including location requirements, ammunition stockpiling, training of staff, regularity of checks and the responsibility of overseeing the procedures. Others only briefly covered the relevant laws, such as Ireland, which stated that “stockpile management and security are under the remit of the Department of Justice and the department of Defence. No other authorised bodies are permitted to possess or use firearms (civilians excepted)”.

All reports that addressed stockpile management did so in regard to at least the stocks held by the armed forces. In addition, most reports distinguished references to stockpiles between the military and police forces, and in some cases other security providers, customs and civilians.

There are also differences with regard to updates and ongoing efforts in different parts of Europe: due to the surplus situation in the SEE region, these countries reported about changes in their stockpile management systems and weapons counting. For example, in 2005 Bosnia and Herzegovina reported that there is an ongoing installation of automatic security systems for weapons storage locations, and in 2002 Bulgaria reported about ongoing developments in more broad terms. In 2005, Croatia reported that due to a shortage of adequate warehouse spaces in the Customs Service, the producers that sold the weapons have been stockpiling them; however, as of 2005 the Ministry of Interior will stockpile these weapons, thereby completely fulfilling the national conditions of stockpile security and control. In the EU, no updates on stockpile management procedures were reported after 2003 though several countries reported reviews on their stockpile systems prior to the first BMS. See Box 6.5 for an example from Poland of stockpile management.

Box 6.5. Reporting on stockpile management: Poland

Poland reported in 2005 that it has a unified system of principles and procedures for managing stockpiles/depots. The security of SALW in the stockpiles is regulated by the law of 22 August 1997 on the protection of persons and property (Journal of Laws No. 114, Item 740) and supplemented with ministry regulations.

The criteria and conditions for locating stockpiles in the armed forces are specified in ministry regulations. When determining the location of arms stockpiles, the distance from population centres and transportation routes and junctions, utilizing existing infrastructure and ensuring the security of the stored arms and ammunition are taken into account. Special attention is devoted to the efficiency and technical condition of the security systems and the renovation needs of the depots. Personnel responsible for the SALW stockpiles must undergo mandatory systematic training. SALW shipments planning is subject to strict and confidential procedures, and all arms transports are given armed escort.

In case of the loss of weapons, sanctions are defined in Article 44 of the penal code entitled Crimes Against Military Property (6 June 1997, Journal of Laws No.88, Item 55). Soldiers and employees of the armed forces found guilty of the loss of weapons can be punished with a fine, restriction of freedom, detention or imprisonment.

National report of Poland, 2005.

As part of their national reporting on stockpiles, about half of the European countries mentioned the policies that are in place for the disposal of surplus weapons and ammunition. Once again, the issue is most comprehensively covered in the SEE region, with all of the countries referring to the problem of excess weapons and ammunition and their disposal. Also, the majority (15) of EU States discussed the policies that are in place for identifying and destroying surplus weapons and ammunition; in the other countries, the issue was given less attention.

As in other regions, countries in Europe usually reserve the right to either destroy or dispose of by other means those weapons that are deemed as surplus to requirements. Countries reported on surplus weapons in four main ways. In the first one, the country reported that decisions on surplus are made regularly and according to law, but does not mention anything about their possible destruction. In the second one, the country reported

that it had identified surplus and that the means for its disposal can be destruction, re-selling, circulation within the State authority or other means. In the third way, the country hinted that most surplus weapons are destroyed, but did not give a definite statement. And, in the fourth one, the country reported that all surplus weapons are destroyed.

From all national reports submitted by European countries in 2001–2005, only Denmark, in 2005, reported destruction as the sole means to dispose of surplus weapons, stating simply that “the means of disposal for surplus weapons is destruction”. In its 2005 national report, Romania also answer “yes” to the question regarding destruction as the means of disposal for surplus weapons, but in other sections of the report it noted that “on a case by case basis, surpluses will be distributed free of charge among other public institutions from the national system of defence or are destroyed”. Inter alia, Belgium, France, Greece and Italy referred to surplus weapons in their reports, but did not clarify the means of disposal (see Box 6.6). Austria, the Czech Republic, Finland, Poland, Portugal and Slovakia, among others, reported that they use other means of disposal of surplus weapons than destruction.

Box 6.6. Example of disposing of surplus stocks: Croatia

In 2005, Croatia reported about the established procedures for the disposal of surplus weapons in the Croatian armed forces, which covers small arms, light weapons and their ammunition. Every year, the General Staff of the armed forces determine what surplus or obsolete stocks exist and propose the means of their disposal. Based on the proposal of the General Staff, the minister of defence decides on the disposal, based on the Regulation on Sales of Obsolete Weapons and Defence Equipment (Official Gazette 95/02).

Surplus weapons can be sold or destroyed. If they are not to be sold on the market, they will be destroyed in declared maintenance shops and melted down in steel plants. Ammunition is destroyed at declared sites on military testing grounds. Croatia reported that in 2004 a total of 2,641 weapons were destroyed—28 guns, 1,967 rifles, 404 short machine guns, 205 machine guns, 7 mortars of 60mm and 82mm and 30 hand-held launchers.

National report of Croatia, 2005.

Austria reported in 2005 that the provisions of the Weapons Act as amended in July 2001 stipulate that the

Federal Minister for Defense in conjunction with the Federal Minister for Finance may decree which type of war material or other weapons which are no longer used by the federal armed forces are subject to mandatory or optional destruction. In the interest of an economical and efficient administration, SALW which are not subject to mandatory destruction may be destroyed if they cannot be used in any other way.

The Czech Republic reported in 2005 that there is no legislation requiring the destruction of “all unserviceable and surplus SALW (mainly from army and police stocks), and of SALW seized or forfeited in criminal or administrative proceedings”. Also in 2005, Finland reported that discarded material is destroyed, sold or donated.

Many SEE countries indicated that they would need further assistance in destroying their national surpluses (see Table 6.6).

As previously mentioned, some States leave it open whether *all* surplus weapons are destroyed or other means of disposal are used. For instance, in its 2005 report, Germany used an example of a recent case of surplus weapons, noting that “consistent with national German policy the holdings of the former standard issue rifle were not sold but destroyed”. Lithuania also reported in 2005 that destruction is “normally” the means of disposal of surplus stocks. And in its 2005 report, the Netherlands referred to the question of surplus weapons only with regard to parts of national weaponry by noting that “all surplus of small arms used by the police and all confiscated SALW are destroyed”.

TRANSPARENCY

References to transparency in European reports were frequent, especially in those submitted by EU Member States, most of which addressed transparency in some form. Reports from other European countries discussed information exchange at the regional and global levels, for example, within the OSCE. Many countries listed the existing information mechanisms that they participated in at the regional or global levels. In addition, 10 EU countries referred specifically to “transparency measures” in the fight against the illicit trade and proliferation of SALW.

Transparency was discussed on three different occasions: as part of a functioning democratic government to control domestic SALW; regionally, mostly as EU initiatives or as global measures taken at the UN level to enhance transparency in armaments (such as the UN Register of Conventional Weapons); or as part of assistance programmes.

As part of a functioning democratic government, transparency was discussed with regard to the participation of civil society in SALW policy processes and the process of law making and regulating as a whole, as well as in relation to the way in which laws, regulations and administrative procedures are made public. As an example of the first type of reference to transparency (domestic SALW control) in the EU national reports, the Czech Republic reported in 2005 that cooperation with the civil society has a significant control function in a democratic society, and is part of the transparency advocated by the country in international control regimes and within the framework of cooperation with the EU. Also Poland linked transparency measures in SALW control in 2005 with democracy by stating that democratic systems based on transparency, parliamentary control, freedom of speech, respect of basic human rights and freedoms and access to information offer “optimum conditions for preventing uncontrolled proliferation of SALW in all its aspects”.

In 2005, France discussed transparency both with regard to the need for a “democratic control over arms transfers” and in relation to regional and international transparency systems. With regard to regional and global transparency measures, France reported its support of initiatives of the EU and OSCE. In its 2003 report, Portugal combined references to domestic and regional transparency measures, noting that it has “an open and transparent policy regarding the exchange of relevant information on SALW” and it “shares information on arms transfers within the EU, the Wassenaar Arrangement, the OSCE and the United Nations”.

Denmark reported in 2005 about transparency in a section dealing with voluntary submissions of information on destruction, illicit trade and transparency in laws and regulations bilaterally, regionally and through the OSCE. The country provides information on missing weapons to the Schengen Information System¹⁷⁵ as well to the European Network of Forensic Science Institutes,¹⁷⁶ which has developed common standards for exchange of information on tracing of weapons.

Among the assistance projects involving transparency measures mentioned in the EU reports is the Small Arms Transparency and Control Regime, which is administered by the UN Centre for Peace and Disarmament in Africa and aims to strengthen the capacities of States to prevent SALW proliferation by developing practical means to increase transparency, such as methods for tracing and marking, making efforts to harmonize small arms legislation and introducing monitoring and verification measures in order to ensure compliance. The project is financially supported by Finland and Sweden.

In national statements, transparency was more represented in 2003 than in 2005. In 2003, it was discussed by Bulgaria, France, Germany, Hungary, Italy (on behalf of the EU), the Netherlands, Romania, Turkey and the United Kingdom. Turkey also reported the need for further transparency in its national statement to the second BMS, and advocated the expansion of the UN Register of Conventional Arms to include SALW. It also stated that mandatory information exchange on the transfer of SALW should be considered within in this framework.

BROKERING

Control of brokering activities was increasingly mentioned in the national reports: while only a few countries mentioned brokering in their reports in 2002, it was discussed more frequently in 2003 and especially in 2005. Of the European countries that reported, 36 (88%) addressed brokering in some form, which means that only five countries did not mention it in any of their reports. This, however, does not mean that all countries that mentioned the issue have relevant national regulations in place. For example, Turkey reported in 2005 that “arms brokering” is not specified as a separate activity in Turkish legislation, but that brokering activities are covered under different parts of the legislation. The country also discussed the different ways in which the activities of intermediaries were controlled.

A significant number of European countries (13) reported that a brokering law has been put into place, or that brokering activities are covered under older legislation. The EU Member States, possibly following recent political initiatives on brokering within the EU, reported on the issue slightly more often than other European countries in general. Several countries, for example, Bosnia and Herzegovina, Croatia and Greece

reported on changes under way to enhance brokering controls. In 2005, Greece reported that brokering is currently not covered by national legislation, but that it will be added to the law that is currently being drafted. The new law will include provisions for listing individuals who are involved in brokering actions concerning weapon transfers and for the exact determination of specific activities that constitute a control and licensing issue.¹⁷⁷

MARKING, RECORD-KEEPING AND TRACING

Marking, record-keeping and tracing was discussed in the same number of European reports as brokering controls: 40 (88%) countries addressed the issue. The discussion on this issue was sometimes more detailed than the references to brokering; while many countries reported about relevant regulations, the majority referred to practices in place to mark and keep records of manufactured and/or imported SALW. Despite the high number of references to the issue in European reports, they were often unclear, and some countries, such as Albania in its 2004 report, noted that marking is not applicable to the country since it does not produce weapons. In 2005, Croatia reported insufficiencies in current marking practices, and noted that the present Law on Arms and its amendments have no clauses that define the marking of weapons by the producer.

The issue is primarily covered by referring to the relevant legislation and marking practices after production of weapons. In this regard, a clear majority of European countries reported that all produced arms and weapons are individually marked with at least a serial number and entered into some type of records.

In addition, Finland reported in 2005 that each batch of ammunition and its packaging is marked at the time of manufacture in a unique manner that identifies the country of manufacture, manufacturer and batch number.

Many States reported having registers of all produced or imported SALW, and though not many were identified as being electronic or centralized, Bosnia and Herzegovina, Greece and Latvia reported that they have national electronic databases in place. In 2005, Greece reported that all legally imported, transported and owned weapons are listed in a centralized database that is constantly updated with changes in possession

status. All missing weapons—confiscated, seized, lost, stolen, recovered—are also catalogued in the same database, which retains the history of each weapon from its import to its last legal owner. In 2005, Bosnia and Herzegovina reported about new information technology equipment called a TRACKER system that has been installed in the relevant ministries for record-keeping.¹⁷⁸

There are a few developments under way in Europe regarding marking, record-keeping and tracing of SALW. In 2005, Norway reported that the police and each of the three branches of the Norwegian armed forces maintain separate computerized systems for keeping records of weapons, but that a joint system for the armed forces is being developed to merge the three branches' materiel commands. It was to become operative as of 1 January 2006. In 2003, Romania reported that the process of issuing a new National Register for Firearms has been initiated to harmonize the standards of record-keeping of existing weapons according to the regulations and best practices of the EU Member States. Also in 2003, Monaco reported about changes to national legislation whereby new rules requiring the marking of weapons would be introduced.

AMMUNITION

Ammunition related to SALW is addressed in at least 33 (80%) European country reports. References to this issue are especially frequent in the SEE region, where all countries except The former Yugoslav Republic of Macedonia discussed the issue. Within the EU, explicit references to ammunition were made in 17 reports. Ammunition was also specifically mentioned in the majority of national statements delivered at the BMSs.

