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TRAINING AND EDUCATION ON SMALL ARMS




Global and Regional Agreements on Small Arms and Light Weapons (SALW) Control

module GRA 06B02

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**Global and Regional
Agreements on
Small Arms and Light
Weapons (SALW)
Control**

written by

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module GRA 06B02

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List of Icons for TRESA modules

The following icons will be used in the text. These are intended as pointers for actions the trainer or trainee should take while using the text.



Activity

Indicates some sort of group activity, exercise, discussion, division into separate smaller groups, etc.



R

Case study

Two types of case studies are indicated here:

- Case studies which are required (later text refers to the case, and therefore the case study must be used). These are indicated by an "R".
- Case studies that are optional (trainers can use a similar case study they might be more familiar with, as the same lessons are drawn).



Essential point

Main points that the trainees *must* remember from the training.



Formal quote

Written or pictographic material that is a quote from some other source (e.g.: UN declaration, national law) and cannot be changed or modified.



Outside reference

An arrow pointing to some outside source, for example, another module.



Tag

This indicates an element of the module that the trainer must be careful to modify to fit the audience.



- L: *Linguistic usage*. Where the text uses a particular expression that might not translate well from one language to another.



- C: *Cultural usage*. Where the text uses examples from one culture that might be misunderstood in another.

- S: *Social usage*. Where a text is aimed at a particular audience (example, parliament members) and must be modified to fit another audience (example, military people).



Take a break

Breathe some fresh air, relax, have a cup of coffee, ...



Technical device

Trainer must ensure the availability of some technical device: a computer with presentation software, an OHP, a film projector, puppets, ...



Tool

A film, a form or questionnaire, theatrical performance, etc., that accompany the module but are not part of it. Most are downloadable from www.tresa-online.org



Trainer preparation required

The trainer must make some special preparation (prepare notes or labels, assemble material, collate material for distribution).

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Trainee Preface

This module is intended for anyone working in the field of small arms who would like to have a better understanding of the measures that exist to tackle the SALW issue at the national, regional and global levels.

The objectives of this module are:

- To introduce the SALW problem.
- To overview the various global and regional agreements on SALW control.
- To provide a general background for making policy decisions on SALW issues.

As one of the key documents establishing a global framework for SALW control, a copy of the UN Programme of Action (PoA) has been provided in Annex V of this module and will be referred to and used throughout. This document is available in all six official UN languages (Arabic, Chinese, English, French, Russian, and Spanish) and can be downloaded at <http://disarmament2.un.org/cab.poa.html> if you wish to obtain a copy other than in English. In addition, if you are interested in accessing other agreements that are relevant to your area or region of work, and which are listed in this module, you can download them from the following web addresses:

- **UN Firearms Protocol:** http://untreaty.un.org/English/notpubl/18-12_c_E.doc
- **Regional Agreements** can be accessed via the Small Arms Survey (SAS) resources website: http://www.smallarmssurvey.org/resources/reg_docs.htm
- **National reports** can also be accessed online: <http://disarmament2.un.org/cab/salw-nationalreports.html>

Please make use of the space provided within this module to record additional information or notes from the training, as well as your ideas and answers to specific exercises and discussion questions. As we hope to make this and all other TRESA modules more targeted, relevant and useful to your area of work, we welcome any feedback and comments you might have. Please feel free to contact us at www.tresa-online.org.

Please also note that all module abbreviations deliberately state only the first three letters (e.g. SB-D), as well the year in which the module was written (05), but not whether it is the A (trainer), or B (Trainee) version, or e.g. 01 (is the first version of this module, 02 the second, etc.). This is to emphasize that all our modules are works in progress, and will be regularly updated and modified (01, 02, 03, 04, etc). We therefore welcome any feedback or comments you might have.

We wish you the best of luck and success in your training.

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Acknowledgements

We would like to thank the Centre for International Cooperation and Security at Bradford University, and in particular Mike Bourne for his contribution and efforts in developing this training module.

We would also like to thank Rosula Blanc for her creative design and illustration of the TRESA mascot, the Anteater.

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Meet the Anteater, the TRESA mascot.

Much of the transfer of SALW occurs through what has been called the “ant trade”: the small-scale, cross-border smuggling and person to person transfer of SALW. Since the Anteater only has an appetite for ants, it’s no surprise to see it as the TRESA mascot.

The Anteater will appear throughout this module to highlight important facts and help draw your attention to some interesting points.

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Glossary

Accession	The process of joining an international treaty after it has entered-into-force if a State has not yet signed it.
Arms embargo	A prohibition on the trade of arms with a particular government.
Broker	A third party acting as an intermediary arranging some or all key aspects of the transfer including: sourcing of arms, submission of documents for applications for authorization, arrangement of transport, arrangement of financial matters (negotiating price, transferal of funds etc).
Brokering	Refers to a range of activities that are undertaken to establish an arms deal.
Compliance	The act of observing official requirements or commitments, whether they are political or legal.
Comprehensive implementation	Refers to the process of implementing the UN PoA in an integrated manner so that all commitment areas are well coordinated and fulfilled.
Conventional weapons	Refers to all weapons designed and used for military purposes. Small arms and light weapons belong to the broader category of conventional weapons.
Demand side measures	Refers to measures that tackle the reasons why small arms enter a particular community.
Disarmament	The process of collecting, controlling and disposing of SALW in order to remove the means and tools of violence.
Diversion	Movement of arms from legal to illicit sphere.
End-user certificate	A certificate stating who the end-user is. Should also include a range of other information on the transfer.
Entry-into-force	The formal entry of a treaty into international law following the signatures of a designated number of states. States that have signed the treaty are now obliged to implement its provisions and obligations.
Human security	A people-centered approach to security. Human security aims to remove the threats to people arising from poverty, conflict, disease, starvation and the environment among other things.
Illicit trade	The trade in arms that breaks either international or national laws of both the exporting or importing states.

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Implementation	The act of putting into action or fulfilling the provisions and commitments a State has agreed to via an official document.
International law	A set of laws and principles based on treaties or customs that control or affect the rights and duties of states and their relations. International law based on treaties only applies to those states that have consented to it.
IHL	International Humanitarian Law (IHL) is a set of rules that place restrictions on the use of weapons and methods of warfare. It aims to protect people who are not involved in the fighting and to limit human suffering during times of war.
Legally binding	Refers to those commitments, principles or provisions that are part of a treaty and thus that states are formally obliged to implement under international law.
Loopholes	A way of bypassing or escaping a particular commitment or obligation. This can result from ambiguity or an omission in the wording.
Misuse	Refers to the use of small arms that is contrary to the principles of international humanitarian law and that result in the gross abuse of human rights or the suffering of innocent civilians.
Moratorium	A suspension of a particular activity. A moratorium on the trade of arms suspends all planned sales or potential transfers of these weapons.
NGOs	Non-governmental organization (NGO). This is a voluntary organization that is non-profit oriented and independent from the government and government institutions.
NSAs	Non-State Actors (NSAs). Refers to political, military or corporate actors that act independent of the national government. NSAs range from armed groups, private corporations to non-governmental organizations.
Politically binding	Refers to those commitments or principles that have been made in good faith between states, but which states are not formally or legally obliged to uphold. Political commitments are voluntary in nature.
Ratification	The formal act of joining an international treaty. A state can only ratify a treaty if it has already signed it and thereby expressed its intent to be a party to the treaty.
SALW Transfers	Change in possession and usually ownership of SALW within and across international boundaries. Involves two or more actors.

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Sanction	A coercive measure adopted by one or more states against a government that is guilty of violating international law.
Small arms and light weapons (SALW)	Weapons that can be carried and operated by one person or a small crew.
Supply-side measures	Refers to measures that tackle how small arms enter a particular community.
Transit	Movement of goods through and out of the territory of a state – without a change in transport.
Transparency	The act of disclosing information in a comprehensive, accurate and timely manner.
UN Program of Action/ UN PoA	A UN document calling for national, regional and international action to address the global problem of SALW.

Section 1

The small arms issue

Objectives and Goals of Section 1:

- To provide a better understanding of the SALW problem.
- To introduce the different dimensions of the SALW problem and how they intersect.
- To provide a brief overview of the major actors in the issue and the measures taken at the global and regional levels to address the problem.

1. Introduction

The end of the Cold War in the early 1990s saw the emergence of new kinds of conflict, those characterized by ethnic, tribal or religious fighting that occurred within, as opposed to between states. Many of these wars were fought with small arms and light weapons (SALW), which had become readily available through the downsizing and demilitarization of national armies. SALW are currently the weapons of choice of warring parties for a variety of reasons, including:

- SALW are cheaper than conventional weapons.
- SALW are widely available.
- SALW are lethal.
- SALW are simple to use.
- SALW are durable.
- SALW are easily portable.
- SALW are easily concealed and transported across borders.
- SALW have legitimate military, police and civilian uses.

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2. What is the SALW problem?

Exercise 1: Brainstorm

- Why bother with SALW control?
- What is the impact of SALW proliferation?



The SALW problem

An estimated 500,000 people are killed every year by SALW.

- Of 49 major conflicts in the 1990s, 47 were waged with small arms as the weapons of choice.²
- Estimated 639 million SALW in circulation worldwide.

Exercise 2: Discussion

- Why not prohibit the use of SALW completely?



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3. Dimensions of the SALW problem

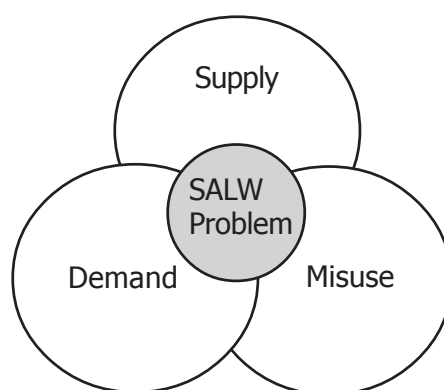
There are 3 inter-related dimensions of the SALW issue as shown in Figure 1 below:

Figure 1

Supply	Demand	Misuse
<p>How SALW enter a particular community.</p> <ul style="list-style-type: none"> ▪ Refers to the widespread availability, proliferation and flow of SALW. It is important to regulate the supply of SALW in order to minimize the negative impact of small arms availability. 	<p>Why SALW enters a particular community.</p> <ul style="list-style-type: none"> ▪ Refers to the motivations for acquiring, possessing and carrying SALW. These factors are important in addressing the underlying need and/or desire for SALW. 	<p>In what way SALW are used.</p> <ul style="list-style-type: none"> ▪ Refers to the use of SALW that is contrary to the principles of international humanitarian law (IHL), and that result in the gross abuse of human rights or the targeting/suffering of innocent civilians. SALW can be misused by governments, non-state actors and individuals, even if they are acquired and held legitimately.

The global SALW problem results from the intersection of these three dimensions.

Figure 2



The international community has responded by mainly targeting the **supply-side**.

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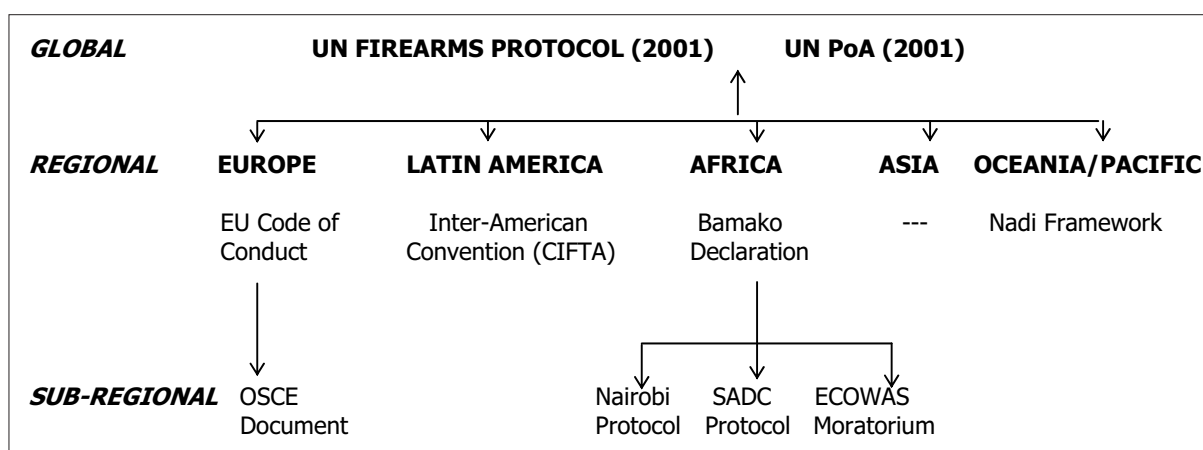
Exercise 3: Discussion

- Why do you think this is the case?
- Why has the international community focused primarily on supply-side measures?



5. Overview of global and regional agreements

Figure 3

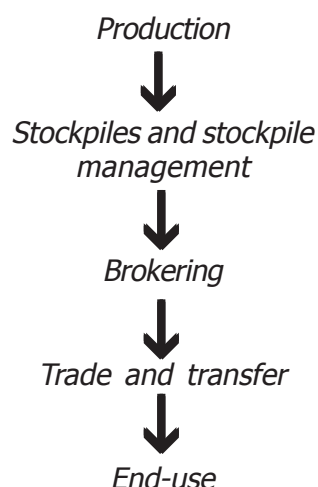


- General supply side issues covered by these agreements:

- Production
- Trade / Import / Export / Transfer / Transit
- Brokering
- Use
- Stockpile Management
- Ammunition

The agreements listed in the diagram are the primary documents dealing with SALW in each region and will be reviewed in Section 3; though by no means the only ones that exist.

