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Executive Summary

Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of Reports Submitted by States in 2003

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EXECUTIVE SUMMARY

It is my fervent wish that States will make the best use of the outcome of this analysis to reinforce their commitment to reporting on their implementation of the Programme of Action, and take concrete steps to strengthen national, regional and global efforts to control the illicit trade in small arms and light weapons in all its aspects.

Dr Kuniko INOBUCHI

Ambassador, Permanent Representative of Japan to the Conference on Disarmament (2002-2004), Chair of the First Biennial Meeting of States to Consider the Implementation of the PoA, July 2003.

INTRODUCTION

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

In 2003, 103 out of the 191 United Nations member states¹ submitted national reports on their implementation of the PoA to the United Nations Secretary-General through the Department for Disarmament Affairs (UNDDA) and presented them to the First Biennial Meeting of States (BMS). The reports vary widely in terms of the length, level of detail and themes addressed. While a handful of states submitted only brief letters that reiterated their support for the PoA, others sought to address almost all aspects of the PoA. It became evident from the format of some reports that the reporting assistance package that had been developed by the United Nations Development Programme (UNDP), the United Nations Department for Disarmament Affairs (UNDDA) and the United Nations Institute for Disarmament Research (UNIDIR), in cooperation with the

Small Arms Survey, as well as the United States' matrix blueprint, were beneficial in guiding states in the preparation of their national reports.

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

The goal of the study is to ascertain current levels of state commitment to the PoA by reviewing the various national initiatives underway and also to highlight the strengths and gaps of the reporting process. The disparate nature of the information provided in the national reports makes it difficult to assess clearly the national policies put in place to implement the PoA. Nevertheless, the study should help identify areas where progress is needed and could orient the capacity-building and training efforts of states to stem the menace of SALW. Further, it could equip states and international organizations with the necessary information needed to tailor assistance accordingly.

SUMMARY OF INFORMATION PROVIDED IN THE NATIONAL REPORTS

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

- 79% mention National Coordination Agencies (NCA) or National Points of Contact (NPC) to some degree;
- 90% refer to national legislation governing small arms control at the national level;
- 87% discuss import, export and transfer controls to some degree;
- 50% address existing brokering legislation or describe penalties for illicit brokering activities;
- 78% mention some aspects of marking and tracing;
- 75% address weapons collection and destruction;
- 71% mention stockpile management and security;
- 41% refer to surplus weapons, as a separate theme from stockpile management and security;

- 57% refer to public awareness efforts;
- 35% discuss Disarmament, Demobilization and Reintegration (DDR) programmes, either directly or indirectly by describing project activities related to such programmes;
- 9% refer to the special needs of children affected by armed conflict.

From the above, it is evident that export, import and transit controls, and national legislation were the most frequently addressed PoA themes. The least mentioned were addressing the needs of children affected by armed conflict; Disarmament, Demobilization and Reintegration efforts; government stock surpluses; and brokering. It should be noted that some issues such as DDR as well as addressing the needs of children affected by armed conflict are not applicable to many states in terms of developing national programmes for implementation.

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

IMPLEMENTATION AT THE NATIONAL LEVEL

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

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

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

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

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

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

IMPLEMENTATION AT THE REGIONAL AND GLOBAL LEVELS

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

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

Based on the information provided in the national reports of 2003, it seems that a number of countries most seriously affected by problems related to SALW have received financial and technical support from international NGOs, the United Nations, financial institutions and donor countries. Attention and assistance have been directed, in particular, towards policies connected with four major issues: (1) weapons collection and DDR, (2) stockpile management and security, (3) trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies, and (4) capacity-building and research. Areas that have attracted the least amount of assistance have been: legislation, National Coordination Agencies and transparency.

CONCLUSIONS

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

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

RECOMMENDATIONS

Recommendations on the Reporting Process in General

- All states are encouraged to submit annual national reports and ensure consistency of the reporting process.
- All states are encouraged to improve the quality of their reports—for example by detailing country-specific problems, the need for assistance or special capabilities, and any willingness to help in specific areas.
- All states are encouraged to include in their national reports before the Review Conference in 2006, a section on thoughts about “the way forward”—what is expected of the PoA and what countries want to concentrate on in the future.
- States could consider harmonizing PoA reporting with other appropriate regional reporting mechanisms (for example, the Nairobi Declaration).
- If the above harmonization of reporting is unfeasible, states could consider attaching other information reported on small arms initiatives and themes submitted to other bodies during the same year. For instance, some Organization for Security and Co-operation in Europe (OSCE) member states annexed to their national reports on the PoA information on the issue of stockpile management and security reported within the framework of the OSCE.

RECOMMENDATIONS SPECIFIC TO THE VARIOUS THEMES

Recommendations for National Points of Contact and National Coordination Agencies

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

commitment by the government and indicates a sense of ownership.

Recommendations for legislative/administrative procedures on SALW

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

Recommendations for exports, imports and transfers

- All states are encouraged to provide substantive reports that may include:
 - types of end-user certificates required for arms exports;
 - criteria on the basis of which export licenses are issued;
 - indications of whether the state is producing and/or exporting small arms;
 - general export-import statistics on SALW.Such information could prove useful as a reference for best practices and/or lessons learned.
- Where states are already providing data on SALW imports/exports to another forum (e.g. the United Nations Commodity Trade Statistics Database), they are encouraged to consider harmonizing

some aspects of this information with their national report on implementing the PoA.

Recommendation on marking, record-keeping and tracing

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

Recommendations on arms brokering activities

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

Recommendation for weapons collection

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

Recommendation for DDR programmes

- Post-conflict states should consider providing a greater indication of needed DDR assistance and identifying needs as precisely as possible, in order to give potential donors a concrete idea of what

is required and whether that fits with their capacities for assistance.

Recommendation for addressing the special needs of children affected by armed conflict

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

Recommendation for stockpile management and security

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

Recommendation for public awareness programmes

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

Recommendations for regional and global initiatives

- States should consider providing more details on their inter- and intra-regional cooperation on small arms and related issues (e.g. transnational organized crime or terrorism). They should include any specific benefits such as:
 - access to expertise on SALW from other regions;
 - improved networking and information exchange arising from cross-border cooperation;
 - resource mobilization;
 - greater harmonization of policies and programmes.

- States should consider reporting on their progress in harmonizing SALW legislation and policies at the regional or sub-regional levels in order to reduce the risk of diversion during the transfer of licit SALW across borders as well as assist in preventing, combating and eradicating illicit trafficking in SALW. Relevant international organizations, experts, appropriate financial institutions, donors, international and regional organizations in a position to do so could then promote and support such initiatives.
- States are encouraged to report on their progress in mainstreaming small arms programmes within regional priorities such as poverty eradication, reduction of armed violence, terrorism and trans-national organized crime. Such information could prove useful as a reference for best practices and/or lessons learned.
- States could consider increased channelling of capacity-building and training for parliamentarians, National Points of Contact on small arms, law enforcement agents and civil society through regional organizations.
- States, particularly in affected regions, are encouraged to consider establishing a “*small arms fund*” dedicated specifically for small arms programmes through regional organizations, since access to funding for small arms programmes is limited. On the other hand, appropriate financial institutions, donors, international and regional organizations, in a position to do so, should seriously consider promoting and supporting such small arms funds to assist affected communities and regions.