References to ammunition in national reports and statements covered various issues and formats. Some countries mentioned ammunition in their reports only in connection with relevant legislation, while others—for example, Bulgaria, Luxembourg and Poland—generally discussed ammunition in conjunction with weapons since the relevant regulations and practices covered weapons as well as the related ammunition. In addition to legislation, ammunition was often discussed in connection with stockpile management procedures, SALW production, trade and destruction. And, as mentioned above, ammunition was also discussed with regard to assistance programmes in Albania and Ukraine.

Albania placed special emphasis on ammunition, reporting in 2004 that there were 90,000 tons of ammunition to be destroyed and for this purpose the country has developed the Objective Force 2010 programme, associated with the Implementation Plan for 2002–2010. As of June 2004, Albania had destroyed 20,000 tons of ammunition. The 2004 report included statistics on ammunition destroyed in 2000–2004, as well as the location and transportation of ammunition in 2004 (see Table 6.4).

Table 6.4. Example of reporting on SALW and ammunition destruction: Albanian programmes 2002–2006

Project	Timetable	Status according to the 2004 national report	Description
NAMSA project for the destruction of 11,665 tons of SALW ammunition	December 2002–December 2006	In progress, implementation phase started in October 2003	Funding: EUR 6.4 million, EUR 26,965 paid for transportation; 1,320 tons of SALW ammunition transported to ULP-Mjebes facility, 307 tons destroyed
British Embassy Project for the destruction of 12,500 small arms	January 2004	Completed	Funding: £100,000 pounds; destruction of 12,500 small arms completed on 17 February 2004
British Embassy Project for the destruction of 1,500 tons of small arms ammunition	March 2004	In progress in Shkodra*	Technical agreement signed 17 October 2004
US Embassy Project for the destruction of 12,500 small arms	Continues*	8,932 pieces destroyed	Technical agreement signed 17 February 2004

Project	Timetable	Status according to the 2004 national report	Description
British Embassy Project for the destruction of 100 tons of small arms and medium ammunition	Preparatory phase	In progress*	Technical agreement signed 16 April 2004

* Completed at the time of the publication of this analysis.

ASSISTANCE IN THE REGION: PROVIDED, REQUESTED AND RECEIVED

References to provided and received assistance are unevenly represented in the European national reports. The Member States of the EU, together with Norway and Switzerland, reported solely about assistance that they have provided, whereas references in SEE countries concentrated on received as well as needed assistance.

PROVIDED ASSISTANCE

Assistance provided to affected countries is prominently presented in the national reports of EU Member States and other European States. While several countries—for example, Estonia, Italy and Malta—did not mention providing technical or financial assistance in their reports, 17 EU countries reported about small arms programmes that they have supported since 2001. The countries in the SEE region concentrated more on meetings and other activities undertaken in cooperation with other States; they did not report on provided assistance.

The main type of assistance provided by EU Member States is bilateral financial assistance; the new EU Member States also discussed technical support they provide to other countries on SALW-related matters. None of the EU countries reported about receiving assistance to implement the PoA.

The descriptions of the assistance provided included the programme title and a short description of the supported activity, its implementation period and the budget amount. The countries that reported in matrix format—for example, the Netherlands and the United Kingdom—included a column for assistance activities. In addition, Sweden and Switzerland attached annexes to their national reports on provided assistance. Table 6.5 provides a selection of reported assistance programmes for 2001–2005.

Table 6.5. Examples of provided assistance by the EU for PoA implementation¹⁷⁹

Country	Assistance provided
Belgium	Financial allocation of EUR 75,000 to the Small Arms Survey project in the Graduate Institute of International Studies in Geneva (2001)
Czech Republic	Financial contribution of US\$ 102,200 to the United Nations Department for Disarmament Affairs Trust Fund for PoA implementation, for information projects on conventional disarmament and for strengthening of peace through practical disarmament measures (2004)
Denmark	Financial contribution of US\$ 3.3 million for the disarmament, demobilization, reintegration and rehabilitation of ex-combatants in Liberia through a UNDP Trust Fund (2004–2006)
Finland	Financial contribution to the Small Arms Transparency and Control Regime programme in Africa, administered by the UN Regional Centre for Peace and Disarmament in Africa
France	Financial support of EUR 500,000 to the executive secretariat of ECOWAS to fund the process of transformation of the moratorium into a regional convention (2003)
Germany	Support for the Caucasus Institute for Peace, Democracy and Development in Georgia to enhance knowledge about SALW problems in selected regions and to prepare civil society actors and government authorities to improve the safety of the Georgian population

Country	Assistance provided
Greece	Financial support of EUR 50,000 for a feasibility study on the destruction of 1.5 million SALW and 133,000 tons of munitions in the Ukraine
Ireland	Contribution of EUR 83,000 to the SaferAfrica project for technical assistance to the SADC (2002)
Luxembourg	Financial support (EUR 223,000) to a project by <i>Groupe de recherche et d'information sur la paix et la sécurité</i> (GRIP) entitled "Le renforcement d'un réseau d'ONG africaines dans le domaine de la prévention des conflits et la construction de la paix"
Netherlands	Financial contribution to DDA for broad-based consultations on brokering and the organization of two workshops (2005)
Sweden	Financial support to the Parliamentary Exchange Initiative on SALW in Latin America and the Caribbean and to the Swedish NGO, SweFOR
United Kingdom	<p>Funded weapons and ammunition destruction and training in Latin America, East Africa, the Caribbean, Southern Africa and SEE</p> <p>Provided expertise in Belarus within an OSCE project, and offered funding on stockpile management, destruction and record-keeping</p> <p>Contributed to a NATO ammunition destruction programme in Albania</p> <p>Financial contribution of £400,000 for NATO project destroying SALW, ammunition and surface-to-air missiles in Ukraine (2005)</p> <p>Financial contribution of over £500,000 to destroy surplus stockpiles SALW and ammunition in Bosnia-Herzegovina</p>

Two regions stand out as primary receivers of assistance from EU Member States: sub-Saharan Africa and SEE. In the former, assistance has

been provided mainly to support post-conflict peace-building activities, such as DDR programmes, while in the latter the emphasis has been for the destruction of surplus weapons and ammunition.

The EU has become an important provider of financial SALW assistance as evidenced in the EU statement at the second BMS in 2005, where it was reported that the EU allocated nearly EUR 6 million in 2003–2005 for affected countries to deal with the excessive and destabilizing accumulation of SALW.¹⁸⁰

PROBLEMS FACED AND FURTHER REQUESTS FOR ASSISTANCE

As the analysis of reporting on provided SALW assistance suggests, a significant part of European support to SALW-related activities has been directed to affected areas in Europe. Since the adoption of the PoA, just as many EU countries reported providing assistance to SEE countries, many SEE countries mentioned receiving assistance. Most of this support was related to the destruction of surplus weapons.

In addition to reporting about projects undertaken with external assistance, a few southern and SEE countries mentioned additional need for SALW assistance, usually for the destruction of surplus weapons (see Table 6.6). For example, Serbia and Montenegro reported in 2005 that it was unable to destroy any SALW in 2004, since there were no donor funds to subsidize the enterprise.¹⁸¹

Table 6.6. Examples of received assistance and areas where further assistance or capacity-building is needed

Country	Type of project
Albania	In 2004, the United States, other NATO countries and several NATO partner countries supported several projects, including one ongoing project, to destroy surplus and ammunition SALW (see Box 6.7). While significant financial support has been received, more is needed to continue the programmes.

Country	Type of project
Bosnia and Herzegovina	<p>The 2005 report includes a separate section for “assistance from other countries”.</p> <p>The Small Arms and Light Weapons Control and Reduction Project through the UNDP assists with the PoA implementation project and provides concrete financial and technical assistance in the reduction of surplus weapons and ammunition. Weapons collection programmes such as Operation Harvest and Operation Internal Harvest are covered.</p> <p>The country requires funding to develop a centralized database on small arms at the national level and will operate through the Ministry of Security.</p> <p>The report has a section on “Problems in the implementation of the Programme of Action”, which notes that the country is “still in the process of the post-war recovery and it has significantly daily needs for all types of assistance: educational, financial and technical in regard to the training and education of personnel, equipping and providing of locations and storage space as well as the location for the destruction of SALW, and all that respecting the profile of the personnel: army, police, assistance services”.</p>
Republic of Moldova	<p>The 2005 report notes that the country faces ever-worsening problems with the destruction of arms because of a lack of specialists, inadequate financial resources, an increase in the number of weapons to be destroyed and inadequate stockpile security. The country plans to work to attract more financial resources from abroad in the future to solve this problem.</p>
Romania	<p>The 2003 report states that 195,510 surplus SALW and 36,692,747 pieces of ammunition were destroyed with the financial support of Norway, the United Kingdom and the United States; the national company ROMARM was responsible for carrying out the destruction programme.</p>

Country	Type of project
Serbia and Montenegro	<p>The 2005 report includes UNDP-sponsored activities to strengthen the control of SALW. The first phase of the project (Preparatory Assistance) from 1 May 2004 to 30 April 2005 included an analysis of SALW problems, strengthening national capacities, drafting an integrated strategy, raising social awareness of the dangers and risks inherent in the possession of SALW and improving coordination at strategy and operational levels within the governmental bodies.</p> <p>Assistance is needed for surplus weapons destruction and other areas as the report states: "international assistance other than for the purpose of the destruction of SALW has not been provided either in 2004 and 2005 or prior to that period. Projects are being currently prepared to bid for grants, including legal regulations, promotional material, films and public awareness campaigns, education of children and young people, etc.".</p>
Ukraine	<p>The 2005 report describes the NATO/Partnership for Peace Trust Fund project, which started in April in cooperation with NATO to destroy surplus ammunition including 15,000 tons of conventional munitions, 400,000 SALW and 1,000 MANPADs. The first phase of the project is estimated to last three years and cost approximately US\$ 27 million (including US\$ 8.5 million from donor countries). The United States acts as the project's lead nation, contributing US\$ 1,641,000. Other contributors include Austria (EUR 30,000), Bulgaria (EUR 25,000), Lithuania (EUR 11,500), Luxembourg (EUR 30,000), the Netherlands (EUR 300,000), Norway (EUR 240,000), Slovakia (EUR 20,000) and the United Kingdom (£400,000).</p>

ISSUES OUTSIDE THE POA THAT ARE ADDRESSED IN THE NATIONAL REPORTS

CIVILIAN POSSESSION

Of the 41 reporting European countries, at least 28 (68%) reported on civilian possession of weapons. As in other regions, most references were made to relevant legislation, but also included issues such as collection and destruction and weapons licensing. There were no big differences between EU and SEE countries, for example, even though it seems that civilian possession as an issue was taken up slightly more often in SEE national reports.

Overall, European countries referred to civilian weapons when reporting on weapons collection activities and the types of weapons authorized for civilian possession. In 2005, Latvia described legislation, inter alia, that defines which type of arms can be civilian-owned and which types are forbidden. The report does not provide definitions for these categories, they are just listed. Latvia also noted that the police can grant licenses to individuals to possess weapons for physical protection, hunting or sports. For example, in 2005, the Republic of Moldova provided more detail in describing civilian SALW possession by noting that present legislation grants the private property right on arms of small calibre and ammunition to individuals who are at least 18 years old and who do not have medical limitations in handling arms, have not committed criminal offences or whose criminal record was expunged through normal procedures, and are residents of the country.

The Republic of Moldova is one of the few countries that reported about recent changes on this issue. It has adopted a draft of a new governmental decision on arms possession that prohibits issuing authorizations for arms possession to a person that has committed a serious crime with a weapon. Romania reported in 2003 that draft legislation provided for stricter conditions to possess, hold and use weapons; and the United Kingdom reported in 2005 recent changes to its domestic firearms law, which includes a mandatory, minimum five-year sentence for illegal possession of a prohibited firearm and a ban on future import and sale of air weapons using a self-contained air cartridge system. See Box 6.7 for an example from Slovenia of comprehensive reporting of civilian small arms.

Box 6.7. Example of civilian possession in national reports: Slovenia

In 2005, Slovenia reported about the civilian SALW situation. The country has had a large quantity of illicit SALW since the beginning of the 1990s and the Ministry of the Interior has taken a number of measures in order to establish control over these weapons. As of 2005, the situation has been stabilized. Slovenia has adopted primary and secondary legislation to regulate the ownership of weapons, and the Ministry of the Interior exercises effective control over SALW, inter alia, through a central electronic database. Furthermore, civilians cannot possess SALW of a military nature.

On 1 January 2005, Slovenian civilians possessed 108,541 items of weapons, which were used by approximately 41,000 people. Most weapons—approximately 62,000—owned by civilians fall into the category of hunting weapons or hunting rifles. The number of illegally owned civilian weapons was high: only 75% of 41,000 weapon owners had a permit to carry weapons. According to the permit system, a permit is required for each weapon. The key condition for an individual to obtain a permit for a weapon is an approved medical examination, proving that the applicant has sufficient psychophysical capability for handling weapons. In addition, the request for a permit must be justified, which most applicants state as personal safety reasons.

In the last few years, approximately 4,200 people have applied for a weapons permit, mostly those who already possess a weapon rather than people applying for the first time. Also, in the last few years, the number of criminal offences committed with SALW has stabilized. In 2004, the police recorded 763 cases of private citizens using weapons for criminal purposes, which is 11.3% lower than in 2003, and the police seized 855 items of SALW while investigating criminal offences, compared to 1,074 items of SALW seized in 2003.

National report of Slovenia, 2005.