Standard supply side chain³



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There are two different types of global and regional agreements on SALW: legal and political. Oftentimes, you can tell the nature of the agreement simply by looking at its name:

Legal	Political
Convention	Code of Conduct
Protocol	Framework
Embargo	Moratorium
	Declaration

Exercise 4: Discussion

- What is the difference between a legal agreement and a political one?



There are a number of key differences between a legal and political agreement, the most important of which is that **in a legal agreement, states have agreed to be bound by, and to act in compliance with certain rules and obligations as a matter of international law.**



Box—The basics of international law

- **What is international law?** A set of norms and rules that states have adopted (treaty, protocol, convention) and thus formally agreed to comply with. International law is based on consent – those states that have not agreed to be bound by these rules or principles are not obliged to abide by them.
- **Who does it involve?** States, not individuals, are the primary subjects of international law.
- **How is it applied?** Sanctions, embargoes and diplomatic/political pressure are several means of enforcing international law.
- **How it works:** States first **negotiate** the terms of, and **sign** a treaty on a particular issue. States then **ratify** the agreement, which signifies their intent to be bound by its principles and obligations. After a certain number of ratifications, the agreement **enters-into-force**, meaning that it becomes a part of international law – all states that have ratified the agreement must now begin to implement it. Following its entry-into-force, other states can **accede** to the treaty if they wish to be bound by its rules as well. All countries that have ratified or acceded to the treaty are referred to as **States Parties**.

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5. The development of the SALW issue – a timeline

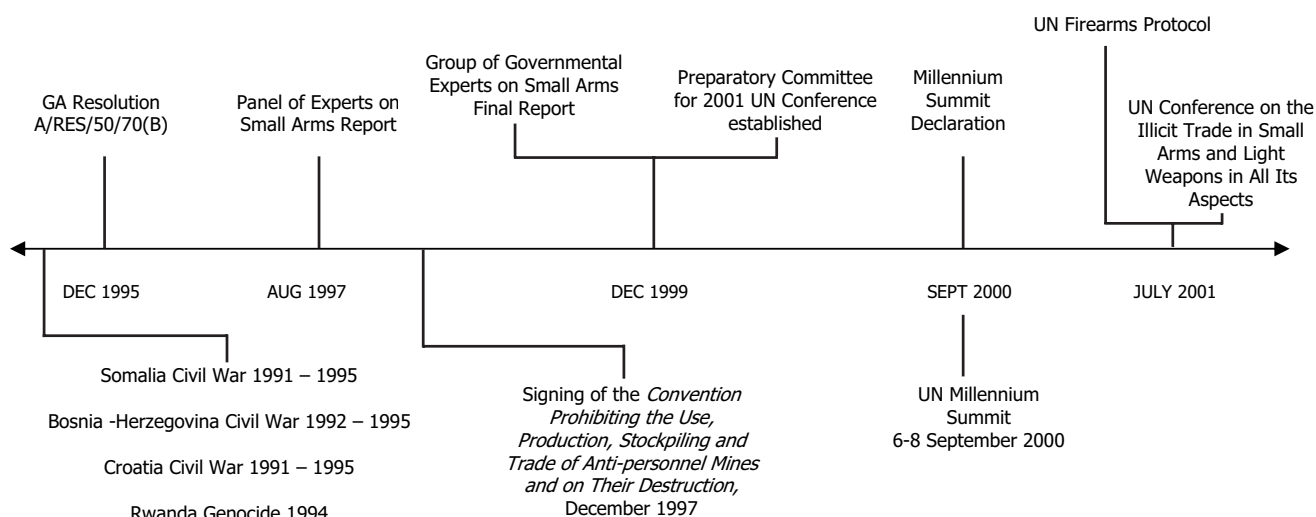
“In terms of the carnage they cause, small arms, indeed, could well be described as ‘weapons of mass destruction.’”

~ UN Secretary-General Kofi Annan



The development of these global and regional initiatives to curb the illicit trade in SALW emerged alongside a number of important global political events in the 1990s. These include the outbreak of a number of civil wars in Somalia, Bosnia-Herzegovina, Croatia and Rwanda, all of which were fought primarily with small arms. The realization by the international community that small arms can cause mass destruction was one of the main motivations for attempting to diminish and control their proliferation. To better illustrate these developments and the corresponding measures taken at the global and regional levels, a timeline listing the key events and milestones that ultimately led to the adoption of the UN Programme of Action on SALW (discussed in Section 2) is provided below.

Figure 4



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Exercise 5: Brainstorm

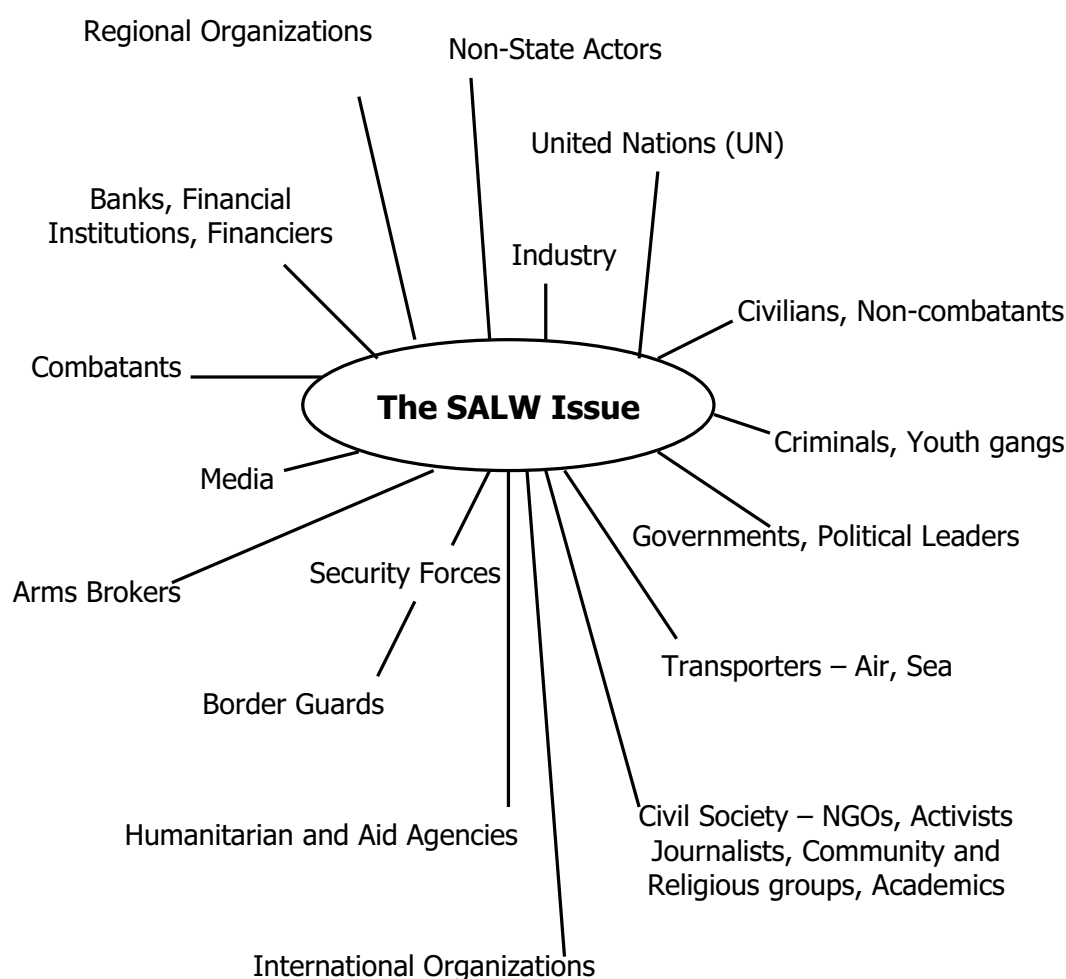
- What do states need for implementation?



6. Main actors in the SALW issue

There are a number of actors that are somehow involved in, or connected to the SALW issue. These include those actors who are responsible for producing, proliferating, using and profiting from SALW, as well as those who are attempting to control, limit and eradicate the illicit trade. Oftentimes, these actors are one and the same and many can play dual roles – for example, many governments are SALW producers, exporters, users and beneficiaries of the SALW trade, but also advocates of greater SALW control. While in some cases this can lead to a conflict of interest, the multiple roles of various actors and the interconnections between them can be a valuable source for positive change/definitively addressing the SALW problem.

The following diagram attempts to capture some of the key actors involved in the SALW issue:



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Since awareness of the SALW issue developed in the early 1990s, a number of international, regional and local actors have become actively involved in promoting SALW control. While space does not permit a comprehensive list of these actors, it is important to know the key players at the international level who are working toward positive change.

First and foremost, it must be emphasized that the **primary responsibility of SALW control rests with governments** themselves. All governments that export, import or transfer small arms are responsible for controlling the flow of arms both within and across their own borders. As they key players on the international stage – and given the multiple roles that they play in the SALW issue – the participation and cooperation of states is critical to addressing the international SALW problem in a definitive way.



To this end, international organizations and non-governmental organizations (NGOs) have an important role to play in helping to keep governments accountable and committed to fulfilling their promises. The following table provides a very brief overview of the role and capacity of key actors at the international level, followed by a brief actor profile.

Main civil society actors	Advocacy/ outreach	Research/ monitoring	SALW programming & implementation	Funding for SALW activities	Policy-oriented work
UNDP			X	X	
UNIDIR		X		X	X
UN DDA		X		X	
IANSAs	X	X			X
International Alert	X	X			X
Saferworld	X	X			X
Small Arms Survey	X	X			X

United Nations

Three UN organizations are primarily involved in SALW control activities:

United Nations Development Program (UNDP) plays a leading role in assisting countries curtail illicit weapons, address the needs of ex-combatants and other armed groups through alternative livelihood and development prospects, while building capacities at all levels to promote human security. UNDP undertakes a number of small arms and demobilization activities, including support to public awareness campaigns, the building of national capacities for weapons collection and destruction, and the

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implementation of effective demobilization, disarmament and reintegration (DDR) programs. <http://www.undp.org/bcpr/smallarms/>

United Nations Institute for Disarmament Research (UNIDIR) conducts cross-cutting research on small arms collection, weapons as a public health issue, and security-building measures. The Institute undertakes a number of research activities on small arms and provides funding for research-oriented projects and programs. <http://www.unidir.ch/bdd/focus-search.php?onglet=5>

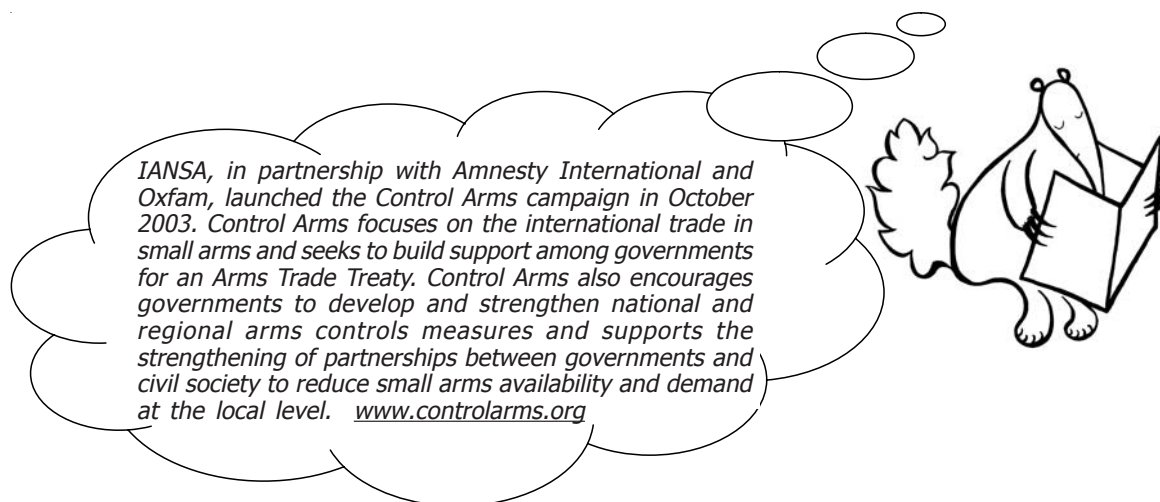
United Nations Department of Disarmament Affairs (UNDDA) collects data and information provided by states on a voluntary basis on SALW, including national reports on the implementation of the UN Programme of Action. The full text of the PoA is available on the UNDDA website, <http://disarmament2.un.org/cab/salw-nationalreports.html>.