In 2003, both Hungary and Serbia and Montenegro reported on civilian possession of SALW. Hungary noted that the new arms legislation brought controls for civilian possession of firearms “fully in line with the respective EU regulation and the UN Firearms Protocol”. Serbia and Montenegro conducted a weapons amnesty campaign.

In 2005 BMS statements, Norway and Ukraine addressed civilian ownership of SALW. Norway stated that while civilian possession is one of the areas currently outside the PoA, it could be brought in to the process

since it is “obviously one important factor in reducing the supply of weapons to illicit markets”. Ukraine described national procedures to control civilian ownership of SALW.

Since 2003, at least six European States have addressed illicit civilian ownership of weapons by adopting weapons amnesty laws to allow people to hand in their weapons without penalties. In addition, the Republic of Moldova reported in 2005 that this issue is currently being discussed.

Denmark, Finland, Norway and the United Kingdom, among others, provided details on amnesty legislation. In 2005, Denmark reported that so-called safe-conducts are granted at regular intervals, and the latest such action for handing in illicit weapons was made in August–September 2003. In both 2004 and 2005, Finland reported about new legislation on firearms amnesty to decrease the number of illegal and unregistered weapons that came into force on 1 January 2004. In Norway in 2005, an amnesty for voluntary handing in SALW was declared from 1 September 2003 to 31 August 2004, which resulted in approximately 35,000 weapons being turned in, most of which were registered rather than destroyed or made inoperable (see Box 6.8). Also in 2005, the United Kingdom reported about a month long national firearms amnesty, implemented in April 2003, with over 40,000 guns and nearly a million rounds of ammunition handed in during that month.

Box 6.8. Example of a weapons amnesty: Norway

In 2005, Norway reported that it declared an amnesty for the voluntary handing in of SALW from 1 September 2003 to 31 August 2004. The basis for the amnesty was derived from a more limited trial amnesty undertaken in 2000, which gathered a number of weapons dating back to the Second World War as well as shotguns that were acquired before their registration became mandatory in 1990. The trial amnesty dealt with almost 6,000 weapons and was considered successful considering the number of weapons handed in for registration was far higher than the anticipated number of unregistered weapons.

Norwegian legislation on SALW allows for granting amnesty to people who have not complied with the obligation to register weapons if they hand in their weapon to the police for registration during a specified period determined by the competent authorities.

Box 6.8 (continued)

The 2003–2004 amnesty gathered approximately 35,000 weapons for registration and/or destruction. A preliminary evaluation conducted on its success suggested that the amnesty’s purpose was not communicated to the general public well enough, and may have been why a relatively low number of weapons were handed in. Since 84% of the weapons were handed in within the last two weeks of the amnesty, it might be more successful to organize time-limited amnesties when the media can be used to draw people’s attention. This also underlines the importance of a clearly designed media strategy to explain to the public the meaning and functioning of an amnesty. The country reported that a review of these experiences may result in some modifications regarding the amnesty provisions in SALW legislation.

National report of Norway, 2005.

TRANSFER TO NON-STATE ACTORS

The issue of authorizing transfers to non-state actors was rarely mentioned in the European country reports. In 2005, only two countries—the Netherlands and Switzerland—addressed the issue. The Netherlands suggested adding the topic of transfer of SALW to non-state actors to 2005 BMS discussions; and Switzerland noted that it has provided support to the second phase of the Biting the Bullet Consultative Group Process on SALW Transfers to Non-State Actors.¹⁸²

The issue of limiting SALW transfers to government participants has been given higher importance in the statements that the EU and European States gave at the two BMSs. In 2003 and 2005, the EU noted that the question of the transfer to non-state actors is an area of “great relevance to be duly considered”.¹⁸³ Switzerland also referred to the issue in 2003 by noting the importance of non-state actors as an issue closely related to the new style of modern warfare. The country noted that it supplies small arms to non-state actors only with the consent of their national authorities. The country regrets that the issue was left out of the PoA and stated that it is working on it with interested States and NGOs. In 2005, out of the 13 European countries that gave individual national statements, France and Switzerland addressed the issue of limiting transfers to government

recipients. Switzerland remained in agreement with its 2003 statement and noted that some issues that were set aside in 2001, such as the question of SALW transfers to non-state actors, remain outstanding as of 2005. According to Switzerland, the misuse of small arms by non-state armed groups in many conflict situations is a major threat to human security, but that the international community has shown little readiness to tackle the issue. France also links the issue of non-state actors to armed criminal groups and the threats they pose.

GENDER

As in the reports from other regions, references to the gender aspects of small arms problems are almost completely absent from European national reports. In Europe, only five countries mentioned gender-related aspects, all of them with regard to women. The most common reference was to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted on 15 November 2000. The former Yugoslav Republic of Macedonia, Sweden and Switzerland all mentioned their participation in the Protocol. In addition, The former Yugoslav Republic of Macedonia reported in 2005 that it cooperates with regional countries on illegal trafficking of drugs, women and weapons and the fight against organized crime. In 2005, Ireland reported about providing emergency and recovery funding of EUR 1,000,000 in 2004 and 2005 for disarmament, demobilization, rehabilitation and reintegration activities in Liberia through the UNDP DDDR Trust Fund to ensure that community-based programmes are tailored to address the needs of women and child ex-combatants in particular.

No references to gender were made in European statements at the BMS in 2003. Norway discussed the aspect of gender in its 2005 BMS national statement by noting that “gender identity and relationships” is one of the areas that would benefit if SALW programming were to be mainstreamed further into wider development and humanitarian programmes. The Holy See also discussed gender issues in its 2005 BMS statement by noting that DDR programmes should address the needs of former combatants, including women and children.

DEMAND

Demand issues are rarely explicitly mentioned in the European country reports. However, in 2003, Norway reported that the Red Cross of Yugoslavia had initiated a campaign to reduce demand for weapons and prepared the ground for reduction through a collection campaign, a project in cooperation with the Norwegian Red Cross/Norwegian Initiative on Small Arms Transfers and financed by the Norwegian government. In a cover note to its 2005 report, the United Kingdom noted the demand for weapons as a critical area in SALW control.

In national statements at the 2003 BMS, the Holy See and the United Kingdom referred to the demand-side of illicit SALW problems. In its 2003 statement, the Holy See emphasized the importance of addressing both the supply and demand side of SALW, and noted that the PoA provides some provisions in this regard by urging the development and implementation of educational and awareness activities aimed at promoting a culture of peace and life. The Holy See repeated its position in 2005, and was the only European country to take up the issue at that time, stating that “we must be mindful of the dynamics of the demand for arms”. According to the Holy See, this part of the SALW problem requires further research and demands “a concerted and serious effort to promote a culture of peace among all members of our respective societies”.

THE WAY FORWARD IN IMPLEMENTING THE POA

There are not many references to future implementation of the PoA in the European country reports, even though the issue was discussed more than in the other regions. In general, many European countries gave their support to the implementation of the PoA and stated that they are making continuous efforts to adhere to it. EU countries in particular referred to action taken at the EU level, such as the Code of Conduct and the Common Position on Brokering, or stated that the EU as a whole would have wanted to see the adoption of a legally binding instrument to trace SALW.

Many European countries noted the importance of the PoA, and thus the need for continuous international cooperation and assistance. Norway and Serbia and Montenegro, for example, gave special attention to the need to develop regional cooperation.¹⁸⁴ In its 2005 BMS statement,

Norway noted the need to address civilian ownership of SALW and the Arms Trade Treaty as part of the PoA in the future. Continued support for the implementation of the PoA from Europe was also highlighted in the statements of the EU countries and several other European States at both BMSs. In both 2003 and 2005, the EU noted the crucial elements of the PoA to include transfer controls, marking and tracing, brokering activities and the relationship between small arms and development. In 2005, the EU also called for conducting a survey of multilateral assistance to affected countries.¹⁸⁵

France, Norway, Slovenia, Sweden, The former Yugoslav Republic of Macedonia and Turkey all included a separate “follow-up” or “way forward” topic in their national reports. Other countries referred to the future of the PoA more implicitly in other sections of their reports, just as they emphasized effective implementation and the upcoming 2006 Review Conference. For example, Norway encouraged the United Nations and its Member States to “vigorously pursue the implementation” of the PoA and highlighted the need to move forward in the implementation process. Slovenia noted that regarding SALW, its first foreign policy priority is to promote the PoA and that the new programme of action to be adopted at the 2006 Review Conference should upgrade the PoA that was adopted in 2001. Slovenia, in particular, would prefer more attention devoted to enhancing capacities within the UN Member States and regional organizations, including providing assistance to individual countries in storing weapons and ammunition and their destruction, improving the control of international transfers of SALW, preventing illicit brokering and resolving issues of private ownership by civilians of SALW and devoting more attention to the connection between illicit trade in SALW and development.

France highlighted the importance of an effective tracing mechanism and expressed its hope that the 2006 Review Conference will examine this subject as well as assistance, cooperation and aspects that have caused controversy such as transfers to non-state actors and the legally binding nature of the document. France noted its desire that propositions to find solutions acceptable to all parties be made at the Review Conference.

In its 2005 report, Sweden highlighted the importance of regular information exchange on PoA implementation through national reports as one important measure to address the illicit small arms trade. It also

encouraged everyone to consider how certain parts in the PoA could be further strengthened, especially with regard to international cooperation on tracing and brokering of SALW.

Turkey reported several detailed points about the preferred “way forward” for the PoA. First of all, it would like to see a consensus definition for SALW in the United Nations, and recommends that the definition include ammunition, explosives and hand grenades. At the national level, Turkey places special emphasis on the role of customs officials and security forces and noted that regional cooperation on SALW issues between the customs authorities, security forces and ensuring effective management and physical security of their SALW stockpiles should be promoted through institutional information exchange and training schemes. It also mentioned the harmonization of legislation at international and regional levels as a useful step forward in combating illicit SALW trade. In this framework, Turkey reported that a study on the feasibility of developing an EUC system at the regional and global levels as well as an information exchange and verification mechanism could be useful. The country also noted that the destruction of surplus weapons should be done in accordance with internationally accepted standards and with technical and financial assistance, and that cooperation schemes and exchange of information on combating trafficking in SALW should be enhanced.

In its 2005 BMS national statement, Switzerland highlighted the importance of consolidating individual and collective efforts to combat the illicit trade and proliferation of SALW. It noted that the implementation process will require some form of support mechanism to “monitor progress, to develop and disseminate lessons learned and best practices, and to provide expertise for specific initiatives or negotiations”.

In general, countries across Europe have been actively reporting on the PoA and recommending many initiatives to improve its implementation. As discussed in this section, several countries in the region have provided extensive assistance to affected countries on SALW-related matters. Based on the national reports, most of the European assistance appears to have been directed to sub-Saharan Africa and to countries neighbouring the EU. The issues that received the most assistance include:

- DDR efforts in sub-Saharan Africa;

- financial support for SALW research activities and secondment of SALW experts to regional organizations; and
- financial and technical assistance to weapons collection and destruction programmes.

National reports from the SEE subregion highlight surplus stocks as a major issue. These reports contained several references to future assistance needs in the destruction of surplus weapons.

In general, issues highest on the European agenda as reported are improving brokering controls and transfer controls overall, marking, record-keeping and tracing, further promotion of the issue of ammunition and DDR assistance.¹⁸⁶

CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

The problems posed by the illicit trade and proliferation of small arms are complex and multidimensional and cannot effectively be tackled without strong political will at the national level, combined with international cooperation and assistance. Developing partnerships and enhancing regional action, with the support of international organizations, are crucial in guaranteeing a continuous and fruitful process.

By analysing the reports submitted by States in 2002–2005, and bringing out trends in reporting as well as reported weak points in PoA implementation, this reporting analysis aims at contributing to the efforts to strengthen the PoA. This final chapter brings together some of the main findings of the analysis, together with specific recommendations. First, it will highlight the main trends in national reporting since the adoption of the PoA, including regional differences, thematic priorities and areas where further assistance is indicated to be needed. Then, concrete recommendations are presented, based on analysis of the national reports of how different aspects of this information exchange could be enhanced and used more efficiently to combat the illicit trade and proliferation of SALW.

CONCLUSIONS

The PoA has brought about some significant developments in combating the illicit trade in small arms, and the years following its adoption have seen a variety of activities undertaken across the globe to combat the problems related to illicit small arms. However, despite some positive developments, much still remains to be done, and continuous efforts are needed to strengthen the implementation of the PoA. So far, implementation efforts have tended to concentrate on certain regions and specific aspects of the PoA, leaving other significant areas with little or no

attention. National reporting reflects, for example, a multitude of projects on weapons collection and destruction, as well as efforts to update and standardize arms legislation. Assistance seems to be flowing in particular to certain parts of sub-Saharan Africa, Eastern Europe and the Americas, with less attention to the insufficient means and resources in Asia and Pacific Oceania.

Further efforts at national, regional and international levels are needed to prevent illicit small arms from causing more devastating tragedies. To achieve sustainable global results, it is important that all Member States participate in the implementation of the PoA. Participating in a joint effort does not mean acting independently or bringing out only positive results and successes: while the input of resourceful donor States is crucial in both reporting and implementation, participation in the PoA process can also mean bringing out the problems faced, and highlighting needs for assistance in tackling them.