*As part of the Coordinating Action on Small Arms (CASA) mechanism, the **UNDP**, the **UNDDA** and **UNIDIR** have jointly developed an Assistance Package to **help states in preparing national reports** on measures taken to implement the PoA. This package offers reporting assistance tools and includes a suggested template that can be used for completing the report. <http://www.undp.org/bcpr/smallarms/PoA.htm>*

International Action Network on Small Arms (IANSA)

IANSA is the global network of civil society organizations working to stop the proliferation and misuse of small arms and light weapons (SALW). Founded in 1998, IANSA has grown rapidly to more than 500 participant groups in nearly 100 countries, with representation from many gun-affected regions. IANSA is composed of a wide range of organizations concerned with small arms, including policy development organizations, national gun control groups, research institutes, aid agencies, faith groups, victims, human rights and community action organizations. <http://www.iansa.org/index.htm>



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International Alert (IA)

IA has been working on this issue since 1994, when they identified unregulated small arms proliferation and misuse as one of the world's most pressing security issues. IA's work centers around assessing progress made and challenges faced in the implementation of international small arms control measures, and also works to strengthen the knowledge and expertise of policymakers in understanding and responding to small arms matters. http://www.international-alert.org/our_work/themes/small_arms.php

Biting the Bullet is a joint project of International Alert, Saferworld and Bradford University that monitors states' implementation of the UN Programme of Action on small arms. The 'Red Book' – the only global review of states' progress in implementing the UN PoA – is published on a biennial basis to correspond with the Biennial Meeting of States. Two such reports have been published to date. The latest version can be accessed at http://www.international-alert.org/pdfs/red_book_2005.pdf



Saferworld

Working for effective international controls on the proliferation and misuse of weapons is key part of Saferworld's work. Saferworld is working with governments and civil society to ensure that the UN Programme of Action is effectively implemented and strengthened. Saferworld and other NGOs are also working to build support for a global Arms Trade Treaty that will create a legally binding framework for international arms controls. Saferworld is also a leading member of the International Action Network on Small Arms (IANSA) that encourages regional and global action on small arms issue. <http://www.saferworld.co.uk/iac/index.htm>

Small Arms Survey (SAS)

SAS is an independent research project located at the Graduate Institute of International Studies, Geneva, Switzerland. It serves as the principal international source of public information on all aspects of small arms, and as a resource centre for governments, policy makers, researchers, and activists. SAS is also an independent monitor of governmental and non-governmental policy initiatives on small arms, and disseminates best practice measures on small arms issues. <http://www.smallarmssurvey.org/index.html>

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Box—Major players in the SALW trade

According to the Control Arms Campaign, the five permanent members of the UN Security Council – China, France, Russia, United Kingdom and the United States – together account for 88 per cent of the world’s conventional arms exports.⁴ As such, these governments have the greatest responsibility to control the global trade in SALW. The following table indicates the main players in the global trade in SALW, listed in order of greatest to least.

Main Producing Countries*	Main Exporting Countries*	Main Importing Countries*
United States China Russian Federation Brazil India Israel Pakistan Singapore	United States Italy Brazil Germany Belgium Russian Federation China	United States Cyprus Saudi Arabia South Korea

*= based on information available from 2002, as reported in the Small Arms Survey 2005.

Summary of Section 1

- There are a number of efforts at the global and regional levels to tackle the problem of SALW.
- Their measures are primarily oriented toward the supply-side of the SALW problem and cover a broad range of issues within that dimension.
- The most comprehensive of the global agreements, the UN PoA, has significant commitments that states need to implement, though this document is not legally binding.
- The primary responsibility of small arms control rests with national governments. NGOs and civil society at the global, regional and local levels are important to ensure that governments live up to their commitments.



Section 2

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)

Objectives and Goals of Section 2:

- To provide an understanding of the purpose, structure and significance of the PoA.
- To overview the key commitment areas included in the PoA.
- To underscore the importance of comprehensive implementation of the commitments in the PoA.
- To identify several of the main limitations, gaps and weaknesses of the PoA that need to be addressed, as well as next steps in the global effort to promote SALW control.



Credit: Christine Beeck

1. Introduction

In July 2001, the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held at the UN Headquarters in New York. This conference agreed, by consensus, on a political commitment, the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA). The adoption of the PoA was the result of international efforts to draw attention to the devastating effects of SALW and recognition of the need to address these effects in a definitive way. **The PoA is one of two global agreements that exist on SALW.** The other agreement is the UN Firearms Protocol – a legal document – that was agreed a few months earlier. The Protocol, however, is focussed primarily on illicit SALW used in crime, while the PoA deals with the problem of SALW more comprehensively. These two agreements are nevertheless mutually reinforcing.

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2. General overview of the PoA

2.1 What is the PoA?

- A UN document that establishes a **global framework** for addressing the problem of SALW.
- An **ongoing process** with mechanisms for monitoring and review.
- A **political commitment** agreed to by all members of the UN.
- **One of two international agreements** on the issue of SALW – the other is the UN Firearms Protocol.

Box—The UN Firearms Protocol

The first global agreement dealing with SALW was the ***Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition (Firearms Protocol)***. It is a legally binding agreement that was negotiated as a supplement to the UN Convention on Transnational Organized Crime based on the growing recognition of the role of illegal firearms in facilitating organized crime. It was agreed in May 2001, just before the 2001 UN Conference on Small Arms. The Protocol, however, **did not enter into force until July 2005** following the deposit of the 40th instrument of ratification by Zambia. The full text of this protocol is available at http://www.unodc.org/pdf/crime/a_res_55/255e.pdf.

Status of agreement

- Legal

Participation

- All Member States of the UN who choose to ratify or accede to the Protocol.

Purpose

- The Firearms Protocol is explicitly targeted against illicit trafficking in civilian firearms by criminals. Within this context, it aims to promote controls of civilian firearms for the purpose of crime prevention and public safety. The Protocol therefore establishes a means of addressing the problem of illicit arms used in criminal activity and the prevention of these arms from falling into civilian hands.

Value added

- If fully implemented, the Protocol's provisions would put in place a number of very important measures to regulate the illicit manufacturing and trafficking of firearms.
- The Protocol would also enhance cooperation, information exchange and transparency on the illicit trafficking of firearms.
- The Protocol is mutually reinforcing with the PoA.



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Limitations

- Most illicit arms originate from legal producers or government stockpiles⁵, but the Protocol does not apply to or attempt to limit state-to-state transfers of SALW.
- The Protocol focuses on the context of crime and does not tackle SALW related to civil or international conflict.
- While it calls for the marking and tracing of firearms, the Protocol only includes a limited commitment to maintain these records for 10 years, which is significantly shorter than the life span of most SALW.

Status of implementation

- The Protocol entered into force in July 2005 with the deposit of the 40th instrument of ratification by Zambia. For an update on further ratifications or accessions to the Protocol, please visit the following website: http://www.unodc.org/unodc/en/crime_cicp_signatures_firearms.html.

The Firearms Protocol and the PoA

UN Firearms Protocol	UN PoA
<ul style="list-style-type: none"> ■ Adopted in May 2001. ■ Supplement to the UN Convention Against Transnational Organized Crime. ■ Legally binding. ■ Aims to promote national controls of military-style SALW for the purpose of crime prevention and public safety. ■ Establishes a means of preventing illicit arms from falling into civilian hands and/or for use in criminal activity. 	<ul style="list-style-type: none"> ■ Adopted in July 2001. ■ Formal outcome of the UN Conference on <i>Preventing, Combating, and Eradicating the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</i>. ■ Politically binding. ■ Aims to promote controls on the international trade of SALW for the purpose of preventing conflict, promoting development and ensuring human security.

Exercise 1: Discussion

- Why do you think the PoA is a political and not a legally binding document?



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2.2 What does the PoA aim to do?⁶

- To reinforce and better coordinate efforts against the illicit trade in SALW at the national, regional and global levels.
- To develop agreed international measures to **prevent illicit SALW manufacture and trafficking**.
- To **reduce** excessive and destabilizing accumulations and transfers of SALW in post-conflict situations.
- To **promote responsibility** by states in the import, export, transit and re-transfer of SALW.
- To **raise awareness** of the threat and international problems posed by illicit SALW.
- To secure maximum **participation** by states in all efforts to reduce the threat of illicit SALW.

In negotiating the PoA, many governments and NGOs wanted the 2001 UN Conference to tackle all aspects of the spread of SALW, including both the legal and illicit trade. These actors argued that the distinction between the legal and illicit trade is in fact blurred; that most illicit weapons actually originate from the legal sphere; and that legally acquired weapons are also used for illegal purposes (i.e. human rights abuses, repression, conflict, crime). However, some governments were strictly opposed to this line of argumentation and, due to the consensus-based nature of the UN, the conference was only able to deal with issues pertaining to the illicit trade. The PoA commitments therefore relate to illegal transfers of SALW only.



Box—The legal vs. illicit trade in SALW⁷

Legal Trade	Illicit Trade
<ul style="list-style-type: none"> ■ One that conforms to international law and the national laws of both the exporting and importing states. ■ The legal global small arms market is estimated at USD \$4 billion a year. 	<ul style="list-style-type: none"> ■ One that breaks either international or the national laws of both the exporting and importing States. ■ The illegal global small arms market is estimated at almost USD \$1 billion a year.



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In reality, the lines between the legal and the illicit trade are blurred. This is primarily due to weak national, regional and international controls and oversight for the legal trade in arms – evidence shows that legal arms are very often diverted or shifted into the illegal market. There are a number of ways in which diversion occurs – most commonly through disposals of ‘surplus’ arms or thefts from insecure government stockpiles – a great deal of which would not be possible without government involvement. Whether it is through corruption or neglect, government agents are responsible for millions of weapons entering the illegal or ‘black’ market.

2.3 Structure of the PoA

Figure 1

<p><i>Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</i></p> <p>Section 1: Preamble</p> <p>Section 2: Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects:</p> <ul style="list-style-type: none">→ At the national level→ At the regional level→ At the global level <p>Section 3: Implementation, international cooperation and assistance</p> <p>Section 4: Follow-up to the United Nations Conference on the Illicit Trade in Small arms and Light Weapons in All Its Aspects</p> <p>Annexes:</p> <ul style="list-style-type: none">→ Initiatives undertaken at the regional and sub-regional levels→ Statement by the President of the Conference

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Section 1: The Preamble

- Recognizes that **governments bear the primary responsibility** for controlling SALW.
- Notes that **international cooperation and assistance is essential** for SALW control and must be strengthened.
- Acknowledges that measures must not only be taken at all levels of government, but also involve all relevant actors, including civil society groups.

Box—The role of civil society in SALW control

The problem of the proliferation, availability and use of SALW not only threatens the stability of the state, but also the security and well being of people. As such, individuals and collectives – also known as civil society – are uniquely positioned to become an effective part of SALW control since they often represent the public interest and have access to public trust. Civil society can become engaged in SALW control action in a number of different ways, including through advocacy and research, awareness raising, monitoring compliance, and participation in weapons collection and destruction programs (WCDP). Their participation with local and national authorities on SALW control is also critical for progress to be made at the grassroots and global levels. For example, IANSA was critical in unifying the voices of many NGOs at the 2001 UN Conference and for starting a dialogue with a number of government actors. For more detailed information on the role of civil society, please refer to the TRESA module Civil Society Action on Small Arms Control (CSA05).



Section II and III: measures to be undertaken for SALW control and implementation

- Section II lists 19 commitment areas on a variety of SALW issues.
- Only key commitment areas will be discussed in this section, including:
 - Transfer controls
 - Brokering
 - Stockpile management and weapons disposal
 - Disarmament
 - Marking and tracing
 - Cooperation, assistance and transparency
- Section III deals with implementation, international cooperation and assistance measures.

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Section IV: Follow-up to the 2001 UN Conference

- States have agreed to meet on a biennial basis to chart the programme's implementation. States have agreed to convene a formal review conference no later than 2006 to assess progress in implementation.
- States also agreed to discuss the establishment of a UN Study Group to examine the feasibility of developing an international instrument to enable states to identify and trace illicit SALW in a timely and reliable manner. For an update on this process, refer to IANSA's website, www.iansa.org/issues/marking_tracing.htm.
- Member states have also agreed to consider further steps to enhance international cooperation in preventing and eradicating illicit brokering of SALW.



Box—Update on the 2005 Biennial Meeting of States (BMS)

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* took place from 11-15 July, 2005 at UN Headquarters in New York. This meeting reviewed the implementation of the PoA to date and took stock of the progress achieved at the national level since the last BMS in 2003. While the meeting recognized significant progress in states' efforts to implement the PoA, it was made clear that further action was necessary to fulfill the PoA's objectives. States reaffirmed their commitment toward this end and dedicated themselves to the success of the PoA's first Review Conference in June 2006.

Exercise 2: Group work and analysis

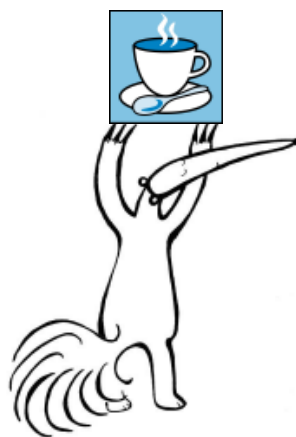
The 19 provisions listed in Section II of the PoA can also be arranged into thematic clusters. For example, and despite its heavy orientation toward supply-side measures, a number of the PoA's provisions can also contribute toward reducing the demand for SALW.

In small groups, use the following table to arrange the 19 provisions of the PoA into the following thematic clusters, identifying the actions that governments are required to take to ensure their implementation.



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Key thematic areas	Provisions of the PoA	Government actions toward implementation
Supply-side measures	■ ■ ■ ■	■ ■ ■ ■
Demand-side measures	■ ■	■ ■
Transfer	■ ■ ■	■ ■ ■
Removing arms	■ ■ ■	■ ■ ■
Community-related activities	■ ■	■ ■



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3. Overview and analysis of key commitment areas

The table in Annex IV indicates which regional agreements cover key commitment areas and is useful for comparing different agreements. While an agreement may cover almost all commitment areas, this tells us very little of the details contained within that commitment, which often determine its true impact and value on the ground. The purpose of this sub-section is therefore to examine six key commitment areas of the PoA in greater detail to better understand their potential effectiveness in SALW control. These areas include:

1. SALW transfers
2. Brokering
3. Stockpile management and destruction
4. Disarmament
5. Marking and tracing
6. Cooperation, assistance and transparency

3.1 Transfer controls

Transfer controls refer to the act of regulating the movement of SALW between and within national borders. They usually involve a process of national authorization in which applications to transfer SALW— whether through national exports, imports, transit or retransfer – are judged against a set of guidelines and criteria.

Section II, paragraph 2 states: *The PoA commits States to put in place, where they do not exist, adequate laws, regulations and procedures to ensure control over the export, import, transit and retransfer of SALW.*



What does this commitment entail?

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Why are brokering controls important?