In this regard, information exchange in the form of national reports is a crucial part of implementing the PoA: these reports are a key to following the implementation process in the countries and regions because they offer a means to review achievements and progress, but also to see where efforts remain inadequate. National reports provide an opportunity for States to take stock of measures taken at various levels and by different sections of administration, and function as a forum to identify areas where further action or assistance is needed.

THE POA REQUIRES CONTINUOUS COMMITMENT

This analysis shows that participation in the voluntary reporting process of the PoA has been active: of the 191 UN Member States, 137 countries¹⁸⁷ have submitted at least one national report on their implementation efforts, and the majority of countries has reported twice. Reporting activities seem to peak in conjunction with the follow-up events of the PoA: both 2003 and 2005 when BMSs were held have also been the most active years of reporting.

There are regional differences in the activity level of countries participating in the information exchange in 2002–2005: throughout the implementation process, Europe has been the most active reporting region, with over 90% of countries reporting. Developments have also been

positive in parts of Africa, where there has been an increasing commitment to the reporting process. The least active reporting region has been Asia and Pacific Oceania, where only a little over half of the countries have participated in the information exchange.

However, reporting is not to be regarded as synonymous with implementation. There undoubtedly are countries that have been implementing the PoA, but have not participated in the information exchange. On the other hand, some countries have reported, but only to inform that they have not been able to start comprehensive implementation of the PoA. Nevertheless, while reporting is not implementation nor vice versa, the voluntary system of information exchange is an important part of the PoA process, and does give a good indication about implementation efforts. Thus, since some countries are active in reporting and implementing the PoA and others remain passive, one challenge of the implementation process in the coming years will be to activate countries and subregions where reporting efforts so far have been minimal.

MOST ADDRESSED ISSUES IN THE NATIONAL REPORTS: EXPORT, IMPORT AND TRANSIT CONTROLS, AND NATIONAL LEGISLATION

Just as the activity level of country reports varies, so do the form and content of reporting. There is no single reporting format established by the PoA, giving countries the freedom to decide the form and length of their report. Additionally, varying administrative capacities, resources and priorities in different countries create variation to reporting. Despite the heterogeneity of the national reports, overall there is a trend toward more comprehensive and standardized reporting. Reports in 2002 were often less SALW-specific and thorough, whereas the majority of reports submitted in 2005 addressed all central PoA themes. Export, import and transit controls, together with national SALW legislation and regulations are the most commonly addressed topics in national reports throughout the years. Less attention is given to more situation-specific themes such as public awareness activities and DDR. Based on the analysis of the reports, it seems that the consultations and negotiations on international brokering controls and the SALW Tracing Instrument have increased the frequency of references to them in the national reports. This, in turn, indicates that more States are coming to understand or acknowledge the problems linked to inadequate tracing mechanisms or brokering controls.

Based on the reports, the most positive areas of PoA implementation seem to be those related to national-level administrative or norm-setting changes: States across the globe have reviewed, modified and improved their arms legislation since 2001, often related to arms export, import and transfer controls and the civilian possession of firearms. The reporting analysis reveals that even where legislation generally lags behind desirable standards, for example, as it relates to the control of arms brokering activities, the effect of the PoA and its follow-up activities have been positive in spurring internal evaluation processes and greater awareness on the side of government officials. Civil society has become an active player in small arms control and countries, especially in the Americas and Europe, increasingly report about joint activities undertaken with NGOs. Based on reporting, increasing resources also seem to be directed to SALW-related research, awareness-raising activities and a variety of meetings bringing actors together at regional, subregional and international levels to discuss different aspects of the PoA.

Establishing NPCs and NCAs is often referred to as the first steps to be taken in implementing the PoA. In this regard, it is encouraging that in all regions over half of the countries have established an NPC on SALW. However, there has not been much progress in this regard since 2003.

Given the cross-cutting nature of the SALW problem, it is important that the issue is dealt with comprehensively and that all relevant national authorities, together with civil society, participate in policy making. A means to ensure continuous communication and coordination between different stakeholders at the national level is to establish an NCA to deal with SALW-related issues. Based on the analysis of the reports, Africa has been the most active region in establishing NCAs, with over half of the countries having done so. Overall, over 80 countries have established an NCA and many countries provide some details about its composition. In addition, many countries report about informal coordination mechanisms in place. Between 2003 and 2005, the growth in the number of NCAs has been greater than the growth of NPCs. Based on the reports, it seems that currently only a few countries have incorporated civil society as a permanent participant in national policy coordination on SALW.

NATIONAL REPORTS REFLECT VARYING REGIONAL PRIORITIES IN COMBATING ILLICIT SALW TRADE AND PROLIFERATION

The reporting analysis identifies the priority areas in SALW control for different regions, and provides useful information for designing further SALW assistance programmes. Overall, countries often noted the need for regional cooperation and assistance. Regional aspects are given high importance, especially in the reports from Asia and Pacific Oceania, where the need to strengthen regional customs, law enforcement and intelligence cooperation through existing regional forums are mentioned as crucial in PoA implementation. Other priority issues in Asia remain associated with addressing the root causes of conflict and organized crime; improving State control over stockpiles, arms supplies and illicit activities; and mainstreaming small arms control with drug trafficking, terrorism and piracy. The need to address the root causes of conflict is also prominent in the African reports. In addition, national reports from Africa underlined the need to stem regional illicit SALW trafficking, fight against the increase of armed criminality and use public awareness programmes to reduce the demand for weapons and to advocate responsible weapons management. In Africa, importance is also placed on designing sustainable DDR programmes and, in general, on the need of addressing small arms issues within the wider context of peace, security and development.

While arms smuggling and crime are mentioned in reports across the globe, they are most prominent in the reports from the Americas, where countries have reported that their SALW challenges remain related specifically to crime and arms smuggling, and where current measures to control these features are reported to be inadequate. In Europe, improving brokering controls and transfer controls in general are high on the agenda, together with strengthening the SALW Tracing Instrument, further promotion of the issue of ammunition and DDR assistance.

NATIONAL SALW CONTROL EFFORTS NEED TO BE FURTHER ENHANCED

In the national reports, achievements and strengths are discussed much more prominently than remaining problems and further needs of assistance. However, countries especially in Africa have included requests of assistance in their national reporting, and highlighted areas where their national capacities are inadequate to address the problems. Developing

technical capacities of national authorities, for example, in customs systems and electronic management of weapons stockpiles are mentioned as a priority need across regions. In addition, countries especially in the Americas noted the lack of information in general about SALW-related issues, and mentioned the need to develop better methods and means of collecting, storing and using data. Also, Asian countries noted the need to improve data collection, expressing the aspiration of establishing a regional register of SALW as well as other specific subregional transparency and confidence-building measures, such as exchanging national lists of registered arms brokers.

While many countries report about ongoing reviews of laws and regulations, this is also an area where further efforts are needed. Related to this, countries especially in Africa want more financial and technical assistance for the establishment and functioning of NCAs and the development of national action plans on SALW.

Weapons collection and destruction remain crucial in removing illicit and surplus weapons from circulation. The destruction of surplus stocks is reported as a major issue especially in SEE countries, where national reports contain several references to future needs of assistance for these efforts.

CIVILIAN POSSESSION OF FIREARMS IS COVERED IN MOST NATIONAL REPORTS

National reports also discuss issues that are currently not part of the PoA. The foremost of these is the question of civilian possession of firearms, mentioned in over 75% of the reports. This aspect is most prominent in reports from Asia and Pacific Oceania. Also, limiting the transfer of SALW to government recipients is present in the reports, though not as notably as civilian possession. For example, in Africa, where one of the greatest difficulties with the proliferation of small arms is their easy accessibility to non-state actors, it is sometimes noted in the reports that a strong international instrument on transfers would greatly contribute to preventing the flow of illicit arms to conflict or conflict-prone regions.

KEY TO SUCCESSFUL PoA IMPLEMENTATION: REGIONAL EFFORTS AND CAPACITY-BUILDING

Positive implementation efforts around the world as brought out in national reports and discussed in this study show that much can be done to implement the PoA and to curb the illicit trade in SALW. Cooperation, mutual assistance programmes and political will remain key to success. Increased regional and international efforts to build States' capacity are needed in order to ensure long-term positive developments in combating small arms problems. However, the primary responsibility of establishing and improving legal systems of responsible arms control remains with the States themselves. Small arms issues are multifaceted and require comprehensive solutions where the needs and wishes of all stakeholders are taken into account. As shown in this study, regions and subregions have differing problems and challenges regarding illicit small arms. Situation-specific assessment-based action is needed to ensure best possible outcomes, whereby regions can proceed in combating illicit SALW from their particular situations and undertake necessary coordinated efforts.

Rather than an end in itself, the PoA should be considered as a starting point and a main framework for the international fight against the scourge of illicit small arms. With sufficient national political will, combined with relevant regional and international assistance, cooperation and sharing of best practices, positive results can be achieved.

RECOMMENDATIONS

RECOMMENDATIONS ON THE REPORTING PROCESS

- All UN Member States, particularly the 55 countries that have never reported on their implementation of the PoA, should consider regularly submitting a report on the implementation of the PoA to the UN Secretary-General.
- In order to ensure consistency and continuous commitment of States to implement and improve the efficacy of the PoA, States should consider adopting a comprehensive strategy and a consistent template for updating their national reports.

- To ensure consistency and avoid duplication of effort on other regional and global instruments, States should consider synchronizing reporting to the PoA with reporting requirements of other regional and global instruments, such as the Tracing Instrument.
- States could use the reporting process to underline key issues that are pertinent to addressing the small arms problem in their respective country or region. This may include, for example, the subject of civilian possession, transfers to non-state actors, demand factors and gender issues. This would assist in building a concerted and effective action on small arms issues.
- States should consider submitting or updating information on their NPC, NCA and national legislation on the DDA web site. An alternative could be annexing such information to their national report.

RECOMMENDATIONS ON NCAs AND NPCs

- Given the cross-cutting nature of small arms problems, States should consider broadening the participation in NCAs to include all relevant ministries and agencies as they pertain to the needs of the State. This may include, for instance, ministries of health, public order and development.
- States should consider a wider participation of relevant civil society in the NCAs as they could be key to reaching affected communities to address demand questions as well as inform policy formulation, information sharing and public awareness programming.
- States should consider a wider participation of parliamentarians or similar organs in the activities of NCAs, as they are key to influencing legislative functions of the State and can serve as a link to people at the grass-roots level.
- States should consider sharing information on their experiences in coordinating small arms programming and operationalizing National Action Plans in their national reports since this could be a tool for lessons learned.
- In the interest of sustainability of small arms concerns, States could consider allocating a budget line from their national expenditure to support the work of NCAs and NPCs.

RECOMMENDATIONS ON SPECIFIC POA THEMES

- **Transfer controls:** States should consider sharing detailed information on their national practices as well as sharing best practices on import, export, transit and re-transfer of SALW. Further information on national licensing and registering systems, the EUC system and verification mechanisms could serve as a good guideline to other States and feed into a possible global, standardized system for any of the relevant issues if required.
- **Marking, record-keeping and tracing:** States are encouraged to provide information on national laws, regulations and administrative procedures relevant to the implementation of the Tracing Instrument. Experiences related to cooperation with both the United Nations and Interpol could be emphasized.
- **Brokering:** States should consider sharing information on their experiences with gun manufacturers, licensing systems, etc., as well as relevant measures and procedures on brokering activities, which could assist in the formulation of common understandings on issues such as the definition of brokering and brokering-related activities, possible regulatory options, including for extraterritorial activities, and possible mechanisms of international and regional cooperation.
- **SALW collection and destruction:** States should consider giving more information on safe and cost-effective methods of destruction of ammunition and SALW and national regulations concerning destruction. This information could serve as a guide to other States.
- **Stockpile management and security:** States could consider providing more information on national procedures and requirements of disposing of weapons surplus, as well as details on national experiences in securing government stocks. This could feed into possible practical guidelines for Member States.
- **Public awareness and confidence-building measures:** States are encouraged to outline how they integrate issues of demand, gender, faith, culture, etc., into public awareness programming, as well as strategies for involving special interest groups, media, civil society and parliamentarians within their national context. This information could feed into possible guidelines for communication campaigns at the national, regional and international levels.

- **Capacity-building:** States should assume primary responsibility, in accordance with their specific situation, to establish and improve their legal systems, while constantly enhancing their own capabilities to prevent the diversion of lawful manufactured or transferred SALW into illicit channels.

State agents and organizations responsible for implementing SALW issues should be informed of existing UN resolutions, sanctions, embargoes, and regional and global instruments as well as trained on existing humanitarian and human rights law related to SALW in all its aspects.

States are encouraged to integrate small arms programming with relevant security, development and humanitarian issues in order to address some of the pressing demand questions such as the needs of vulnerable or marginalized populations, community development, justice reform and post-conflict peace-building.

RECOMMENDATIONS ON ASSISTANCE AND COOPERATION

- States are encouraged to build the capacity of law enforcement in implementing the PoA through intelligence and technical training programmes, the supply of advanced equipment and instruments to track illicit activities related to small arms and to identify the individuals and groups involved, cross-border cooperation and mutual legal assistance.
- States, international development agencies and security agencies should consider formulating guidance that examines how best to integrate SALW measures into national development frameworks (such as the United Nations Common Country Assessments and the United Nations Development Assistance Framework), how interventions should be designed and implemented, which indicators should be used to measure success and how donors can ensure better coordination.
- In assistance programmes, more aspects of responsible long-term commitment should be considered, whether linked to weapons for development projects, DDR, or capacity-building for NCAs and law enforcement.
- In assistance programmes, it is essential to consider specific national/regional priorities and concerns such as arms culture, smuggling and transnational organized crime, which include drugs/human trafficking, piracy and terrorism, and the link between

illicit trade in small arms and illicit exploitation of natural resources and other resources.