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3.3 Stockpile management and weapons disposal

Many arms that are illicitly trafficked or used in crime and conflict originate in state stockpiles. Poor stockpile management and security contribute to the risk that arms and ammunition will be stolen and then misused or trafficked. For example, in 1997 over half a million weapons were stolen from the Albanian national arsenal and used throughout the Balkans and beyond. In fact, and estimated 1 million small arms are stolen or lost around the world each year, many of which end up on the black market.⁹

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Did you notice that SALW production is not a key commitment area of the PoA? This is because inadequate controls on production are not generally a primary source of SALW problems. But this may change – the Biting the Bullet project reports that there is a growing problem of local small- scale arms production for illicit trafficking and use in many countries; and that the role of such production may increase as transfer controls and restrictions on civilian possession become more effective.¹⁰ Production controls may therefore have to be strengthened in the coming years.

4. Loopholes within the PoA

Despite the measures agreed to in the PoA, there are a number of ways to bypass SALW controls. Some of these “loopholes” exist because of the lack of strength of certain commitment areas, while others arise from varying interpretations of these commitment areas, which allows states to remain in compliance with their national, regional and international obligations.

The most common loopholes within the PoA include:

- Bypassing end-user certificates.
- Lack of accountability and financial transparency.
- Bypassing national laws by manufacturing in another country.

Box—A case of bypassing end-use certificates

In 1999, the Canadian Government sold over 40 surplus military helicopters to the United States Government, 33 of which were redirected to Colombia, a country with a poor human rights record and ongoing civil war. Despite strong export controls on SALW, this transfer was able to occur via the United States by reason of two loopholes within Canadian legislation. First, Canadian military goods that are refurbished or used in manufacturing in another country do not require a Canadian permit for transfer to their final destination. The second loophole is that Canadian military goods exported to the United States do not require export permits. While the Export Import Permits Act requires a permit to be issued by the Minister of Foreign Affairs for the transfer of any military equipment from Canada to a foreign destination, this rule does not include exports to the United States, which itself has no retransfer guarantees. As such, Canadian military sales to the United States are seldom reported or tracked.¹¹

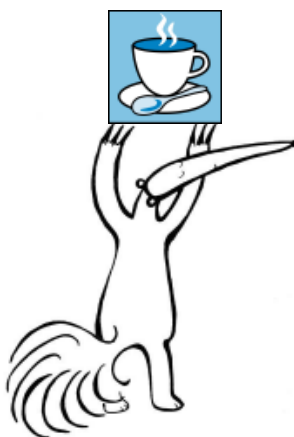
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Box—Bypassing national laws by manufacturing in another country

According to the Control Arms Campaign, “Governments in at least 15 countries, including France, USA, UK, Israel, Switzerland, and Germany, permit companies to license the production of their arms and ammunition in 45 other countries. Many of these countries have even weaker arms-export controls, greatly increasing the likelihood that the weapons they produce will be used to carry out atrocities and destroy lives and livelihoods.”¹²

Operational loopholes within the PoA also include:

- Lack of verification procedures.
- Lack of recourse measures for non-compliance.



5. The importance of comprehensive implementation

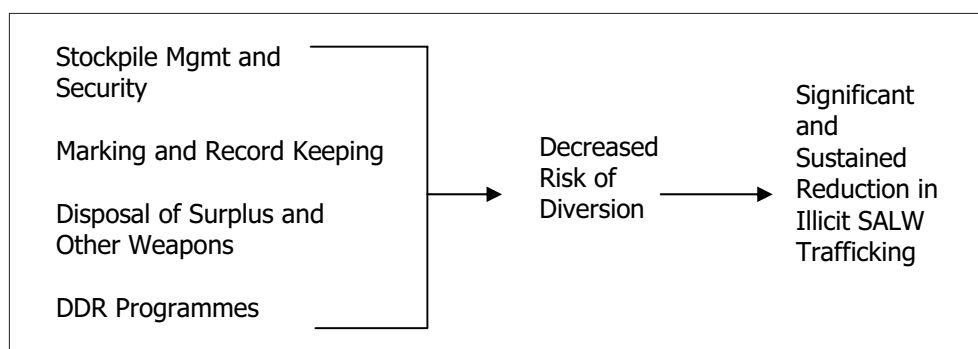
The SALW issue has broad linkages with other issue areas. Some of these are explicitly identified in the text of the PoA – for example, Section II paragraph 21 refers to the relevance of SALW control to Disarmament, Demobilization and Reintegration (DDR) programmes – while others are more implicit. In reality, all issue areas in the PoA are inter-linked and together contribute to SALW control.

Overall, it’s essential to recognize that the commitments of the PoA are mutually reinforcing in two very important ways:

- The process of implementing one may contribute to the process and effectiveness of implementing another.
- Implementing one commitment area affects the scale of the problem also being tackled by another commitment area.

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Figure 2



Implementing all of the commitment areas on the left-hand side help decrease the risk that SALW will be diverted into the black market and therefore should be implemented in an integrated manner. For example, marking and record keeping, stockpile management and security and the disposal of surplus weapons can be implemented within a comprehensive DDR programme. On the other hand, implementing a DDR programme without these elements will ultimately be less effective in reducing the illicit trafficking of SALW since insecure stocks, poor record keeping and surplus weapons are all potential sources of illegal arms.

What is needed for comprehensive implementation?

It is important that PoA implementation goes beyond a simple 'tick the box' approach – meaning that commitment areas are not only pursued but actually fulfilled. In order to provide meaning and substance to each individual commitment and fully implement the PoA, states will need to:

- Establish strong foundations for implementation.
- National Point of Contact/Focal Point
- Achieve good practice in the implementation of individual commitments.
- Pursuing a coordinated approach
- Pay close attention to the links between commitments.
- To achieve good practice and effective implementation



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6. Strengths and weaknesses of the PoA

Despite a number of different challenges, the PoA has had positive outcomes in the fight against the illicit proliferation and trade in SALW. Several key strengths include:

- Provides a framework for promoting cooperation to prevent and combat illicit trafficking and the uncontrolled proliferation of SALW at the national, regional and global levels.
- The establishment of international norms for SALW not only as a security issue, but also as a peace and development issue.
- Facilitation of a diplomatic process on the issue of SALW and a means of maintaining momentum through biennial meetings and the 2006 Review Conference.
- Committed states to carry out more destruction of surplus and illicit weapons, increase security of existing stockpiles and implement more effective DDR programmes.
- Covers ammunition, promotes civil society participation and calls for international assistance and cooperation.
- The PoA also identified further challenges to be pursued through other international measures and instruments. These include:
 - Arms brokering.
 - Marking and tracing of SALW.
 - Civilian ownership of SALW designed for military purposes.
 - Non-State Actors (NSAs).

The last two of these issues have been identified as major weaknesses of the PoA and will be discussed in turn.

6.1 Controls on civilian possession and trade

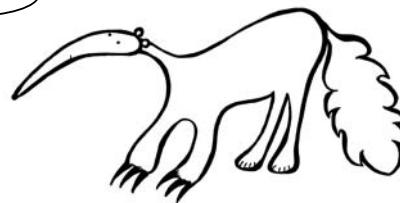
The issue of regulation of civilian possession and associated domestic retail trade was highly contentious during the conference. As a result, the PoA only commits states to “establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction...” (Section II, paragraph 3).



Put simply, states are only required to ensure that any possession, manufacturing or trade of SALW that is not in line with their domestic legislation should be punishable as a criminal offence. The PoA makes no suggestions as to what standards of criteria should be used to judge such illicit action; for example, which weapons should be covered under this legislation, and which civilians should be allowed to own or trade small arms.

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Interestingly, some regional agreements such as the Bamako Declaration and the SADC Protocol –discussed in Section 3 – have more detailed and stronger commitments against civilian possession and trade in SALW.



Many civil society groups, experts and governments wanted more detailed standards on civilian possession. This is because much of the illicit trafficking of SALW occurs through the “Ant Trade”: the small-scale, cross-border smuggling of weapons that have been purchased legally in one state and smuggled across borders into countries where there are more restrictive regulations. Weapons that have been smuggled across borders in this way often form a substantial part of the arsenals of criminals and other violent groups.

Box— The ant trade

While most weapons transfers (legal as well as illegal) are done in large shipments – often by specially chartered ships or planes – a significant amount of small arms are illegally brought across borders by individuals. An individual with one or two guns might attempt to raise some money by carrying it across a border and selling it to another individual, perhaps a relative, acquaintance or border partner. Most participants in the ant trade do not see this as a business. It is simply a means to realize some cash, and the extra gun is often considered a form of imperishable investment.



6.2 Prohibition on SALW transfers to Non-State Actors (NSAs)

A key issue since before the 2001 UN Conference was the transfer of SALW to rebel groups, terrorist organizations and other non-state actors (NSAs). Since the Conference was particularly concerned with the impact of SALW in conflict situations, the issue of transfers to NSAs – namely to rebel groups – proved to be among the most contentious. While some states and regional organizations (such as the African Union and the EU) wanted these transfers to be completely banned, others argued that in some cases – such as state-sponsored genocide – transfers to NSAs may be desirable. As such, consensus could not be reached and the issue did not get addressed in the PoA.

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The problem of SALW transfers to NSAs is that these actors are often responsible for the misuse and proliferation of illicitly manufactured or traded weapons. Weapons in the hands of rebel or terrorist groups are a destabilizing factor in society and a source of human insecurity. These actors often act with impunity – as state structures are too weak or ineffective in exerting authority over them – and they are not subject to any international laws or regulations. Since states are the sole subjects of international law, NSA activity cannot be controlled or regulated by means of a legally binding treaty.

Nevertheless, while the PoA does not contain important commitments relevant to the issue of arms transfers to NSAs, there are certain commitments that, if properly implemented, would affect NSA access to SALW. These include controls on SALW production, possession, sale and transfer, as well as measures to prevent illicit trafficking of small arms and promote stockpile security. If these controls were effectively implemented, NSAs would have less opportunity to obtain SALW.

6.3 Other gaps and limitations

- Lack of gender issues in the PoA.
- Limited focus on demand-side of the SALW problem.

Exercise 3: Brainstorm

- What are some structural, as opposed to thematic, gaps and limitations in the PoA discussed so far?



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7. Brief update on implementation of the PoA

For detailed analysis of the status of implementation of the PoA, refer to IANSA's biennial Biting the Bullet reports at www.iansa.org/documents. The latest analysis from the 2005 report can be accessed online at <http://www.iansa.org/documents/2005/red-book/analysis.pdf>.

Since the UN Conference in July 2001, the 2005 Biting the Bullet report indicates that efforts toward implementing the PoA have improved substantially in some countries, and especially at the regional level. More and more regions are taking concrete action toward fulfilling their commitments in the PoA. Despite these improved efforts, however, the report concludes that, to date, the impact of the PoA on preventing and eradicating the illicit trade in SALW remains minimal. A higher level of progress is achievable if the agreement is properly implemented by all member states of the UN.

Exercise 4: Small groups discussion

The lack of progress and impact of the PoA on the ground is the result of a number of different factors from political, economic and technical issues to cultural considerations. Nevertheless, PoA implementation can be improved with the help of a number of different actors, including states, international organizations and civil society. What are some key entry-points for these actors?



Summary of Section 2

- The PoA covers the illicit trade in SALW at the national, regional and international levels.
- There are six main commitment areas, each with mutually reinforcing provisions.
- PoA implementation has been inconsistent; however, it has contributed to greater awareness, understanding and policymaking on SALW control.
- Effectiveness and impact of the PoA on the ground will depend on a number of factors, but most importantly on the political will of states to effectively implement the agreement.

Section 3

Regional and sub-regional initiatives on SALW

Objectives and Goals of Section 3:

- To provide regional overviews of the SALW problem and the measures taken to address it.
- To provide a basis for assessing and comparing the different regional agreements and initiatives.
- To help familiarize trainees with general weaknesses and limitations that are common to these initiatives.

1. Introduction

While the impact of SALW is ultimately felt at the community level, the problem is more regional and global in nature. Undoubtedly, national efforts to combat the small arms problem are vital but ultimately futile if they are not combined with regional and global efforts. This is primarily due to the spillover problem; for example, weapons collected in Mozambique found their way into South Africa, while arms collected in Afghanistan were later found in India and Pakistan.¹³ Local solutions to the SALW problem will therefore only be effective and sustainable if they are combined with broader regional and global efforts. In fact, **better levels of national implementation of the PoA have tended to correlate with the presence and implementation of regional agreements.**



In addition, each region and sub-region will experience and perceive the SALW problem in a different way and must therefore create their own solutions and approaches to the problem. Mobilizing countries to take action against SALW is also much easier at the regional level, as these states are typically most affected by and concerned about the problems in their immediate environment. Consequently, they may be more willing to cooperate.

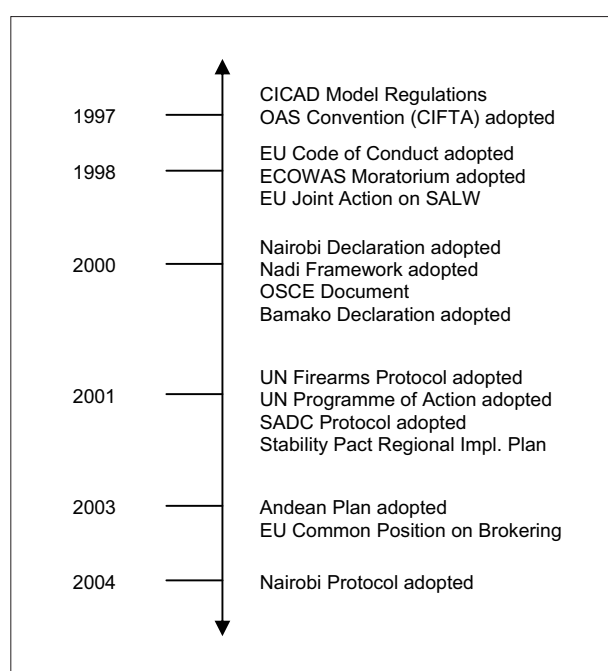
Recognizing this, a number of regional initiatives and efforts have been undertaken to combat the SALW problem. Regional agreements exist in Africa, Europe, the Americas and in Oceania/Pacific, but not yet in the Middle East and North Africa or in Asia and its sub-regions. Many of these agreements helped facilitate the development of the PoA, and the process of implementing the PoA has in turn stimulated and further strengthened the implementation of regional agreements. In this way, the PoA and regional agreements on SALW are mutually reinforcing – the implementation of one helps further the purpose and objectives of the other – ultimately helping to combat the global proliferation of SALW. The PoA sets minimum global standards that all regional agreements should either be consistent with, or seek to promote through their own implementation.

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2. The development of regional initiatives

Regional efforts to combat the illicit proliferation and trafficking of SALW grew not only from the growing recognition of the small arms problem, but also as a result of the momentum gained on this issue in the lead up to, and immediately following the UN Conference in 2001. While the instruments adopted to address the problem are specific to the region or sub-region, they very much rely on existing institutions and structures for cooperation between states. The following diagram provides a chronology of the development and progress of regional initiatives, each of which will be discussed in turn.

Figure 1



2.1 Small arms and Africa

During the 1990s, much of the African continent was affected by intense problems of insecurity, crime, conflict and violence. As a result, SALW are readily available in most sub-regions and have found their way into the hands of criminals, militia groups, children and other non-state actors. It is estimated that of the 649 million weapons in circulation worldwide, 100 million are in Sub-Saharan Africa, 8-10 million of which are in the sub-region of West Africa.¹⁴ Their widespread availability has exacerbated and prolonged conflict, contributed to violence and destruction and impeded the process of development in the region. Preventing their access by non-state actors and their destabilizing impact on human security are thus key concerns for the African region as a whole.

The African continent has been the most active in undertaking initiatives to promote SALW control. The following highlights the **key agreements** that have been adopted and implemented at the regional and sub-regional levels:

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2.1.1 Bamako Declaration

In 1996, the Organization of African Unity (now the African Union) agreed to conduct an in-depth study into ways to reduce small arms proliferation on the continent. The principles of this study were later expressed in the *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and trafficking on Small Arms and Light Weapons* in December 2000. While this Declaration is not legally binding, it is the **only document that commits all African states to a common set of measures on SALW** to be undertaken at the national and regional levels. The Declaration was also instrumental in moving ahead the negotiation of the UN Programme of Action.

Status of agreement

- Political

Participation

- All member states of the African Union with the exception of Morocco (53 of 54 African countries) have signed the Declaration.

Purpose

- At the national level: among other things, the establishment of national monitoring mechanisms; national legislation against violations of international arms embargoes; national SALW collection and destruction programs; and civil society participation in national efforts to combat the local and continental SALW problem.
- At the regional level: to strengthen regional and continental cooperation among police, customs agents and border control services in SALW control.

Value added

- As the only document that commits all states and sub-regions in Africa to common measures, this document paved the way for more robust and localized efforts to combat the proliferation, circulation and trafficking of SALW, such as the Nairobi Protocol and the SADC Protocol to be discussed below.

Limitations

- Because the Declaration is a political agreement, there are no mechanisms in place to monitor states' compliance.
- The Declaration also lists more principles to be upheld rather than precise actions for African states to undertake on SALW control.

Status of implementation

- There are no bodies responsible for monitoring the implementation of the Declaration. A copy of the Declaration can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#africa.

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2.1.2 Nairobi Declaration

The *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* was signed in March 2000. It was **the first African sub-regional agreement on SALW control**, serving as one of the main catalysts for the signing of the Bamako Declaration several months later – in fact many of the principles established in this document were modeled on those in the Nairobi Declaration. The Declaration further recognizes the wide-ranging and devastating impact of SALW proliferation and highlights civilian possession as a key concern of the region.

Status of agreement

- Political

Participation

- 10 African countries have signed the Declaration: Burundi, Democratic Republic of Congo (DRC), Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania, and Uganda.

Purpose

- To promote greater controls on the civilian use and possession, transfer, manufacturing, and brokering of SALW in the Great Lakes and Horn of Africa region, as well as information sharing and cooperation between governments toward the same end.

Value added

- Mandates countries to develop National Action Plans to address arms-related issues.
- Explicitly recognizes the role of civil society.
- The Declaration mandated the creation of the Nairobi Secretariat to coordinate its implementation and promote information sharing. A 'Coordinated Agenda for Action and Implementation Plan' was also established alongside the Declaration.
- The Declaration calls for annual ministerial review conferences to identify priority areas for future action. Both mechanisms – the annual meetings and Nairobi Secretariat – ensure more effective implementation of the principles expressed, and have since paved the way for the negotiation of the Nairobi Protocol (to be discussed below).

Limitations

- The document does not list precise actions to be undertaken for SALW control, although this is later addressed in the Nairobi Protocol.

Status of implementation

- The Nairobi Secretariat was established to regulate and monitor the implementation of the principles established in the Declaration. A copy of the Declaration can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#africa.

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2.1.3. SADC Protocol

The *Southern African Development Community (SADC) Protocol on the Control of Firearms, Ammunition and Other Related Materials* was the **first legally binding document on SALW to be developed in Africa**. It was agreed in August 2001 and entered-into-force in July 2004 after two-thirds ratification by member states. The Protocol developed from the *Declaration Concerning Firearms, Ammunition and Other Related Materials in SADC*, which was signed in March 2001 in response to a growing recognition of the SALW problem in the region.

Status of agreement

- Legal

Participation

- Currently, 12 of the 13 members of the SADC have ratified the Protocol: Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. Angola has signed, but not yet ratified.

Purpose

- To prevent, combat and eradicate the illicit manufacture, accumulation, possession and use of firearms, ammunition and other related materials through, among other things, the establishment of infrastructure for effective law enforcement; transparency and information exchange; public awareness programs; the regulation of brokering; marking; and the establishment of national legislation and proliferation control measures.

Value added

- The Protocol sets out minimum standards for national legislation and commits member states to begin harmonization of their firearms legislation.
- Promotes greater engagement by civil society groups on the issue of small arms.
- Provides for the destruction of surplus, redundant, obsolete, confiscated and unlicensed firearms.
- Identifies civilian possession of arms as one of the priority issue areas in Southern Africa where action must be taken.

Limitations

- In the Protocol, member states agreed to establish common controls in many different areas, but did not always specify what exactly these common controls should entail. A great deal will therefore depend on the capacity for coordination and information sharing between governments.
- Implementation of the Protocol is hindered by a lack of coordination between the SADC and the Southern African Regional Police Chiefs Cooperation Organization (SARPPCO) – while the former is charged with implementing the Protocol, the latter controls the financial support for implementing programs.
- A committee to oversee implementation was called for by the Protocol, but is not yet operational.

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Status of implementation

- As the main sub-regional organization, the SADC Secretariat and the South African Regional Police Chiefs Cooperation Organization (SARPPCO) are responsible for implementing the Protocol. Updates on the Protocol's status can be found directly from the SADC website, http://www.sadc.int/index/php?action=a1001&page_id=protocols_status. A copy of the Protocol can also be obtained from http://www.smallarmssurvey.org/resources/reg_docs.htm#africa.

2.1.4 Nairobi Protocol

The *Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa* was signed in April 2004 and entered-into-force on 5 May 2006 after two-thirds ratification by member states. This document is the legal expression of those principles expressed in the 2000 Nairobi Declaration, as well as the 2000 Bamako Declaration of the African Union.

Status of agreement

- Legal

Participation

- 11 African countries are either parties or signatories to the Protocol: Burundi, Democratic Republic of Congo (DRC), Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Tanzania, and Uganda.

Purpose

- To expand on and strengthen the contents of the Nairobi Declaration by prescribing exact SALW controls and initiatives that are needed – and which can be legally enforced – to eradicate the problem in the sub-region. To this end, states are charged with developing a National Action Plan to ensure its compliance with the Protocol, and must designate a Focal Point Coordinator to liaise with and report to the Nairobi Secretariat.

Value added

- Provides prescriptive measures for SALW control, making all principles expressed in the Nairobi Declaration legally binding.

Limitations

- The effectiveness of the common controls established depends to a large degree on the ability of the participating countries to harmonize their national legislation, a process that could take a long time and prove rather challenging.

Status of implementation

- The Nairobi Secretariat is responsible for overseeing the implementation of the Protocol. Every year, a Review Conference for States Parties is held at the ministerial level to take stock of the progress made and work that remains to be done. The official outcome of these meetings and all relevant information is posted on the Secretariat's website, <http://www.nbisecsalw.org/index.html>, or can be found at <http://www.saferafrica.org>. New accessions to the Protocol can also be found at these sites. A copy of the Protocol can also be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#africa.

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2.1.5 ECOWAS Moratorium

The *Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa* was the **first sub-regional initiative in Africa on illicit arms trafficking**. Initiated by Mali, the Moratorium was declared in October 1998 as a programme of the Economic Community of West African States (ECOWAS) and was set to run for only three years. In 2001, the Moratorium was renewed for an additional three years and renewed again in the summer of 2004. Since the proliferation of SALW continues to be a problem in West Africa, ECOWAS is now in the process of negotiating a legally binding instrument – an ECOWAS Convention on Small Arms and Light Weapons – to tackle the problem in a more robust and enforceable way. This instrument will likely replace the Moratorium when it ends in 2007.

Status of agreement

- Political

Participation

- All ECOWAS members: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

Purpose

- The Moratorium aims to effectively ban the illicit import, export and manufacture of light weapons in ECOWAS member states as a means of preventing their uncontrolled use, proliferation and subsequent impact on conflict in the region.

Value added

- The Moratorium is the first of its kind in the world and serves as a useful template upon which a more robust SALW control regime in West Africa can be based. The document itself calls for the harmonization of national legislation on civil possession of small arms with "a view to formulate a regional convention..."
- A Code of Conduct was established to regulate and monitor the implementation of the Moratorium.

Limitations

- Since this is a political document, compliance with the Moratorium is voluntary. A number of governments in the region continue to circumvent it and thus its overall impact on preventing civil conflict has been rather minimal.
- The document is drafted in weak language with remains vague with regard to outlining specific measures for implementation.
- The document fails to include (or was not amended to include) a role for civil society in the monitoring and implementation of the Moratorium, or the role of non-state actors in the region who are often equally responsible for the proliferation and transfer of light weapons.

Status of implementation

- The ECOWAS Executive Secretariat, the UNDP and the Lome Centre (which represents the UN DDA) are the bodies responsible for overseeing compliance with the Moratorium. A copy of the Moratorium can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#africa.

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2.2 Small Arms and the Americas

A number of civil wars and insurgencies took place in Latin America during the 1980s whereby a large supply of small arms and ammunition were brought into the region through covert channels. Armed groups not only acquired large supplies of illegal arms to pursue and defend their campaigns, but they also became deeply involved in trafficking arms and drugs to finance their operations. Small arms are now widely available in the region – particularly amongst civilians – and are linked to the continuing problems of criminality, social violence and drug trafficking. As such, regional efforts in the Americas to combat the illicit proliferation of SALW have occurred within the context of initiatives to combat drug trafficking and transnational organized crime.

The following highlights the **key agreements** and initiatives undertaken to promote SALW control in the region.

2.2.1 OAS Inter-American Convention (CIFTA)

The Americas became the first region to develop a legally binding treaty against the illegal trafficking of small arms with the adoption of the *Inter-American Convention Against the Illicit Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA)* in November 1997. The Convention developed within the context of the Inter-American Drug Abuse Control Commission (CICAD) of the OAS following the growing recognition of the link between drugs and arms trafficking. The Convention entered into force in July 1998 after the deposit of only two instruments of ratification.

Status of agreement

- Legal

Participation

- The Convention only applies to OAS countries that have accepted to be bound by its provisions. The OAS comprises 34 member states, all of which are listed on the organization's official website, www.oas.org.

Purpose

- The Convention aims to prevent and eradicate the illicit manufacture of and trafficking in firearms, ammunition and other explosive materials, as well as to promote cooperation and the exchange of information between States Parties.

Value added

- CIFTA is the only existing legally binding agreement in the region that deals with firearms proliferation in the context of law enforcement and crime control.
- The Convention mandates the creation of a mechanism to review its implementation.
- CIFTA encourages cooperation and information sharing between national law enforcement agencies.
- Due to its legal nature, the Convention establishes more robust principles and obligations to adhere to.

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Limitations

- The scope of the Convention is restricted to civilian transfers of firearms and does not cover transfers between states for the purpose of national security.

Status of implementation

- While almost all members of the OAS have signed the Convention, only a portion of these have ratified it. For more information on the status of implementation and ratifications of the treaty, refer to <http://www.oas.org/juridico/english/sigs/a-63.html>. A copy of the Convention can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#americas.

2.2.2 CICAD Model Regulations

The Americas was also the first region to develop a system of regulations to strengthen controls on legal firearms transfers and manufacturers, thereby reducing their possible diversion into the illegal market. In 1996, the OAS established an expert group within CICAD to establish measures for regional cooperation on this issue, and this group provided recommendations by way of the *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*. The regulations were adopted in November 1997 alongside the negotiation of CIFTA – both documents are mutually reinforcing.

Status of agreement

- Political

Participation

- The Model Regulations apply to all members of the OAS.

Purpose

- The Model Regulations aim to establish harmonized measures and a harmonized system of procedures for monitoring and controlling international movements of firearms, their parts and components and ammunition, in order to prevent their illegal trafficking and diversion.