- Affected countries could be supportive of the PoA by providing in-depth knowledge, good practices and guidelines that could be shared and developed in a wider context.
- The creation of a roster of expertise and an international database on ongoing/completed assistance programmes could be further explored, together with an in-depth study to map the current situation and previous programmes.
- States are encouraged, within their subregion, to undertake the necessary coordinated efforts to formulate compatible and mutually reinforcing measures on small arms control. States and appropriate international and regional organizations in a position to do so should consider, upon request, rendering technical and financial assistance to support such a process, particularly in the Asia region, which has received the least assistance on small arms.

Notes

- ¹ All national reports submitted to DDA in 2002–2005 are available at <disarmament2.un.org/cab/salw-nationalreports.html>.
- ² General Assembly resolutions A/RES/56/24 of 24 December 2001, A/RES/57/72 of 22 November 2002, A/RES/58/241 of 23 December 2003, A/RES/59/86 of 3 December 2004 and A/RES/60/463 of 16 November 2005 available at <www.un.org/documents/>.
- ³ Elli Kytömäki and Valerie Yankey-Wayne, 2004, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the Reports Submitted by States in 2003*, United Nations, Geneva.
- ⁴ Report of the Secretary-General, *Assistance to States for curbing illicit traffic in small arms and collecting them. The illicit trade in small arms and light weapons in all its aspects*, General Assembly document A/60/601 of 23 August 2005, available at <www.un.org/documents/>. The PoA was preceded by, and has since been complemented by, a series of regional and subregional agreements, most notably in sub-Saharan Africa and Latin America. For more discussion on this, and especially EU cooperation with regional organizations, see the chapters on Africa and the Americas in this analysis. Aside from EU instruments, EU Member States have contributed to, and participated in, inter alia, the work of the OSCE and the Wassenaar Arrangement.
- ⁵ 136 UN Member States as well as the Holy See as a Permanent Observer of the United Nations.
- ⁶ The project, funded by the Governments of the Netherlands, Norway, Switzerland and the United Kingdom, aims to develop assistance tools for States to report on measures taken to implement the PoA. The assistance package developed by the project includes reporting guidelines and a suggested template for national reporting. More information about the project is available at <www.undp.org/bcpr/smallarms/PoA.htm>.
- ⁷ This analysis uses the definition of SALW given in the 1997 Secretary-General's Report of the Panel of Governmental Experts on Small Arms. It distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several people as a group. The category of small arms includes revolvers and self-loading pistols, rifles and carbines, assault rifles, submachine 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. Relevant ammunition and explosives are also included in the definition. See: *Report of the Panel of Governmental Experts on Small Arms*, General Assembly document A/52/298 of 7 August 1997; *Report of the Group of Governmental Experts on Small Arms*, General Assembly document A/54/258 of 3 August 1999, both available at <www.un.org/documents/>.

- ⁸ *Summary Report*, from the seminar *Strategies for Strengthening the UN Programme of Action on Small Arms and Light Weapons*, Harrison Conference Center, Glen Cove, NY, 30 September–2 October 2005, Geneva Forum, Geneva.
- ⁹ See, for example, *Biting the Bullet, 2005, Implementing the Programme of Action 2005: Action by States and Civil Society*, London, Biting the Bullet/IANSA, June; Patrick McCarthy, 2006, *Scratching the Surface of a Global Scourge: The First Five Years of the UN Programme of Action on Small Arms*, *Disarmament Forum*, no. 1, 2006, pp. 5–16.
- ¹⁰ For the meeting in Asia, see <disarmament.un.org/rcpd/10feb03cnf.htm>; for the meeting in the SEE region, organized in cooperation with DDA, the OSCE and the Government of Slovenia, see <disarmament.un.org/cab/salw-seeconf.html>; for Central Africa, see <disarmament.un.org/cab/sac-salw.html>; and for the Arab States, organized in cooperation with DDA and the League of Arab States, see <disarmament2.un.org/rdb/Meetings,%20Conf%20and%20Events/salw-LASconf.html>.
- ¹¹ Scheduled from 26 June to 7 July 2006 in New York.
- ¹² *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, General Assembly document A/60/88 of 17 June 2005, available at <www.un.org/documents/>.
- ¹³ In the report of the First Committee entitled *General and Complete Disarmament* under item “The illicit trade in small arms and light weapons in all its aspects”, the General Assembly “decides to establish a group of governmental experts, appointed by the Secretary-General on the basis of equitable geographical representation, commencing after the Review Conference and no later than 2007, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons in three

- sessions of one week's duration each, and to submit the report on the outcome of its study to the General Assembly at its sixty-second session" (paragraph 3). General Assembly document A/57/393 of 10 September 2002, available at <www.un.org/documents/>.
- ¹⁴ General Assembly resolution A/RES/60/1 of 15 September 2005, available at <www.un.org/documents/>.
- ¹⁵ General Assembly resolutions A/RES/56/24 V of 24 December 2001, A/RES/57/72 of 22 November 2002, 58/241 of 23 December 2003, A/RES/59/86 of 3 December 2004, and A/RES/60/463 of 16 November 2005, available at <www.un.org/documents/>.
- ¹⁶ Documents submitted by Member States are available at <disarmament2.un.org/cab/salw-legislation.htm>.
- ¹⁷ Argentina, Brazil, Canada, China, Cuba, Egypt, France, India, Jamaica, Mali, Mexico, the Netherlands, Nigeria, the Russian Federation, South Africa, Switzerland, the United Kingdom and the United States.
- ¹⁸ The first BMS was convened with General Assembly resolution A/RES/57/72 of 22 November 2002. More information about the meeting is available at <disarmament.un.org/cab/salw-2003.html>.
- ¹⁹ The second BMS was convened with General Assembly resolution A/RES/59/86 of 3 December 2004. More information about the meeting is available at <www.un.org/events/smallarms2005.html>.
- ²⁰ See the chair's summary of the meeting as annexed to the "Report of the United Nations 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", UN document A/CONF.192/BMS/2003/1 of 18 July 2003, available at <daccessdds.un.org/doc/UNDOC/GEN/N03/436/04/PDF/N0343604.pdf>.
- ²¹ General Assembly, "Report of the Second 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", UN document A/CONF.192/BMS/2005/1 of 19 July 2005, available at <[www.un.org/events/smallarms2005/report%20\(e\).pdf](http://www.un.org/events/smallarms2005/report%20(e).pdf)>.
- ²² The 2003 BMS report with an annex of the chair's summary, UN document A/CONF.192/BMS/2003/1 of 18 July 2003 is available at <daccessdds.un.org/doc/UNDOC/GEN/N03/436/04/PDF/N0343604.pdf>.
- ²³ General Assembly resolution A/RES/58/207 of 1 August 2003, paragraph 4.

- ²⁴ UN document A/CONF.192/BMS/2005/INF.1 of 19 July 2005, available at <daccessdds.un.org/doc/UNDOC/GEN/N03/436/04/PDF/N0343604.pdf>. Addenda to this document, to be issued later, will establish the actual level of participation at the 2005 BMS.
- ²⁵ Including the Holy See as a Permanent Observer of the United Nations. Statements were also presented by Belgium on behalf of the EU, Qatar on behalf of the League of Arab States, Mali on behalf of the Francophone Group, Chile on behalf of the Rio Group, Viet Nam on behalf of ASEAN, Nauru on behalf of the Pacific Islands Forum, Namibia on behalf of the SADC, Uruguay on behalf of Mercosur, and Bolivia, Chile and Belize on behalf of CARICOM.
- ²⁶ The statements included Lithuania and Luxembourg, which did not deliver their statements on the floor, but distributed written statements. In addition, Italy spoke on behalf of the EU and Nigeria on behalf of the African Union. The Holy See also gave a statement as a Permanent Observer of the United Nations.
- ²⁷ In addition, the meeting heard regional statements on behalf of eight organizations: the Republic of the Congo spoke on behalf of ECCAS, Myanmar on behalf of ASEAN, Nicaragua on behalf of SICA, Nigeria on behalf of the African Group, Samoa on behalf of the Pacific Islands Forum, the United Kingdom on behalf of the EU, Uruguay on behalf of Mercosur and The former Yugoslav Republic of Macedonia on behalf of the Stability Pact for South Eastern Europe. The Holy See also gave a statement as a Permanent Observer of the United Nations.
- ²⁸ General Assembly resolution A/RES/58/241 of 23 December 2003, operative paragraphs 8 and 9, available at <www.un.org/documents/>.
- ²⁹ The meeting dates are 14–25 June 2004, 24 January–4 February 2005 and 6–17 June 2005. Documents from the meetings are available at <disarmament2.un.org/cab/salw-oewg.html>.
- ³⁰ UN document A/60/88 of 27 June 2005, available at <www.un.org/documents/>.
- ³¹ General Assembly resolution A/RES/60/81 of 11 January 2006, available at <www.un.org/documents/>.
- ³² General Assembly resolution A/RES/56/24V of 10 January 2002, available at <www.un.org/documents/>.
- ³³ General Assembly resolution A/RES/58/241 of 9 January 2004, available at <www.un.org/documents/>.
- ³⁴ More information is available at <disarmament2.un.org/cab/salw-brokering.html>.

- ³⁵ General Assembly resolution A/RES/59/86 of 3 December 2004, paragraph 5, available at <www.un.org/documents/>.
- ³⁶ General Assembly resolution A/RES/60/463 of 16 November 2005, available at <www.un.org/documents/>. The group will report to the sixty-second session of the General Assembly.
- ³⁷ For an overview of regional and international developments on the brokering issue, see Holger Anders and Silvia Cattaneo, 2005, *Regulating Arms Brokering: Taking Stock and Moving Forward the United Nations Process*, GRIP Report, section 5, at <www.iansa.org/issues/documents/brokering-report-grip0905.pdf>.
- ³⁸ Further division of countries by regional organizations is presented in the regional sections and listed in Annex 3.
- ³⁹ Kytömäki and Yankey-Wayne, op. cit.
- ⁴⁰ Including the Holy See as a Permanent Observer of the United Nations.
- ⁴¹ The number of NCAs and NPCs in Africa is based on information from the national reports, DDA and UNDP.
- ⁴² DDR programmes are activities aimed at ex-combatants in post-conflict environments.
- ⁴³ For a complete list of demand issues in the PoA, see David Jackman, 2004, *Conflict Resolution and Lessening the Demand for Small Arms: Summary Report of a Research Seminar Organized by the Quaker United Nations Office (Geneva) and Africa Peace Forum (Nairobi)*, Geneva, Quaker United Nations Office, pp. 12–13.
- ⁴⁴ Although Sahrawi Arab Democratic Republic and Western Sahara are Members States of the African Union, they are not members of any subregional grouping or the United Nations.
- ⁴⁵ See Annex 3.
- ⁴⁶ Burundi, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, the Sudan, Uganda and the United Republic of Tanzania.
- ⁴⁷ See Annex 3.
- ⁴⁸ See Annex 3.
- ⁴⁹ Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia.
- ⁵⁰ *Human Security Report 2005, War and Peace in the 21st Century*, 2005, Human Security Centre, Vancouver, University of British Columbia.
- ⁵¹ *Report of the Republic of Kenya to the United Nations Secretary General on the Implementation of the Programme of Action on Illicit Trade in Small Arms and Light Weapons in All its Aspects*, July 2003,

- pp. 4–6, at <disarmament.un.org/cab/nationalreports/2002/Kenya.pdf>; workshop report *Proliferation of Small Arms and Light Weapons in Garissa District*, 9 June 2000, at <www.saligad.org/workshops/garissa.pdf>. A number of studies are being conducted on the subject by the SALIGAD project of the Bonn International Center for Conversion and the African Peace Forum.
- 52 The third regional legally binding instrument is CIFTA of the OAS in 13 November 1997.
- 53 The West African Network on Small Arms has submitted a Draft Convention on Small Arms and Light Weapons to the ECOWAS Secretariat for consideration. Additional information is available at <www.iansa.org/regions/wafrica/waansa-draft-convention.htm>.
- 54 See <www.smallarmsnet.org/docs/saaf12.pdf>.
- 55 More information on national reports submitted by Member States to the Secretary-General on the implementation of the PoA since 2002 is available at <disarmament.un.org/cab/salw-nationalreports.html>.
- 56 Morocco, which is not a member of the African Union but part of the North African region, submitted national reports in 2003 and 2005.
- 57 Angola, Madagascar, Malawi, Swaziland and the United Republic of Tanzania.
- 58 Cape Verde, Guinea and Guinea-Bissau.
- 59 Angola.
- 60 Libya and Tunisia (the Comoros is a Member State of the League of Arab States).
- 61 A list of African region NPCs is available at <disarmament.un.org/cab/salw.html>.
- 62 Information on NCAs and NPCs is based on information gathered from national reports, the DDA web site and the *Biting the Bullet* 2005 report. Since Angola, Burundi, Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania are members of more than one regional organization in Sub-Saharan Africa, they have been counted twice.
- 63 Information on IANSA's civil society activities is available at <www.iansa.org/regions/index.htm>.
- 64 More information is available at <www.fosda.org/resource/abuja%20press.pdf>.
- 65 National report (2005) of Egypt on the implementation of the PoA.
- 66 Drafting of new legislation is presently under way in Sierra Leone; national report (2005) of Sierra Leone on the implementation of the PoA.