Value added

- The Model Regulations assist in the implementation of CIFTA for those who have ratified the Convention.

Limitations

- The Regulations are voluntary guidelines only. They have not yet been incorporated into the national practices of many OAS member countries, particularly the developing countries.

Status of implementation

- As mentioned, the Regulations have not yet been incorporated into the national practices of many OAS member countries. Currently, they are in the process of being updated to include more detailed controls on firearms transfers, marking, stockpile management and brokering. In particular, regulations on the control of brokering have been drafted and proposed. For updates on this, visit the website: http://www.oas.org/juridico/english/cicad_brokers.pdf. A copy of the Regulations can also be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#americas.

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2.2.3 Andean Plan

In June 2003, the Andean Community of Nations – a sub-regional trade bloc in South America – took Decision 552 by which it adopted the *Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects*. While this agreement is not legally binding, its implementation is obligatory for all members of the Andean Community. The agreement can be accessed at <http://www.comunidadandina.org/ingles/treaties/dec/D552e.htm>.

Status of agreement

- Political

Participation

- Members of the Andean Community: Bolivia, Colombia, Ecuador, and Peru.¹⁵

Purpose

- With a focus on preventing and eradicating the illicit trade in SALW, the Plan calls for the establishment of voluntary weapons collection programs, the destruction of collected and surplus weapons, controls on civilian possession and awareness-raising, among others.

Value added

- The Plan establishes guidelines for action in the national, sub-regional and international contexts.
- The Plan promotes the active involvement of and participation with civil society in formulating and implementing national programs of action against SALW proliferation.
- Establishes an operational plan for the implementation of the document's objective, including concrete deadlines.
- The Plan calls for the creation of a verification mechanism to ensure full compliance with its guidelines.

Limitations

- Implementation of the Plan and adherence to its deadlines are voluntary only.
- While deadlines are called for in the short-term, there are no mechanisms established for follow-up over the longer term.

Status of implementation

- Progress in implementing the Plan's objectives is unclear. The Andean Community Secretariat, along with National Focal Points, is one of the bodies responsible for coordinating implementation. The Andean Plan Decision 552 and all relevant documents can be found on their website at www.comunidadandina.org or at http://www.smallarmssurvey.org/resources/reg_docs.htm#americas.

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2.3 Small arms and Europe



Europe is not as much at the receiving end of the global SALW problem as Africa or the Americas. Rather, it is home to a number of major suppliers of arms and ammunition – indeed a large fraction of illicitly held or traded weapons have at some stage been exported from European countries.¹⁶ Following the Cold War, military restructuring and downsizing made vast stockpiles of arms available for release on the market, many of which entered the illicit trade. There is also evidence that substantial quantities of weapons pass illicitly in transit through European countries. Some European governments have also been guilty of tolerating covert arms transfers to one or more favoured parties in armed conflicts in the Balkans, Caucasus or in Africa.

As such, a number of important SALW agreements have emerged within Europe that focus specifically on import, export and transfer controls. Part of the political push that has enabled these agreements to have ‘teeth’ – meaning legal status – is the process of new members acceding to the European Union (EU), which requires all member countries to harmonize their small arms policies with those of the EU.

The following highlights the **key agreements** in Europe relating to SALW control.

2.3.1 EU Code of Conduct

The *EU Code of Conduct on Arms Exports* is an agreement relating to **arms export policies only**. It applies to all types of weapons and reflects broader concerns about transfers of all conventional weapons and military equipment, not just SALW. The Code lists eight criteria that EU countries should consider before making a decision on whether or not to export weapons, and requires consultations between members when one country pursues a weapons deal that another had previously denied. Adopted by the European Council in June 1998, the Code is a first step towards the harmonization of EU member states’ policies and regulations on arms transfers.

Status of agreement

- Political

Participation

- The Code applies to all member states of the EU.

Purpose

- To establish minimum standards to be applied by all EU states when considering the export of weapons and military equipment, including SALW. The Code also aims to harmonize and increase the transparency of member states’ arms export policies.

Value added

- The Code is an important mechanism to increase transparency and accountability in arms transfers within Europe and has been adopted by states outside of the EU, including countries in eastern and central Europe, as well as Canada.

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- There are important norm-building effects of the Code – a number of EU countries are in the process of enacting legislation to implement similar codes of conduct at the national level, which would be legally binding on them. The Code also helped to inform the OSCE Document on small arms (to be discussed below).
- Member states have developed a “Users Guide to the EU Code” to assist in its implementation, harmonize their efforts and set out common positions on issues of brokering and equipment to which the Code specifically applies.
- In addition to establishing common criteria for arms exports, the Code also attempts to strengthen restrictions on arms exports. For example, there is a denial notification mechanism in which EU countries are required to exchange information on those applications for arms export authorizations that are denied.

Limitations

- The Code does not include violations of international humanitarian law or list specific abuses of human rights in the receiving state as grounds for refusing arms transfers.
- There are currently no criteria for member states to regulate arms re-exports or the transfer of arms production to ‘third countries’, as the Code does not apply to third-country transfers.
- The Code does not explicitly cover government-to-government transfers (i.e. the sale of government-owned arms to other governments). As there are no reporting requirements for such transfers, their transparency remains limited.

Status of implementation

- Currently, there is little consistency in the application of the Code among EU member states. Some states have adopted the Code into their national laws (i.e. Hungary), while others have incorporated elements of it (i.e. Belgium, United Kingdom), rendering it more binding upon them. The Code can be accessed at <http://ue.eu.int/uedocs/cmsUpload/08675r2en8.pdf> or at http://www.smallarmssurvey.org/resources/reg_docs.htm#europe.

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2.3.2 EU Joint Action on Small Arms

Following efforts aimed at combating and preventing illicit trafficking in conventional arms from and through the EU, member states were now prepared to deal with the specific issue of SALW. In December 1998, the EU Council adopted a *Joint Action on the European Union's Contribution to Combating the Destabilizing Accumulation and Spread of Small Arms and Light Weapons* to help prevent and reduce the destabilizing accumulation and spread of SALW. The Joint Action builds on the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms adopted by the Council in June 1997, as well as the EU Code of Conduct adopted in June 1998.

Status of agreement

- Political

Participation

- The Joint Action applies to all member states of the EU.

Purpose

- The objective of the Joint Action is threefold. First, it aims to combat and help end the destabilizing accumulation and spread of SALW. It also contributes to reducing existing accumulations of these weapons to levels that are consistent with a country's legitimate security needs. Finally, the Joint Action sets out to help regions suffering from problems associated with the excessive accumulation and spread of SALW to tackle them.

Value added

- Under the Joint Action, only states are considered legitimate end-users of SALW. As such, the sale of military-style small arms to sub-state or non-state actors is not permitted.
- The Joint Action commits the EU to providing financial and technical assistance to solve the problems caused by SALW.
- The Joint Action calls for annual reviews of its implementation and publishes the results in annual reports.
- In 2002, the Joint Action was amended to include ammunition within its provisions.

Limitations

- The impact of the Joint Action in restricting supplies of SALW from and through the EU is hard to observe.
- The Joint Action applies to categories of military-style weapons – which are listed in the annex to the document – but not to those developed and produced for civilian or sporting use.
- Transfers of military equipment to actors suspected of human rights abuses have continued in secret.

Status of implementation

- The EU Council publishes an annual report on implementation of the Joint Action. These can be accessed at <http://www.sipri.org/contents/expcon/eujointact.html>. A copy of the Joint Action can also be found at http://www.smallarmssurvey.org/resources/reg_docs.htm#europe.

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2.3.3 OSCE Document

The Organization for Security and Co-operation in Europe (OSCE)¹⁷ *Document on Small Arms and Light Weapons* was adopted in November 2000. It provided important impetus to the negotiation of the UN Programme of Action, particularly since its membership contains four of the five permanent members of the UN Security Council (France, Russia, United Kingdom, United States). The Document is a broad framework agreement that includes commitments on a variety of supply-side measures, particularly those relating to arms transfers.

Status of agreement

- Political

Participation

- All 55 member states of the OSCE including Russia, the United States and Canada.

Purpose

- In line with the OSCE's goal of cooperative security, the purpose of the Document is to reduce the threat posed by the uncontrolled spread of SALW in the international community. The Document aims to address the problem to contribute towards the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation.

Value added

- The Document is the only applicable regional agreement on SALW for member countries in Central Asia.
- In order to overcome some of the Document's weak language and thus assist with its implementation, member states developed best practice guidelines in 2003, among other things, on national control of brokering activities, the definition of surplus, and weapons destruction methods.
- The Document calls for the adoption of commonly agreed standards for licensing transfers and requires member states to review several criteria prior to awarding export applications.

Limitations

- No controls established on civilian possession of small arms.
- The Document and the best practice guidelines have no legal basis.

Status of implementation

- In February 2002, the OSCE's Forum for Security Cooperation convened a Workshop on SALW to review the Document's implementation and provide recommendations for the way forward (<http://www.grip.org/bdg/pdf/g1904.pdf>). For updates on the status of implementation, visit the Forum's website, <http://www.osce.org/fsc/> and click on the link to 'special events'. The Best Practice Guidelines can be accessed at http://www.osce.org/fsc/item_11_13550.html or http://www.smallarmssurvey.org/resources/reg_docs.htm#europe.

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2.3.4 Stability Pact Regional Implementation Plan

In November 2001, the Stability Pact of Eastern Europe adopted a Regional Implementation Plan on Combating the Proliferation of SALW (RIP) in order to develop a coordinated regional approach to tackling the excessive and uncontrolled circulation of SALW.¹⁸

Status of agreement

- Political

Participation

- The RIP applies to eight countries in the region: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, and Serbia and Montenegro.

Purpose

- The RIP aims to strengthen regional cooperation in combating the proliferation of SALW in the region. Many of the commitments covered are similar to those established in the UN PoA, thereby also furthering the implementation of this global agreement.

Value added

- One of the most concrete outcomes of the RIP was the establishment in May 2002 of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). SEESAC (www.seesac.org) provides practical assistance to a variety of SALW-related projects and programmes in the region that are helping to further the implementation of the RIP.
- The RIP emphasizes the elaboration of integrated projects that tackle issues that are closely linked, such as disarmament and weapons destruction programmes.

Limitations

- The RIP's requirements for implementation are not very clear; hence its implementation has been slow. The requirements also lack clarity and leave a great deal of room for interpretation.

Status of implementation

- The SEE SALW Monitor provides an overview of implementation of the RIP and other relevant SALW agreements in southeastern Europe. This report is not a technical verification system but rather a collection of relevant information to facilitate the analysis of progress towards the implementation of the RIP. The report can be accessed at http://www.seesac.org/target/salw_monitor.htm. A copy of the RIP can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#europe.

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2.3.5 EU Common Position on Arms Brokering

In June 2003, the EU agreed a Common Position on Arms Brokering. Through this agreement, member states committed to a set of provisions to be implemented through their national legislation requiring them to take all necessary measures to control brokering activities on their territory or carried out by their citizens.

Status of agreement

- Political

Participation

- The Common Position was adopted by all member states of the EU.

Purpose

- The purpose of this agreement is to harmonize national legislation on SALW brokering controls among EU countries, so that brokering activities from the territory of any EU country will require a license.

Value added

- The Common Position elaborates a range of controls on arms brokering and requires member states to apply sanctions to ensure that the controls are effectively enforced.
- The agreement requires member states to exchange information on denied applications for brokering licenses, among other things.

Limitations

- The Common Position does not require member states to incorporate its provisions into their national legislation.
- The document does not require any monitoring of brokering activities outside of member states' territories or of brokers that are not their citizens.

Status of implementation

- A copy of the common position can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#europe, while a review of its implementation can be obtained at <http://www.grip.org/bdg/g4579.html>.

2.4 Small Arms and the Pacific/Oceania

The Pacific/Oceania region has been generally weak in drafting and implementing regional agreements on SALW. Research indicates that in all Pacific nations, the domestic leakage of legally imported and legally held guns into illicit hands greatly exceeds the volume smuggled into the region.¹⁹ As such, the safety and security of weapons stockpiles is a priority, and much of the regional body's focus – the Pacific Islands Forum (PIF) – has been on these aspects. For example, in 1998, the South Pacific Chiefs of Police Conference (SPCPC) produced the *Honiara Initiative: Agreement in Principle on Illicit Manufacturing and Trafficking in Firearms, Ammunitions, Explosives and Other Related Materials* in which PIF countries agreed in principle on measures to combat illicit traffic in firearms. Further measures followed, the most critical of which is the Nadi Framework.

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2.4.1 Nadi Framework

In October 2000, the PIF adopted the Nadi Framework in the document *Towards a Common Approach for Weapons Control* produced by the SPCPC and the Oceania Customs Organization (OCO). At this time, the PIF also approved the development of model legislation to facilitate the implementation of the principles enshrined in the Honiara Initiative, as well as in the Framework.

Status of agreement

- Political

Participation

- The Framework applies to all 16 members of the Pacific Islands Forum.²⁰

Purpose

- The Nadi Framework is a regional strategy that aims to establish stricter controls on firearms ownership, as well as their importation, use and storage.

Value added

- In 2000, the PIF also approved the development of model legislation to facilitate the implementation of the principles enshrined in the Honiara Initiative, as well as the Nadi Framework. In 2003, the Nadi Framework Model Weapons Control Bill was endorsed by member states and seeks to promote the harmonization of regulations and basic standards in firearms control.
- The Nadi Framework formalizes, improves and harmonizes standards in, among other things, controls over civilians possession and the need for a 'genuine reason' for possessing or using a weapon, generally outlining what such reasons would entail.
- A series of regional workshops on small arms have been undertaken within the context of the Framework.

Limitations

- The Framework does not address the topic of SALW surplus destruction.
- The Framework also leaves a great deal open to interpretation, including the need for 'genuine reasons' despite attempting to outline what such reasons may entail.

Status of implementation

- Currently, only Australia, New Zealand and Fiji have amended their laws in line with the Model Weapons Control Bill, which is a legal obligation in itself. Implementation has therefore been slow. A copy of the Framework can be accessed at http://www.smallarmssurvey.org/resources/reg_docs.htm#pacific.

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2.5 Missing Pieces: Asia and the Middle East and North Africa (MENA) regions

With countries such as Afghanistan, Sri Lanka, Cambodia and Israel-Palestine in their midst, the Asia and Middle East and North African regions have experienced the destabilizing effect of SALW. These regions are the scene of numerous intra- and inter-state conflicts that have not only resulted in human suffering and deaths, but also large weapons stockpiles, the proliferation and use of these weapons by non-state actors, and increasing civilian possession. For example, IANSA reports that an estimated 75 million firearms are in South Asia, 63 million of which are in civilian hands.²¹ Small arms demand and misuse are particular concerns in both regions, as these weapons are often used for customary purposes, or misused by non-state actors and government agents. Despite this, there are no regional agreements on SALW among states in Asia and the Middle East and North Africa. It should nevertheless be noted that North African states have signed the African Union's Bamako Declaration.



3. Comparing the agreements

From the above overview, it is clear that there exists a wide range of regional measures and commitments on SALW control. Some of these commitments overlap within the same region, while others are very different. By participating in these agreements, as well as the UN PoA and Firearms Protocol, states often have several different reporting requirements on their implementation of relevant SALW control measures. Not only do many states lack the capacity to produce these reports in a comprehensive and timely manner, but this situation also leads to confusion as to what states are specifically obliged to do or not to do. This confusion, disorganization and lack of capacity are often impediments to the successful implementation of regional agreements on SALW control.

To assist in providing a clearer picture of these various SALW control measures and commitments, the table provided in Annex IV compares some of the key regional agreements – the building blocks of other regional initiatives – outlined above. While not all agreements are covered, this table provides a basis for comparison between the regions, as well as a better indication of what is required from participating states.

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Exercise 1: Discussion and analysis

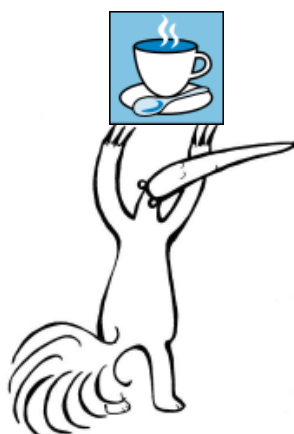
In small groups, compare the two legally binding sub-regional agreements in Africa – the SADC Protocol and the Nairobi Protocol – to see how they deal with the following issue areas:



- Production
- Marking
- Import/Export
- Brokering

Based on your observations, please answer the following questions:

- Which of the two agreements is more restrictive? What is the nature of the language being used – is it relatively firm, or fairly vague?
- Can you observe any trends from these two agreements? For example, do they both deal with SALW production in a similar way?



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4. General trends and lessons learned

While the adoption of regional agreements is by no means the answer to the SALW problem, it comprises an important step in addressing the issue in a concrete way. More specifically, regional agreements make important contributions to:

- Awareness raising among states, civil society and the international community.
- Sustaining the political will to addressing the SALW problem.
- Establishing regional standards and common understandings of SALW control.
- Accountability and greater transparency in SALW control.

At the same time, all regional agreements share a number of general weaknesses and limitations that need to be either rectified or addressed in another way. These include:

- Non-compliance and lack of mechanisms to deal with non-compliant states.
- Low levels of implementation, or slow implementation.
- Loose and relatively weak language – controls established are relatively loose and not strong enough to be effective.
- Lack of detail – expression of broad principles rather than prescriptions or concrete actions to be taken.
- Lack of follow-up measures or mechanisms to monitor progress and implementation.
- Lack of public access to and oversight of the process.
- Mixed intentions and lack of political will – governments want political recognition for their efforts, but not necessarily the economic costs of implementing them.
- Lack of resources/capacity to implement the agreements.

Exercise 2: Discussion

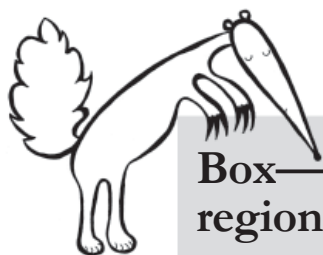
What lessons can be learned from the weaknesses and limitations identified in these agreements? What are some of the reasons for these weaknesses?



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Summary of Section 3

- The SALW problem is not one that remains within borders. As neighboring countries are often a source of SALW proliferation, regional agreements are essential to controlling the illicit proliferation of SALW.
- Regional agreements respond to the particular concerns and issues that are unique to a set of countries and therefore have the potential to be effective in addressing specific needs.
- Based on the nature of the controls established and the language used, some agreements may be 'stronger' than others, though each represents a significant step in raising awareness of the issue, a common resolve to address it and transparency in SALW control.
- Limitations and weaknesses of these agreements must also be addressed. While reaching a consensus on these issues is a positive step, political will to implement the commitments made is essential to confronting the SALW problem.



Box—List of resources on the implementation of regional agreements

The following resources are useful for more information on, or an overview of the implementation of these and other regional agreements:

- Godnick, William, Michael von Tangen Page and Janani Vivekananda. "Implementing International Small Arms Controls: Some Lessons from Eurasia, Latin America and West Africa." *International Alert*, 2005. Accessible online at <http://www.international-alert.org/publications/getdata.php?doctype=Pdf&id=34&docs=60>.
- International Alert's **Monitoring and Implementation of Small Arms Controls** (MISAC) Project also provide useful reports on SALW controls in numerous regions, including West Africa, Central Asia, Eurasia, Latin America, the Black Sea region and Eastern Europe. See <http://www.international-alert.org/publications.htm#security>.
- Cross, Peter, Catherine Flew and Andrew McLean. "Evidence and Analysis: Tackling the Availability and Misuse of Small Arms in Africa." *Saferworld*, London (September 2004). Accessible online at http://213.225.140.43/english/report/background/cross_et_al_background.pdf.
- The Geneva Forum. "The Role of Regional Organizations in Stemming the Illicit Trade in Small Arms and Light Weapons," findings of a specialist seminar 29-30 January 2004. Accessible online at www.genevaforum.org/Reports/20040129-30.pdf.



Annex V – Comparative analysis of regional agreements

Obligation and issues covered	Regional agreements							Nadi Framework
	EU Code of Conduct	OSCE/SALW Document	SADC Protocol	Nairobi Protocol	ECOWAS Moratorium	Inter-American Convention (CIFTA)		
Nature of agreement	Political	Political	Legal	Legal	Political	Legal	Political	
National legislation required / recommended	No	No	Yes	Yes	No	Yes	Yes	
Production prohibited / controls established	No	No	No	No	Yes – but only for Light Weapons	No	No	
Export / import controls established	Yes	No – only common criteria established	No	Yes	Yes – completely prohibited	Yes – via the CICAD Model Regulations	Yes	
Marking controls established / recommended	No	Yes – records to be kept for SALW tracing for no less than 10 years	Yes – records to be kept, though no minimum established	Yes – records to be kept for SALW tracing for no less than 10 years	No	Yes	Yes – records to be kept, though no minimum time established	
Stockpile management controls established	No	Yes	No – but standard for establishing such controls set	No	No	No	No – but provides standards on storage of civilian weapons	
Brokering controls established	Common Position adopted on the control of arms brokering in 2003 as one of the objectives set out in the Code	Yes	No – but standard to regulate brokering established	Yes	No	Yes – via the CICAD Model Regulations	No	
Ammunition covered within SALW controls	Yes	No	Yes	No	Yes	Yes – with the exception of marking and record-keeping requirements, which only deal with firearms	Yes	
Information exchange required	Yes	Yes	Yes – creation of national databases	Yes – creation of national databases	No	Yes	Yes	
Annual reporting requirements	Yes	No	No	Guidelines established whereby national focal points to report to Nairobi Secretariat "on a regular basis"; Nairobi Secretariat to report to Ministers every six months	No	No	No	

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Regional agreements							
Obligation and Issues Covered	EU Code of Conduct	OSCE/SALW Document	SADC Protocol	Nairobi Protocol	ECOWAS Moratorium	Inter-American Convention (CIFTA)	Nadi Framework
National implementation bodies required / established	No	Yes – contact points to be established	Yes – national bodies to be established	Yes – national focal points within law enforcement agencies and a Committee to be established	Yes – national focal points to be established, Nairobi secretariat to oversee implementation	Yes – national body to be established; a Consultative Committee to make recommendations on furthering implementation	No
Civilian possession restricted	No	No	Yes	Yes – total prohibition on the civilian possession of semi-automatic and automatic rifles, machine guns and light weapons	No	No	Yes – unless there is a “genuine reason” for possessing and using a weapon, which are outlined in the document
Destruction of surplus Weapons required	No	No – not required but identified as the ‘preferred’ method of disposal	Yes – but only for ‘state-owned’ surplus weapons	No	No	No	No
End-user certification required	Draft decision taken in 2004	No	Standard set?	No	No	No	No
Civil society participation included	No	No	Yes – public community education and awareness programs to be established	Yes – public community education and awareness programs to be established	No	No	No
Formal review of progress	No	Yes – annual review meetings of the Forum for Security Cooperation to review compliance with norms	No	Annual Ministerial Review Conferences of the Nairobi Declaration considers progress on the Protocol	Yes – review of moratorium to be undertaken every 3 years	Yes – Review Conference to occur 5 years after the Convention’s entry-into-force	No

Annex VI – 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)

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 VII – Membership of global and regional agreements²²

All Member States of the UN are bound by the Programme of Action on Small Arms (PoA) and thus are not listed here. Many States are members of more than one major regional and/or sub-regional agreement. Any country that is not listed here is not a member of any agreement on SALW aside from the UN PoA.

Country	Firearms Protocol	Regional Agreement(s)	Ratification/ Accession status (if any)
Afghanistan	No	No	
Albania	No	OSCE Document, Stability Pact RIP	
Algeria	Ratified	No	
American Samoa	No	No	
Andorra	No	OSCE Document	
Angola	No	Bamako Declaration	
Antigua and Barbuda	No	CIFTA	Ratified CIFTA
Argentina	Signed	CIFTA, CICAD Model Regulations	Ratified CIFTA
Armenia	No	OSCE Document	
Australia	Signed	Nadi Framework	
Austria	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Azerbaijan	Ratified	OSCE Document	
Bangladesh	No	No	
Bahamas	No	CIFTA	Ratified CIFTA
Barbados	Signed	CIFTA	Ratified CIFTA
Belarus	Ratified	OSCE Document	
Belgium	Ratified	OSCE Document, EU Code of Conduct, Joint Action.	
Belize	No	CIFTA	Ratified CIFTA
Benin	Ratified	Bamako Declaration	
Bolivia	No	CIFTA, CICAD Model Regulations, Andean Community Decision 552	Ratified CIFTA
Bosnia and Herzegovina	No	OSCE Document, Stability Pact RIP	
Botswana	No	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Brazil	Signed	CIFTA, CICAD Model Regulations	Ratified CIFTA
Bulgaria	Ratified	OSCE Document, Stability Pact RIP	
Burkina Faso	Ratified	ECOWAS Moratorium, Bamako Declaration	
Burundi	No	Nairobi Protocol, Nairobi Declaration, Bamako Declaration, Coordinated Agenda for Action	Ratified Nairobi Protocol
Cambodia	No	No	
Cameroon	No	Bamako Declaration	
Canada	Signed	CIFTA, OSCE Document	NOT Ratified CIFTA
Cape Verde	Ratified	ECOWAS Moratorium, Bamako Declaration	
Central African Republic	No	Bamako Declaration	
Chad	No	Bamako Declaration	
Chile	No	CIFTA, CICAD Model Regulations	Ratified CIFTA
China	Signed	No	
Colombia	No	CIFTA, CICAD model regulations, Andean Community Decision 552	Ratified CIFTA
Congo (Republic of)	No	Bamako Declaration	
Cook Islands	No	Nadi Framework	
Costa Rica	Ratified	CIFTA, CICAD Model Regulations, Central American Integration System	Ratified CIFTA