- ⁶⁷ Kenya has a nascent arms industry restricted to the production of lower calibre ammunition for the use of security services.
- ⁶⁸ The Arms for Development programmes focus on community arms collection and development, developing new ways to stem the illicit trade in SALW, and supporting the revision and eventual implementation of new firearms legislation.
- ⁶⁹ SADC statement at the first United Nations Biennial Meeting of States on Small Arms and the Programme of Action, 7–11 July 2003, United Nations, New York.
- ⁷⁰ SADC statement at the first United Nations Biennial Meeting of States on Small Arms and the Programme of Action, 7–11 July 2003, United Nations, New York.
- ⁷¹ National report (2003) of Uganda on the implementation of the PoA.
- ⁷² Morocco is not a member of the African Union and Mauritania was suspended from the African Union in August 2005.
- ⁷³ National report (2005) of Uganda on the implementation of the PoA.
- ⁷⁴ More information on IANSA is available at <www.iansa.org>.
- ⁷⁵ Established by Security Council resolutions 1493 (paragraphs 15, 18 and 19) of 28 July 2003 and 1533 of 12 March 2004, available at <www.un.org/documents/>.
- ⁷⁶ National reports (2003, 2005) of South Africa on the implementation of the PoA.
- ⁷⁷ These organizations include SaferAfrica, Saferworld, Gun Free South Africa, Institute for Security Studies, Security Research and Information Centre, Christian Council of Mozambique, Africa Peace Forum/ International Resource Group, People with Disabilities Uganda, Centre for Human Rights & Rehabilitation, Zambia Health Workers for Social Responsibility (International Physicians for the Prevention of Nuclear War, Zambia), Foundation for Security & Development in Africa, Centre for Democratic Empowerment, *Association des Femmes pour les Initiatives de Paix and Mouvement contre les Armes Légères en Afrique de l'Ouest*.
- ⁷⁸ See David Jackman, 2005, A Broader Outlook: Progress on Demand Issues at the UN Second Biennial Meeting on Small Arms, Geneva, Quaker United Nations Office, September. See pp. 12–13, for a complete list of demand issues in the PoA.
- ⁷⁹ National report (2005) of Uganda on the implementation of the PoA.
- ⁸⁰ National report (2005) of Kenya on the implementation of the PoA.
- ⁸¹ The Small Arms Consultative Group is an informal process for developing understanding on guidelines for national controls and

transfers to non-state actors. It was established in January 2003 and convened by the Biting the Bullet project (International Alert, Saferworld and the University of Bradford). The group consists of representatives of some 30 governments from most regions, the United Nations, regional organizations and selected civil society experts.

⁸² See Annex 3. Bolivia and Chile are associate states and are not counted in the organization's statistics in this section. In addition to the national reports from the OAS countries, this section is based on various publications on small arms in the Americas, see William Godnick, William and Helena Vasquez, 2003, *Small Arms Control in Latin America*, London, International Alert; Luis Alfonso de Alba, 2002, "A Regional Perspective on the Problem of Small Arms and Light Weapons", *Disarmament Forum*, no. 2, pp. 49–52; William Godnick, Robert Muggah and Camilla Waszink, 2002, *Stray Bullets: The Impact of Small Arms Misuse in Central America*, Small Arms Survey Occasional Paper no. 5, Geneva, Graduate Institute of International Studies, October.

⁸³ The International Institute for Strategic Studies provides updated details on armed conflicts and unrest across the globe on its conflict database at <www.acd.iiss.org/armedconflict/>.

⁸⁴ The convention is available at <www.oas.org/juridico/english/treaties/a-63.html>. As part of the convention, the OAS developed the CICAD Model Regulations, which set harmonized measures for import and export control over internationally traded commercial firearms; they have been updated since their initial introduction. The 1997 regulations are available at <cicad.oas.org/Desarrollo_Juridico/esp/Reglamentos/Reglamento%20Modelo/RegModeloldiomas/ReglArmseng.doc>. The model regulations on brokering, adopted in November 2003, are available at <www.smallarmssurvey.org/source_documents/Regional%20fora/Americas/CICADFinalBrokeringMODELREGS13NOV03>.

⁸⁵ "Assistance to States for curbing illicit traffic in small arms and collecting them. The illicit trade in small arms and light weapons in all its aspects. Consolidation of peace through practical disarmament Measures", Report of the Secretary-General, General Assembly resolution A/RES/58/207 of 1 August 2003. SICA is a customs union, established in 1993. More information is available at <www.sieca.org.gt/>.

- ⁸⁶ Matt Schroeder, 2004, *Small Arms, Terrorism and the OAS Firearms Convention*, Occasional Paper no. 1, Washington, DC, Federation of American Scientists, March.
- ⁸⁷ CICAD is an agency of the OAS; more information is available at <www.cicad.oas.org/>.
- ⁸⁸ For more information see at <dosfan.lib.uic.edu/acda/factshee/exptcon/small.htm>.
- ⁸⁹ See <www.cicad.oas.org/>.
- ⁹⁰ See Annex 3.
- ⁹¹ See Annex 3.
- ⁹² See Annex 3.
- ⁹³ Guatemala reported at the end of December 2005 and is reflected in this figure. However, its 2005 report was submitted after the analysis for this study had been completed and therefore has not been analysed in detail.
- ⁹⁴ The reference includes the statement by Nicaragua on behalf of SICA and by Uruguay on behalf of Mercosur.
- ⁹⁵ Antigua and Barbuda, the Bahamas, Belize, Dominica, the Dominican Republic, Guyana, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Suriname.
- ⁹⁶ El Salvador's NPC information was not included on the DDA contact list as of 25 October 2005, though it was listed in 2003 and the country reported its contact details in its 2005 national report. In 2004, Honduras reported that it had established an NPC, but its contact details were not on the DDA contact list as of 25 October 2005.
- ⁹⁷ Seven OAS Member States have reported twice and Argentina, Canada, Costa Rica and El Salvador have reported three times.
- ⁹⁸ A theme is listed if it is mentioned by at least one Member State in the national report.
- ⁹⁹ In this analysis, DDR is considered as a separate activity from weapons collection and destruction activities. While DDR programmes can and often do contain weapons collection activities, they are viewed here as wider activities aimed at ex-combatants in post-conflict environments.
- ¹⁰⁰ The theme "laws, regulations and administrative procedures" refers to issues that are discussed from a legislative point of view; for example, if a country has adopted a new law concerning brokering and discusses it and its content in the national report, then both "laws, regulations and administrative procedures" and "brokering" are covered.
- ¹⁰¹ Our analysis, confirmed by other sources, such as the *Biting the Bullet* report, finds that there are 15 NCAs in the region. However, at least

two additional countries report regular policy coordination on SALW without having established an NCA.

¹⁰² Kytömäki and Yankey-Wayne, *op. cit.*, pp. 255–261.

¹⁰³ For example, Brazil in its 2003 report noted that it actively coordinates with OAS and UN efforts aimed at combating international crime and supports the universalization of existing instruments. In 2005, Canada reported that it provides regular assistance to international and regional bodies on drug trafficking, transnational organized crime and terrorism in addition to contributing financially to international organizations dealing with the narcotic drug situation around the world. In its 2005 report, Colombia emphasized its experience in criminal investigation and the assistance it provides to its neighbouring countries, *inter alia*, on training of special units to combat organized crime, judicial cooperation, money-laundering and drug trafficking.

¹⁰⁴ The statement by Nicaragua was on behalf of SICA and the statement by Uruguay was on behalf of Mercosur.

¹⁰⁵ The regulations were amended in December 2004, but were not yet in force at the time of reporting in 2005.

¹⁰⁶ *Biting the Bullet*, *op. cit.*, 2005, p. 66.

¹⁰⁷ National report (2003) of Argentina on the implementation of the PoA.

¹⁰⁸ General Assembly resolution A/RES/43/76H of 7 December 1988, available at <www.un.org/documents/>.

¹⁰⁹ General Assembly resolution A/RES/41/60 of 3 December 1986, available at <www.un.org/documents/>.

¹¹⁰ More information about UN-LiREC and its SALW activities is available at <www.unlirec.org>.

¹¹¹ Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic, Turkey, Yemen and the United Arab Emirates.

¹¹² China, the Democratic People's Republic of Korea, Japan, Mongolia and the Republic of Korea (excluding Macau and Taiwan, which are not members of the United Nations).

¹¹³ Afghanistan, Bangladesh, Bhutan, India, Iran, Kazakhstan, Kyrgyzstan, Maldives, Nepal, Pakistan, Sri Lanka, Tajikistan, Turkmenistan and Uzbekistan.

¹¹⁴ Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Thailand, Timor-Leste, Singapore and Viet Nam.

¹¹⁵ Australia, Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Solomon Islands, Nauru,

Palau, Samoa, Tonga, Tuvalu and Vanuatu (excluding the territories of America Samoa, New Caledonia and Pitcairn; Cook Islands, which is a Member State of the Pacific Islands Forum; and French Polynesia and Guam, which are not members of the United Nations).

¹¹⁶ See Annex 3.

¹¹⁷ See the International Institute for Strategic Studies conflict database at <www.iiss.org/armedconflict/>.

¹¹⁸ Robert E. Bedeski, Andrew Andersen and Santo Darmosumarto, 1998, *Small Arms Trade and Proliferation in East Asia: Southeast Asia and the Russian Far East*, Working Paper no. 24, Institute of International Relations, Vancouver, University of British Columbia, p. 6, September, in: PRC: One Million Illicit Guns Said Seized Over Last 5 Years, *FBIS-CHI*, 29 May 1996, pp. 25–26; David Capie, 2002, *Small Arms Production and Transfers in Southeast Asia*, Canberra, Australian National University.

¹¹⁹ Ibid.

¹²⁰ Malaysian Arms Proprietor Arrested in Sabah, *Deutsche Presse-Agentur*, 17 April 1996.

¹²¹ Impact of Mainland Crackdown on Guns Viewed, 1995, *FBIS-CHI*, 29 November, p. 105.

¹²² Bedeski, Andersen and Darmosumarto, *op. cit.*

¹²³ Ibid., pp. 25–26.

¹²⁴ China, Japan and the Republic of Korea.

¹²⁵ Information submitted by the designated NPC for ASEAN on small arms at the seminar The Role of Regional Organisations in Stemming the Illicit Trade in Small Arms and Light Weapons organized by the Geneva Forum, 29–30 January 2004.

¹²⁶ Asia Pacific Economic Cooperation in the realm of economic and trade liberalization, the ASEAN Regional Forum and the Council for Security Cooperation in the Asia Pacific engage each other in structured dialogue on broad-ranging economic and security issues.

¹²⁷ For background, see Edgardo P. Legaspi, 2005, *East Asia Inaction on Arms: Assessing Regional Compliance to the UN POA on Small Arms and Light Weapons*, Southeast Asia Forum on Armed Violence, Nonviolence International, at <www.nonviolenceinternational.net>; Gina Rivas Pattugalan, 2003, *Two Years After: Implementation of the UN Programme of Action on Small Arms in the Asia-Pacific Region*, Occasional Paper, Geneva, United Nations, October.

¹²⁸ National report (2005) of Indonesia on the implementation of the PoA.

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- ¹²⁹ Philip Alpers and Conor Twyford, 2003, *Small Arms in the Pacific*, Small Arms Survey Occasional Paper no. 8, Geneva, Graduate Institute of International Studies.
- ¹³⁰ Ibid.
- ¹³¹ National report (2005) of New Zealand on the implementation of the PoA.
- ¹³² National report (2005) of Papua New Guinea on the implementation of the PoA.
- ¹³³ Karishma Budhdev-Lama and David Jackman, prepared for the workshop Curbing the Demand for Small Arms, American Friends Service Committee and the Regional Human Security Center, Jordan Institute of Diplomacy, Amman, 8–9 July 2002; also see Derek B. Miller, 2003, *Demand, Stockpiles, and Social Controls: Small Arms in Yemen*, Small Arms Survey Occasional Paper no. 9, Geneva, Graduate Institute of International Studies, May.
- ¹³⁴ See Annex 3.
- ¹³⁵ See the statement submitted by the League of Arab States in January 2006 to the Preparatory Committee for the Review Conference to review progress made in the implementation of the PoA.
- ¹³⁶ Kiribati, the Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Samoa, Tonga, Tuvalu and Vanuatu (excluding the territories of American Samoa, Cook Islands, French Polynesia, Guam, New Caledonia and Pitcairn, which are not members of the United Nations).
- ¹³⁷ Afghanistan, Bhutan, Kyrgyzstan, Maldives, Nepal, Turkmenistan and Uzbekistan.
- ¹³⁸ Brunei Darussalam, the Lao People's Democratic Republic, Myanmar, Timor-Leste, Singapore and Viet Nam.
- ¹³⁹ Bahrain, Iraq, Kuwait and the United Arab Emirates.
- ¹⁴⁰ The Democratic People's Republic of Korea and Mongolia (excluding Macau and Taiwan, which are not members of the United Nations).
- ¹⁴¹ Such assistance is available through the UNDP/DDA/UNIDIR/SAS project Capacity Development for Reporting to the UN Programme of Action on Small Arms. More information on the assistance package is available at <www.undp.org/bcpr/smallarms/PoA.htm>.
- ¹⁴² Information on NPCs is as of September 2005 from the DDA web site. Information on NCAs is based on data from national reports and the 2005 *Biting the Bullet* report.
- ¹⁴³ For more information, see the web site of IANSA at <www.iansa.org>.