Country	Firearms Protocol	Regional Agreement(s)	Ratification/ Accession status (if any)
Cote d'Ivoire	No	ECOWAS Moratorium, Bamako Declaration	
Croatia	Ratified	OSCE Document, Stability Pact RIP	
Cuba	No	No	
Cyprus	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Czech Republic	No	OSCE Document, EU Code of Conduct, Joint Action	
Democratic Republic of Congo	No	Nairobi Protocol, Nairobi Declaration, Bamako Declaration, SADC Protocol Coordinated Agenda for Action	NOT Ratified SADC Protocol, Ratified Nairobi Protocol
Denmark	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Djibouti	No	Nairobi Protocol, Nairobi Declaration Bamako Declaration, Coordinated Agenda for Action	Ratified Nairobi Protocol
Dominica	No	CIFTA (acceded not signed)	Acceded CIFTA
Dominican Republic	Signed	CIFTA, CICAD Model Regulations	NOT Ratified CIFTA
Ecuador	Signed	CIFTA, CICAD Model Regulations, Andean Community Decision 552	Ratified CIFTA
Egypt	No	No	
El Salvador	Ratified	CIFTA, CICAD Model Regulations	Ratified CIFTA
Equatorial Guinea	No	Bamako Declaration	
Eritrea	No	Nairobi Protocol, Nairobi Declaration Bamako Declaration, Coordinated Agenda for Action	Ratified Nairobi Protocol
Estonia	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Ethiopia	No	Nairobi Protocol, Bamako Declaration	Ratified Nairobi Protocol
Fiji	No	Nadi Framework	
Finland	Signed	OSCE Document, EU Code of Conduct, Joint Action	
France	No	OSCE Document, EU Code of Conduct, Joint Action	
French Polynesia	No	No	
Gabon	No	Bamako Declaration	
Gambia	No	Bamako Declaration	
Georgia	No	OSCE Document	
Germany	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Ghana	No	ECOWAS Moratorium, Bamako Declaration	
Greece	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Grenada	Ratified	CIFTA	Ratified CIFTA
Guatemala	Ratified	CIFTA, CICAD Model Regulations, Central American Integration System	Ratified CIFTA
Guinea	No	ECOWAS Moratorium, Bamako Declaration	
Guinea Bissau	No	ECOWAS Moratorium, Bamako Declaration	
Guyana	No	CIFTA	NOT Ratified CIFTA
Haiti	No	CIFTA	NOT Ratified CIFTA
Holy See	No	OSCE Document	
Honduras	No	CIFTA, in process of adopting CICAD regulations, Central American Integration System	Ratified CIFTA
Hungary	Yes	OSCE Document, EU Code of Conduct, Joint Action	
Iceland	Signed	OSCE Document	
India	Signed	No	
Indonesia	No	No	
Iran	No	No	

Country	Firearms Protocol	Regional Agreement(s)	Ratification/ Accession status (if any)
Ireland	No	OSCE Document, EU Code of Conduct, Joint Action	
Israel	No	No	
Italy	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Jamaica	Ratified	CIFTA, CICAD model regulations	NOT Ratified CIFTA
Japan	Signed	No	
Jordan	Signed	No	
Kazakhstan (Republic of)	No	OSCE Document	
Kenya	Ratified	Nairobi Protocol, Nairobi Declaration Bamako Declaration, Coordinated Agenda for Action	Ratified Nairobi Protocol
Kiribati	No	Nadi Framework	
Kyrgyz Republic	No	OSCE Document	
Laos	Ratified	No	
Latvia	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Lebanon	Signed	No	
Lesotho	Ratified	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Liberia	Ratified	ECOWAS Moratorium, Bamako Declaration	
Libya	Ratified	No	
Liechtenstein	No	OSCE Document	
Lithuania	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Luxembourg	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Macedonia (FYRoM)	No	OSCE Document, Stability Pact RIP	
Madagascar	Signed	Bamako Declaration	
Malawi	Ratified	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Malaysia	No	No	
Maldives	No	No	
Mali	Ratified	ECOWAS Moratorium, Bamako Declaration	
Malta	No	OSCE Document, EU Code of Conduct, Joint Action	
Marshall Islands	No	Nadi Framework	
Mauritius	Ratified	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Mexico	Ratified	CIFTA, CICAD	Ratified CIFTA
Micronesia (Federated States of)	No	Nadi Framework	
Moldova	No	OSCE Document, Stability Pact RIP	
Monaco	Signed	OSCE Document	
Mongolia	No	No	
Morocco	No	No	
Mozambique	No	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Myanmar	No	No	
Namibia	No	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Nauru	Signed	Nadi Framework	
Nepal	No	No	
Netherlands	Ratified	OSCE Document, EU Code of Conduct, EU Joint Action	
New Caledonia	No	No	
New Zealand	No	Nadi Framework	
Nicaragua	No	CIFTA, CICAD model regulations, Central American Integration System	Ratified CIFTA

Country	Firearms Protocol	Regional Agreement(s)	Ratification/ Accession status (if any)
Niger	No	ECOWAS Moratorium, Bamako Declaration	
Nigeria	Signed	ECOWAS Moratorium, Bamako Declaration	
Niue	No	Nadi Framework	
Norway	Ratified	OSCE Document	
Oman	No	No	
Pakistan	No	No	
Palau	No	Nadi Framework	
Panama	Ratified	CIFTA	Ratified CIFTA
Papua New Guinea	No	Nadi Framework	
Paraguay	No	CIFTA, CICAD	Ratified CIFTA
Peru	Ratified	CIFTA, CICAD, Andean Community Decision 552	Ratified CIFTA
Philippines	No	No	
Poland	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Portugal	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Qatar, State of	No	No	
Republic of Korea	Signed	No	
Romania	Ratified	OSCE Document, Stability Pact RIP	
Russian Federation	No	OSCE Document	
Rwanda	No	Nairobi Protocol, Nairobi Declaration, Bamako Declaration, Coordinated Agenda for Action	Ratified Nairobi Protocol
Saint Kitts and Nevis	Ratified	CIFTA	Ratified CIFTA
Saint Lucia	No	CIFTA	Ratified CIFTA
Country	Firearms Protocol	Regional Agreement(s)	Ratification/Accession status (if any)
Saint Vincent & Grenadines	No	CIFTA	NOT Ratified CIFTA
Samoa	No	Nadi Framework	
San Marino	No	OSCE Document	
Sao Tome and Principe	No	Bamako Declaration	
Saudi Arabia	No	No	
Senegal	Signed	ECOWAS Moratorium, Bamako Declaration	
Serbia and Montenegro	No	OSCE Document, Stability Pact RIP	
Seychelles	Signed	SADC Protocol, Bamako Declaration	Signed but NOT ratified Nairobi Protocol
Sierra Leone	Signed	ECOWAS Moratorium	
Singapore	No	No	
Slovakia	Ratified	OSCE Document, aligned with EU Joint Action	
Slovenia	Ratified	OSCE Document, EU Code of Conduct, Joint Action	
Solomon Islands	No	Nadi Framework	
South Africa	Ratified	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Spain	No	OSCE Document, EU Code of Conduct, Joint Action	
Sri Lanka	No	No	
Sudan	No	Nairobi Protocol, Bamako Declaration	Signed but NOT Ratified Nairobi Protocol
Suriname	No	CIFTA	NOT Ratified CIFTA
Swaziland	No	SADC Protocol, Bamako Declaration	NOT Ratified SADC Protocol

Country	Firearms Protocol	Regional Agreement(s)	Ratification/ Accession status (if any)
Sweden	Signed	OSCE Document, EU Code of Conduct, Joint Action	
Switzerland	No	OSCE Document	
Syria	No	No	
Tajikistan	No	OSCE Document	
Tanzania	No	Nairobi Protocol, Nairobi Declaration, SADC Protocol, Bamako Declaration	Ratified SADC Protocol, signed but NOT Ratified Nairobi Protocol
Thailand	No	No	
Togo	No	ECOWAS Moratorium, Bamako Declaration	
Tonga	No	Nadi Framework	
Trinidad and Tobago	No	CIFTA	Ratified CIFTA
Tunisia	Signed	No	
Turkey	Ratified	OSCE Document	
Turkmenistan	Ratified	OSCE Document	
Tuvalu	No	Nadi Framework	
Uganda	Ratified	Nairobi Protocol, Nairobi Declaration, Bamako Declaration	Ratified Nairobi Protocol
Ukraine	No	OSCE Document	
United Kingdom	Signed	OSCE Documents, EU Code of Conduct, Joint Action	
United States of America	No	CIFTA, OSCE Document	NOT Ratified CIFTA
Uruguay	No	CIFTA, CICAD model regulations	Ratified CIFTA
Uzbekistan	No	OSCE Document	
Vanuatu	No	Nadi Framework	
Venezuela	No	CIFTA, CICAD	Ratified CIFTA
Vietnam	No	No	
Wallis and Futuna	No	No	
Yemen	No	No	
Zambia	Ratified	SADC Protocol, Bamako Declaration	Ratified SADC Protocol
Zimbabwe	No	SADC Protocol, Bamako Declaration	Ratified SADC Protocol

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Suggested reading

- There are several good overviews of the 2001 UN Conference and the PoA. In particular, the *Biting the Bullet* reports of 2003 and 2005 both contain good summaries of the PoA. The 2002 Small Arms Survey (SAS) Yearbook, Chapter Five, also has a good description of the negotiation process at the 2001 Conference (full text available online at <http://www.smallarmssurvey.org/Yearbook%202002/Ch.5Yearbook02Final.4.4.02.pdf>).

- Draft Framework Convention on International Arms Transfers www.iansa.org/documents/2004/att_0504.pdf.
- Report of the Panel of Governmental Experts on Small Arms 1997
<http://daccessdds.un.org/doc/UNDOC/GEN/N97/226/20/PDF/N9722620.pdf?OpenElement>

Useful websites on small arms

- Global Policy Forum (<http://www.globalpolicy.org/security/smallarms/salwindx.htm>)
- UN SALW Page (<http://disarmament2.un.org/cab/salw.html>)
- 2001 UN Conference website (<http://disarmament.un.org:8080/cab/smallarms/index.html>)
- Control Arms Campaign (www.controlarms.org;
http://www.controlarms.org/find_out_more/reports/)
- SAS resources website (http://www.smallarmssurvey.org/resources/reg_docs.htm)
- Arms Control Association (European Union Adopts Code of Conduct on Arms Sales, http://www.armscontrol.org/act/1998_05/wb2my98.asp)
- British American Security Information Council (BASIC)
(<http://www.basicint.org/WT/smallarms/UNcomparison.htm>
<http://www.basicint.org/pubs/Research/1999onesize3a.htm>)

Endnotes

- 1 These rules were adapted from the UNDP Sierra Leone "Arms for Development, Module II Training Workshop, Police Training School Hastings, 27.9.-02.10.2004"
- 2 UN Department of Disarmament Affairs (DDA) PowerPoint presentation, <http://disarmament2.un.org/cab/PoA%20generic%20presents%20Xiayou%20chngs.ppt>.
- 3 David Atwood, Jurgen Brauer, Sarah Meek and Robert Muggah, "Means and Motivations: Rethinking Small Arms Demand," *The HFG Review* (Spring 2005): 31. http://www.hfg.org/hfg_review/5/hfgsmallarms.pdf.
- 4 Control Arms Campaign, http://www.controlarms.org/the_issues/arms_industry.htm, accessed 11.11.2005.
- 5 Owen Greene, "Examining international responses to illicit arms trafficking," *Crime, Law and Social Change* 33 (2000): 153. According to Greene, the source of a large proportion of illicit conventional arms is government disposals of "surplus" arms or thefts from insecure government stockpiles. This particular problem intensified following the downsizing of military forces and inventories after the end of the Cold War and the lack of proper/strong control systems in a number of post-Cold War states.
- 6 Adapted from the UN Department of Disarmament Affairs (DDA) PowerPoint presentation, <http://disarmament2.un.org/cab/PoA%20generic%20presents%20Xiayou%20chngs.ppt>.
- 7 As discussed by Rachel Stohl, "Fighting the Illicit Trafficking of Small Arms," Center for Defense Information (2005), <http://www.cdi.org/program/document.cfm?DocumentID=2996>, accessed 22.11.2005.
- 8 Anders Holger and Silvia Cattaneo, "Regulating Arms Brokering: Taking Stock and Moving Forward the United Nations Process," <http://www.iansa.org/issues/documents/brokering-report-grip0905.pdf>, accessed 24.05.2006.
- 9 Rachel Stohl, "The Tangled Web of Illicit Arms Trafficking," Center for Defense Information (2005), accessible online at <http://www.cdi.org/pdfs/terrorinshadows-stohl.pdf>.
- 10 Owen Greene, Mike Bourne, et-al, "International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action," London: IANSA and Biting the Bullet 2005, p.299-300.
- 11 Project Ploughshares Briefing 01/3, "Transfer of Canadian military equipment to Colombia exposes loopholes in export controls," <http://www.ploughshares.ca/libraries/Briefings/brf013.html>, accessed 14.02.2006.

- 12 Control Arms Campaign, http://www.controlarms.org/the_issues/loopholes.htm, accessed 11.11.2005.
- 13 Keith Krause, "The Challenge of Small Arms and Light Weapons," Geneva: Graduate Institute of International Studies 1998.
- 14 Alhaji MS Bah, "Micro-disarmament in West Africa: The ECOWAS Moratorium on small arms and light weapons," <http://www.iss.co.za/pubs/ASR/13No3/Fbah.htm>, accessed 01.12.2006.
- 15 Venezuela was also a member of the Andean Community until its recent withdrawal from the trade bloc in April 2006.
- 16 Owen Greene, "Examining international responses to illicit arms trafficking," *Crime, Law & Social Change* 33 (2000): 168.
- 17 The OSCE is a regional security institution with 55 member states, including Russia, the United States and Canada. Its main areas of activity include conflict prevention, crisis management and post-conflict rehabilitation, particularly within Eastern and Central Europe. Decisions within the organization are taken by consensus and on a politically binding basis. For more information, visit their website at www.osce.org.
- 18 Country partners of the Stability Pact include those in the region: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, Serbia and Montenegro. Other country partners include Canada, Japan, Norway, Russia, Switzerland, Turkey, the United States and various regional, financial and international organizations such as the OSCE, the World Bank and the UN.
- 19 Small Arms Survey, "Small Arms Survey Yearbook 2004: Rights at Risk," Oxford: Oxford University Press, 2004.
- 20 The Pacific Islands Forum represents Heads of Government of all the independent and self-governing Pacific Island countries, Australia and New Zealand. Since 1971 it has provided member nations with the opportunity to express their joint political views and to cooperate in areas of political and economic concern. For more information, visit their official website at <http://www.forumsec.org.fj/>.
- 21 IANSA. <http://www.iansa.org/regions/scasia/scasia.htm>, accessed 29.01.2006.
- 22 This table draws on information contained in Greene and Bourne et-al, "International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action," London: IANSA and Biting the Bullet 2005, particularly Table Four on pages 186 – 195.



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