- ¹⁴⁴ In 2003 and 2004, the Solomon Islands reported that in 2001 an International Peace Monitoring Team audit of the central police armoury found that there were no proper accounting measures in evidence for the storage of ammunition and explosives, and that little knowledge existed on weapons accounting and servicing procedures. Technical assistance from Australia and New Zealand led to the establishment of the Australia (AusAID)-funded Law and Justice Program. Their continuing collaboration with the Royal Solomon Islands Police has led to significant progress in the areas of small arms accounting procedures, physical security and disposal of both weapons and munitions.
- ¹⁴⁵ This was the result of an investigation and interrogation in cooperation with authorities from neighbouring countries.
- ¹⁴⁶ See the 2005 Australia national report for more detailed activities.
- ¹⁴⁷ The European countries analysed are: Albania, Andorra, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom.
- ¹⁴⁸ See, inter alia, SAS, 2005, *Small Arms Survey 2005: Weapons at War*, Oxford, Oxford University Press, pp. 102–105; SAS, 2004, *Small Arms Survey 2004: Rights at Risk*, Oxford, Oxford University Press, pp. 9–10, 100–106; SAS, 2003, *Small Arms Survey 2003: Development Denied*, Oxford, Oxford University Press, pp. 11–14, 36–48, 100–105.
- ¹⁴⁹ Andy McLean, Bernardo Mariani and Alex Vatanka, 2005, Enhancing EU Action to Prevent Illicit Small Arms Trafficking, in: *Small Arms and Light Weapons Transfers*, Geneva, UNIDIR; SEESAC, 2005, *SALW and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity?*, second edition, Belgrade, SEESAC, August.
- ¹⁵⁰ See studies by Saferworld and SEESAC on arms control reforms in individual SEE countries and the web site of IANSA at <www.iansa.org/regions/index.htm> for updated news reports on changes to European countries' weapons laws. For examples of weapons amnesties and legislative reviews, see other parts of this section.

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- ¹⁵¹ See, for example, *Taking Control: the Case for a More Effective European Union Code of Conduct for Arms Exports*, report by EU NGOs, September 2004; *European Action for Small Arms, Light Weapons and Explosive Remnants of War*, 2005, Pilot Project Interim Report, Geneva, UNIDIR, December.
- ¹⁵² For an overview of the small arms situation in SEE countries, see *South Eastern Europe SALW Monitor*, 2005, London, Saferworld and Belgrade, SEESAC; S. Grillot, 2003, *Monitoring the Implementation of Small Arms Controls: Central and Eastern Europe, a Regional Assessment of Small Arms Control Initiatives*, Eurasia Series no. 1, Security and Peacebuilding Programme, London, International Alert.
- ¹⁵³ *South Eastern Europe SALW Monitor*, 2005, London, Saferworld and Belgrade, SEESAC; McLean, Mariani and Vatanka, op. cit.
- ¹⁵⁴ Major policy instruments in this regard are the EU Joint Action on Small Arms, adopted in 1997 and modified in 2002, and the newly adopted European Strategy on Small Arms and Light Weapons (December 2005). In addition, the EU policy framework to combat the illicit trafficking of small arms is built around the EU Code of Conduct on arms exports, adopted in 1998, the Common Position on Brokering from 2003 and the use of arms embargoes.
- ¹⁵⁵ See Annex 3.
- ¹⁵⁶ See Annex 3.
- ¹⁵⁷ European Union Strategy on Small Arms to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition, doc. 13066/05, adopted at the European Council meeting on 15–16 December 2005; see also Presidency Conclusions, document 15914/1/05 of 30 January 2006.
- ¹⁵⁸ In 2003, Lithuania and Luxemburg did not take the floor to deliver their statements but distributed written statements. Luxemburg delivered its national report of 2003 as its statement. Both BMSs also included sessions for thematic debate, however, statements made during those discussions are not included in this analysis because the absence of comprehensive written statements on thematic issues makes a complete accounting of national positions difficult.
- ¹⁵⁹ A theme is listed if it is mentioned by at least one Member State in the national report.
- ¹⁶⁰ The theme “laws, regulations and administrative procedures” refers to issues that are discussed from a legislative point of view; for example, if a country has adopted a new law concerning brokering and discusses

it and its content in the national report, then both “laws, regulations and administrative procedures” and “brokering” are covered.

- ¹⁶¹ In this analysis, DDR is considered as a separate activity from weapons collection and destruction activities. While DDR programmes can and often do contain weapons collection activities, they are viewed here as wider activities aimed at ex-combatants in post-conflict environments.
- ¹⁶² Information as of 27 September 2005.
- ¹⁶³ Cyprus has not appointed an NPC for SALW.
- ¹⁶⁴ From e-mail correspondence with Adrian Wilkinson, head of SEESAC, 14 December 2005: The NPCs in Albania and Serbia and Montenegro cover mainly issues from their respective ministries’ perspective.
- ¹⁶⁵ *Biting the Bullet*, op. cit, 2005, p. 86.
- ¹⁶⁶ Belgium, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Spain.
- ¹⁶⁷ Council Directive 91/477/EEC of 18 June 1991.
- ¹⁶⁸ The Schengen Convention abolished the internal borders of its signatory States and thereby created a single external border of the States. The convention was signed in 1990 and took effect in 1995. The Amsterdam Treaty on the European Union (1999) incorporated the set of measures adopted under the Schengen umbrella into the legal and institutional framework of the EU. The agreement currently has 26 signatory countries: all EU Member States except the United Kingdom and Ireland, and Iceland, Norway and Switzerland from outside the EU.
- ¹⁶⁹ More detailed information about what categories A, B, and C cover can be found in the annex to the 2005 Czech Republic national report at www.disarmament2.un.org/cab/nationalreports/2005/Czech%20republic%20Annex%20Act%2019-SALW.pdf.
- ¹⁷⁰ Verifying the identity of the end user of a controlled item is a critical element of determining whether a particular shipment is authorized. An EUC is an internationally recognized, but not internationally standardized, documentary method of declaring the end user. For more details, see the Stockholm International Peace Research Institute at www.sipri.org, GRIP at www.grip.org and the Norwegian Initiative on Small Arms Transfers at www.nisat.org.
- ¹⁷¹ More information on end-user certification is available at www.dti.gov.uk/export.control/applying.htm.
- ¹⁷² H.R. Ambassador John Freeman, statement by the head of the United Kingdom delegation on behalf of the EU to the thematic debate

Intervention, Import/Export Control and Illicit Brokering, at the Biennial Meeting of States on Small Arms and the Programme of Action, United Nations, New York, 13–15 July 2005. Countries that are in accord with the statement: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, the Republic of Moldova, Romania, Serbia and Montenegro, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.

- 173 The report commissioned by Ireland is available at <www.entemp.ie/trade/marketaccess/exports/publications.htm>.
- 174 More information about the Swedish governmental inquiry is available at <www.sou.gov.se/krut>. National report (2005) of Sweden on the implementation of the PoA.
- 175 The Schengen Information System is a computer database that can be accessed by all Schengen Agreement member countries to further police cooperation. It is used by several European countries to provide data on people or objects, as recorded by the participant countries.
- 176 The European Network of Forensic Science Institutes aims at sharing knowledge, exchanging experiences and coming to mutual agreements in the field of forensic science. More information is available at <www.enfsi.org/>.
- 177 The 2003 and 2004 national reports of Greece noted that consultations were under way among the relevant ministries to amend 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.
- 178 More information about the seminar on SALW in Bosnia and Herzegovina in June 2005 is available at <www.euforbih.org/forum/007/p08a/tefp08a.htm>.
- 179 Due to the large number of reported assistance activities by the EU Member States during past several years, Table 6.5 provides only examples of activities and is not meant to be comprehensive. More information about funded projects can be obtained from the national reports of EU Member States.
- 180 Freeman, *op. cit.*
- 181 From e-mail correspondence with Adrian Wilkinson, head of SEESAC, 14 December 2005: Information from other sources indicates that some destruction projects took place in 2004 in Serbia and Montenegro. Also, destruction of SALW by the Ministry of Interior took place in late 2005 with the support of Switzerland.

- ¹⁸² More information about the chair's interim report on the process is available at <www.saferworld.org.uk/iac/btb_interim_report.pdf>.
- ¹⁸³ Freeman, *op. cit.*; H.E. Ambassador Carlo Trezza, statement by the Permanent Representative of Italy to the Conference on Disarmament in Geneva on behalf of the EU, at the Biennial Meeting of States on Small Arms and the Programme of Action United Nations, New York, 7 July 2003. Countries that are in accord with the statements are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, the Republic of Moldova, Romania, Serbia and Montenegro, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.
- ¹⁸⁴ Serbia and Montenegro noted this in its national statement at the 2005 BMS.
- ¹⁸⁵ Freeman, *op. cit.*; Trezza, *op. cit.* Countries that are in accord with the statements are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, the Republic of Moldova, Romania, Serbia and Montenegro, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.
- ¹⁸⁶ Freeman, *op. cit.*; more information on national reports submitted by European Member States to the Secretary-General on the implementation of the PoA since 2002 is available at <disarmament.un.org/cab/salw-nationalreports.html>.
- ¹⁸⁷ Including the Holy See as a Permanent Observer of the United Nations.

ANNEX 1

PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

UN document A/CONF.192/15 of 9–20 July 2001

I. Preamble

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,
2. *Gravely concerned* about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,
3. *Concerned also* by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,
4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,
5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,
6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child

soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,

7. *Concerned also* about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective,

8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,

9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

10. *Reaffirming also* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,

11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,

12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,

13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,

14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,

16. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

17. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,

18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,

19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,

20. *Recognizing* that 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, establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;

(b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;

(c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;

(d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;

(e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

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.

3. To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.

4. 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.

5. 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.

6. 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.

7. 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.

8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.

9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

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

11. 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.

12. 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.

13. 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.

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.

15. 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.

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.

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

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.

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.

20. 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.

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.

22. 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.

23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

At the regional level

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments 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.

26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular 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.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.

29. 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.

30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.

31. To encourage regions 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.

At the global level

32. 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.
33. To 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.
34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.
35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.
36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.
37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws.
38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.
39. 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.

40. 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.

41. 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.

III. Implementation, international cooperation and assistance

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the

principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. 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.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

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

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. 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.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

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

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

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.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. 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.

IV. Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

- (a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;
- (b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;
- (c) 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;
- (d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

- (a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;
- (b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;
- (c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

ANNEX 2

REPORTING, NPCS AND NCAs IN 2002–2005

Countries	2002	2003	2004	2005	NPC	NCA
Afghanistan						
Albania		X	X		X	
Algeria		X		X	X	
Andorra					X	
Angola						X
Antigua and Barbuda					X	
Argentina		X	X	X	X	X
Armenia		X		X	X	
Australia	X	X	X	X	X	X
Austria		X		X	X	
Azerbaijan			X	X		
Bahamas						
Bahrain						
Bangladesh	X	X			X	
Barbados		X			X	
Belarus	X	X	X	X	X	
Belgium		X			X	X
Belize						
Benin		X		X	X	X
Bhutan						
Bolivia		X		X	X	
Bosnia and Herzegovina			X	X	X	X
Botswana	X				X	X
Brazil		X		X	X	X

Countries	2002	2003	2004	2005	NPC	NCA
Brunei Darussalam						
Bulgaria	X	X		X	X	X
Burkina Faso	X	X		X	X	X
Burundi		X	X	X	X	X
Cambodia			X			
Cameroon		X				X
Canada		X	X	X	X	X
Cape Verde						X
Central African Republic		X				
Chad		X			X	X
Chile				X	X	
China		X	X	X	X	
Colombia		X		X	X	X
Comoros						
Costa Rica	X	X		X	X	X
Côte d'Ivoire		X		X	X	
Croatia		X	X	X	X	X
Cuba		X				
Cyprus						
Czech Republic		X	X	X	X	
Democratic People's Republic of Korea						
Democratic Republic of Congo		X			X	X
Denmark				X	X	
Djibouti		X			X	X
Dominica						
Dominican Republic						

Countries	2002	2003	2004	2005	NPC	NCA
Ecuador		X			X	X
Egypt		X		X	X	
El Salvador		X	X	X		
Equatorial Guinea		X				X
Eritrea						
Estonia		X			X	
Ethiopia	X					
Micronesia (Federated States of)						
Fiji			X		X	X
Finland		X	X	X	X	X
France		X		X	X	X
Gabon				X	X	
Gambia		X		X	X	X
Georgia				X	X	X
Germany		X	X	X	X	
Ghana				X		X
Greece		X	X	X	X	X
Grenada			X		X	
Guatemala			X	X		X
Guinea					X	X
Guinea-Bissau						X
Guyana						
Haiti		X			X	X
Holy See				X	X	
Honduras		X	X			X
Hungary	X	X	X	X	X	X
Iceland					X	
India		X		X	X	X

Countries	2002	2003	2004	2005	NPC	NCA
Indonesia		X		X	X	X
Iran		X		X	X	X
Iraq						
Ireland	X	X		X	X	
Israel		X	X		X	X
Italy		X		X	X	X
Jamaica				X	X	
Japan	X	X		X	X	X
Jordan		X		X	X	X
Kazakhstan				X	X	X
Kenya		X		X	X	X
Kiribati						
Kuwait						
Kyrgyzstan						
Lao People's Democratic Republic						
Latvia		X	X	X	X	X
Lebanon		X	X		X	
Lesotho				X	X	X
Liberia				X	X	X
Libya						
Liechtenstein				X	X	
Lithuania	X	X		X	X	
Luxembourg		X		X	X	
Madagascar						
Malawi						
Malaysia		X		X	X	X
Maldives					X	
Mali		X		X	X	X

Countries	2002	2003	2004	2005	NPC	NCA
Malta			X	X	X	
Marshall Islands				X	X	X
Mauritania				X	X	
Mauritius				X	X	
Mexico	X	X	X	X	X	X
Monaco		X	X		X	
Mongolia					X	
Morocco		X		X	X	
Mozambique				X	X	X
Myanmar					X	
Namibia				X	X	X
Nauru						
Nepal						
Netherlands		X		X	X	
New Zealand		X	X	X	X	X
Nicaragua		X				X
Niger		X		X	X	X
Nigeria				X	X	X
Norway		X		X	X	X
Oman		X		X	X	
Pakistan		X		X	X	X
Palau						
Panama				X	X	
Papua New Guinea				X	X	X
Paraguay		X		X	X	X
Peru		X		X	X	X
Philippines		X		X	X	
Poland	X	X		X	X	X

Countries	2002	2003	2004	2005	NPC	NCA
Portugal		X	X		X	X
Qatar		X		X	X	
Republic of Korea		X		X	X	
Republic of Moldova		X		X	X	
Republic of the Congo		X			X	
Romania		X		X	X	X
Russian Federation	X	X		X	X	
Rwanda		X		X	X	X
Saint Kitts and Nevis					X	
Saint Lucia						
Saint Vincent and Grenadines						
Samoa						
San Marino					X	
Sao Tome and Principe		X			X	X
Saudi Arabia		X				
Senegal		X		X	X	X
Serbia and Montenegro		X	X	X	X	
Seychelles						
Sierra Leone				X	X	X
Singapore					X	
Slovakia		X		X	X	X
Slovenia		X		X	X	X
Solomon Islands		X	X		X	X
Somalia						
South Africa		X		X	X	
Spain		X		X	X	X
Sri Lanka		X		X	X	X
Sudan		X			X	X

Countries	2002	2003	2004	2005	NPC	NCA
Suriname						
Swaziland						
Sweden		X		X	X	X
Switzerland		X	X	X	X	X
Syrian Arab Republic		X		X	X	
Tajikistan		X			X	
Thailand		X		X	X	X
The former Yugoslav Republic of Macedonia		X	X	X	X	
Timor-Leste						
Togo			X	X		X
Tonga						
Trinidad and Tobago		X	X		X	
Tunisia						
Turkey		X	X	X	X	X
Turkmenistan						
Tuvalu					X	
Uganda		X		X	X	X
Ukraine		X	X	X	X	
United Arab Emirates						
United Kingdom		X		X	X	X
United Republic of Tanzania						X
United States	X	X	X	X	X	X
Uruguay				X	X	
Uzbekistan						
Vanuatu						
Venezuela			X		X	
Viet Nam						

Countries	2002	2003	2004	2005	NPC	NCA
Yemen		X				
Zambia				X	X	X
Zimbabwe				X	X	X
	16	103	39	103	133	86

Note: The column on NPC reflects information available as of 27 September 2005. The column on NCAs reflects information submitted in national reports (see the regional chapters for more detailed discussion on this point).

ANNEX 3

REGIONAL ORGANIZATIONS

African Union

Algeria	Madagascar
Angola	Malawi
Benin	Mali
Botswana	Mauritania*
Burkina Faso	Mauritius
Burundi	Mozambique
Cameroon	Namibia
Cape Verde	Niger
Central African Republic	Nigeria
Chad	Republic of the Congo
Comoros	Rwanda
Democratic Republic of the Congo	Saharawi Arab Democratic Republic
Côte d'Ivoire	Sao Tome and Principe
Djibouti	Senegal
Egypt	Seychelles
Equatorial Guinea	Sierra Leone
Eritrea	Somalia
Ethiopia	South Africa
Gabon	Sudan
Gambia	Swaziland
Ghana	Togo
Guinea-Bissau	Tunisia
Guinea Conakry	Uganda
Kenya	United Republic of Tanzania
Lesotho	Zambia
Liberia	Zimbabwe
Libya	

* Mauritania was suspended from the African Union in August 2005, after a military coup which ousted President Maaouiya Sid' Ahmed Ould Taya.

Andean Community

Bolivia	Peru
Colombia	Venezuela
Ecuador	

(the bodies and institutions comprising the Andean Integration System also participate)

Association of Southeast Asian Nations (ASEAN)

Brunei Darussalam	Myanmar
Cambodia	Philippines
Indonesia	Singapore
Lao People's Democratic Republic	Thailand
Malaysia	Viet Nam

Caribbean Community (CARICOM)

Antigua and Barbuda	Jamaica
Bahamas	Montserrat
Barbados	Saint Kitts and Nevis
Belize	Saint Lucia
Dominica	Saint Vincent and the Grenadines
Grenada	Suriname
Guyana	Trinidad and Tobago
Haiti	

Central American Integration System (SICA)

Belize	Honduras
Costa Rica	Nicaragua
El Salvador	Panama
Guatemala	

Commonwealth of Independent States

Armenia	Republic of Moldova
Azerbaijan	Russian Federation
Belarus	Tajikistan
Georgia	Turkmenistan
Kazakhstan	Ukraine
Kyrgyzstan	Uzbekistan

Economic Community of Central African States (ECCAS)

Angola	Equatorial Guinea
Burundi	Gabon
Cameroon	Republic of the Congo
Central African Republic	Rwanda
Chad	Sao Tome and Principe
Democratic Republic of the Congo	

Economic Community of West African States (ECOWAS)

Benin	Liberia
Burkina Faso	Mali
Cape Verde	Niger
Côte d'Ivoire	Nigeria
Gambia	Senegal
Ghana	Sierra Leone
Guinea	Togo
Guinea-Bissau	

European Union (EU)

Austria	Latvia
Belgium	Lithuania
Cyprus	Luxembourg
Czech Republic	Malta
Denmark	Netherlands
Estonia	Poland
Finland	Portugal
France	Slovakia
Germany	Slovenia
Greece	Spain
Hungary	Sweden
Ireland	United Kingdom
Italy	

League of Arab States

Algeria	Morocco
Bahrain	Oman
Comoros	Palestine
Djibouti	Qatar
Egypt	Saudi Arabia
Iraq	Somalia
Jordan	Sudan
Kuwait	Syrian Arab Republic
Lebanon	Tunisia
Libya	United Arab Emirates
Mauritania	Yemen

Nairobi Regional Centre on Small Arms (geographical area of operation)

Burundi	Kenya
Democratic Republic of the Congo	Rwanda
Djibouti	Sudan
Eritrea	Uganda
Ethiopia	United Republic of Tanzania

North Atlantic Treaty Organization (NATO)

Belgium	Hungary	Portugal
Bulgaria	Iceland	Romania
Canada	Italy	Slovakia
Czech Republic	Latvia	Slovenia
Denmark	Lithuania	Spain
Estonia	Luxembourg	Turkey
France	Netherlands	United Kingdom
Germany	Norway	United States
Greece	Poland	

Organization for Security and Co-operation in Europe (OSCE)

Albania	Holy See	San Marino
Andorra	Hungary	Serbia and Montenegro
Armenia	Iceland	Slovak Republic
Austria	Ireland	Slovenia
Azerbaijan	Italy	Spain
Belarus	Kazakhstan	Sweden
Belgium	Kyrgyzstan	Switzerland
Bosnia and Herzegovina	Latvia	Tajikistan
Bulgaria	Liechtenstein	The former Yugoslav Republic of Macedonia
Canada	Lithuania	Turkey
Croatia	Luxembourg	Turkmenistan
Cyprus	Malta	Ukraine
Czech Republic	Monaco	United Kingdom
Denmark	Netherlands	United States
Estonia	Norway	Uzbekistan
Finland	Poland	
France	Portugal	
Georgia	Republic of Moldova	
Germany	Romania	
Greece	Russian Federation	

Organization of American States (OAS)

Antigua and Barbuda	Guyana
Argentina	Haiti
Bahamas	Honduras
Barbados	Jamaica
Belize	Mexico
Bolivia	Nicaragua
Brazil	Panama
Canada	Paraguay
Chile	Peru
Colombia	Saint Kitts and Nevis
Costa Rica	Saint Lucia
Cuba*	Saint Vincent and the Grenadines
Dominica	Suriname
Dominican Republic	Trinidad and Tobago
Ecuador	United States
El Salvador	Uruguay
Grenada	Venezuela
Guatemala	

* By resolution of the Eighth Meeting of Consultation of Ministers of Foreign Affairs (1962) the current Government of Cuba is excluded from participation in the OAS.

Pacific Islands Forum

Australia	Niue
Cook Islands	Palau
Fiji	Papua New Guinea
Kiribati	Samoa
Marshall Islands	Solomon Islands
Micronesia (Federated States of)	Tonga
Nauru	Tuvalu
New Zealand	Vanuatu
<i>Observers:</i>	
French Polynesia	Timor-Leste
New Caledonia	Tokelau

Southern African Development Community (SADC)

Angola	Mozambique
Botswana	Namibia
Democratic Republic of the Congo	South Africa
Lesotho	Swaziland
Madagascar	United Republic of Tanzania
Malawi	Zambia
Mauritius	Zimbabwe

Southern Common Market (Spanish: Mercosur, Portuguese: Mercosul)

Argentina	Paraguay
Brazil	Uruguay
<i>Associate Member States:</i>	
Bolivia	Chile

Stability Pact for South and South-Eastern Europe (SEE)

Albania	Romania
Bosnia and Herzegovina	Serbia and Montenegro
Bulgaria	The former Yugoslav Republic of
Croatia	Macedonia
Republic of Moldova	

Wassenaar Arrangement

Argentina	Luxembourg
Australia	Malta
Austria	Netherlands
Belgium	New Zealand
Bulgaria	Norway
Canada	Poland
Croatia	Portugal
Czech Republic	Republic of Korea
Denmark	Romania
Estonia	Russian Federation
Finland	Slovakia
France	Slovenia
Germany	Spain
Greece	Sweden
Hungary	Switzerland
Ireland	Turkey
Italy	Ukraine
Japan	United Kingdom
Latvia	United States
Lithuania	

ACRONYMS AND RELEVANT TERMS

ASEAN	Association of Southeast Asian Nations
ASEANAPOL	ASEAN Association of Heads of Police
AusAID	Australian Agency for International Development
BMS	biennial meeting of States
CARCCPO	Central African Regional Police Chiefs Cooperation Organization
CARICOM	Caribbean Community
CICAD	Inter-American Drug Abuse Control Commission
CIFTA	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials
CSO	civil society organization
DDA	UN Department for Disarmament Affairs
DDR	disarmament, demobilization and reintegration
DDRR	disarmament, demobilization, rehabilitation and reintegration
EARPCCO	East African Police Chiefs Cooperation Organization
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EUC	end-user certificate
GRIP	Groupe de recherche et d'information sur la paix et la sécurité
IANSAs	International Action Network on Small Arms
MANPADS	man-portable air defence systems
Mercosur	Southern Common Market (<i>Mercado Común del Sur</i>)
MoFA	Ministry of Foreign Affairs
NATO	North Atlantic Treaty Organization
NAMSA	NATO's Maintenance and Supply Agency
NCA	National Coordination Agency
NGO	non-governmental organization
NPC	National Point of Contact
OAS	Organization of American States
OAU	Organization of African Unity
OCO	Oceanic Customs Organisation

OSCE	Organization for Security and Co-operation in Europe
PCASED	Program for Coordination and Assistance for Security and Development in Africa
PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
SADC	Southern African Development Community
SALW	small arms and light weapons
SALSA	Small Arms and Light Weapons Administration System
SARPCCO	Southern African Police Chiefs Cooperation Organization
SAS	Small Arms Survey
SEE	South-Eastern Europe
SEESAC	South-East Europe Clearinghouse for SALW Control
SICA	Central American Integration System
SINARM	National Arms System (Brazil)
SweFOR	Swedish Fellowship on Reconciliation
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
UN-LiREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
WARPCCO	West African Police Chiefs Cooperation Organization

Relevant terms

CICAD Model Regulations

Model Regulations for the Control of the International Movements of Firearms, Their Parts, Components and Ammunition

ECOWAS Moratorium

Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa

Nairobi Declaration

Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Nairobi Protocol

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Review Conference

Conference to Review Progress Made in 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

SADC Declaration

Declaration concerning Firearms, Ammunition and Other Related Materials in the SADC Region

SADC Protocol

Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region

Tracing Instrument

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons