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Tackling the Small Arms Problem: *Multilateral Measures and Initiatives*

Introduction

Given the magnitude of the small arms problem, what—if any—counteracting measures and initiatives are being undertaken? This chapter reviews recent multilateral action tackling the proliferation and misuse of small arms and light weapons. It uses a largely descriptive approach, since the current lack of effective implementation in this area precludes any real analysis of best practice. Nevertheless, broader themes relating to the scope and effectiveness of action taken are raised throughout the chapter.

Box 7.1 UN definitions—a reminder

Small arms: Revolvers and self-loading pistols, rifles and carbines, assault rifles, and sub-machine and light machine-guns.

Light weapons: Heavy machine-guns, hand-held and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm calibre.

UN Secretary General, 1997

The chapter is divided into two broad sections, focusing first on multilateral activity at the regional and sub-regional levels, then on progress made at the global level. As indicated throughout the chapter, the links between the three levels have been strong, with progress at one level spurring progress at another.

By no means comprehensive in its coverage, this chapter of the Survey does attempt to reflect the most significant recent developments in the field. No regional bias is intended; however, Asia's relative inactivity on the small arms question precludes the same level of treatment accorded to the other regions. Certain sub-regions, such as South Asia and the Middle East, go unmentioned for the same reason. However, the serious proliferation problems that affect them are described elsewhere (PRODUCERS, BROKERS, ILLICIT TRANSFERS, EFFECTS).

The emergence of the small arms issue

Section author: Ed Laurance, Monterey Institute of International Studies

It is only very recently that small arms have emerged onto the international agenda as an issue in their own right. Although there was virtually no momentum around the problem at the beginning of the 1990s, a short decade later, a host of actors are becoming involved—the United Nations, national governments, regional organizations, NGOs, research institutes, and civil society. Efforts to contend with the proliferation and misuse of small arms and light weapons have been accelerating since 1997. How did this policy issue emerge and grow?

The small arms issue initially arose in the wake of the Cold War. While such weapons were plentiful during that period—produced and exported by various governments and transferred to the superpowers' armed clients—they were controlled, more or less effectively, by both sides. However, as the bi-polar political system disintegrated, so did control of these arms.

On the supply side, this decline in control led to an unprecedented availability, flooding the global market place with massive amounts of small arms. As the industrial powers trimmed their defence forces, surplus weapons found their way to arms dealers and zones of conflict. In addition, in the early 1990s, several major wars ended in Africa, Central America, and other regions; yet incomplete arms collection left hundreds of thousands of lethal military weapons in circulation in these areas. Instability in newly independent or emerging states also resulted in many arms being 'lost' or stolen from police and military forces.

At the same time, the nature of the demand for arms shifted significantly in the 1990s. The Gulf War alerted the international community to the dangers of arms build-ups. The UN's establishment of a Register of Conventional Arms, in January 1992, was but one indicator that it viewed major conventional weapons differently than in the past. At the same time, there were few budding inter-state conflicts to sustain demand for major weapons systems. Declining defence budgets and the Asian financial crisis of the late 1990s further reduced demand for this class of weapon.

However, the 1990s also saw a sudden upsurge of new intra-state conflicts. Such wars are characterized by the use of irregular forces with little or no training, no need for supply lines, and minimal logistics and maintenance support. These new localized conflicts created a demand for exactly the types of weapon that had become readily available—assault rifles, grenades, rocket launchers, mortars, and other weapons designed for use by a single soldier or a small crew.

With the acceleration of globalization during the 1990s, especially its increasing volumes of cross-border trade, it was not long before small arms suppliers and users connected. NGOs, the academic community, and the UN began to produce empirical evidence of a link between increased proliferation and such negative effects as increased violence and loss of life—especially affecting non-combatants—and the serious impairment of much-needed economic development. Thus, the stage was set for a series of efforts conducted at the sub-regional, regional, and global levels to address the problem of small arms proliferation and misuse.

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Regional and sub-regional measures

Certain regions have been at the forefront of efforts to combat small arms proliferation and misuse. This section begins with a discussion of the precedent-setting Organization of American States' (OAS) firearms instruments and other small arms initiatives in the Americas. The focus then shifts, in turn, to significant multilateral activity in Africa, the Asia-Pacific region, Western Europe, and the Euro-Atlantic region. As explained earlier, the following review of regional and sub-regional activity is not intended to be comprehensive in scope. The aim, rather, is to highlight the most significant initiatives at this level. Important links to global measures are also noted throughout the text.

The Americas have played a pioneering role in the fight against small arms proliferation.

The OAS firearms instruments

Section prepared with information and analysis supplied by: UN-LiREC; Geraldine O'Callaghan, BASIC; and Camilla Waszink, SAND and BICC

Since the mid-1990s, the Americas have played a pioneering role in the fight against small arms proliferation. Growing concern with international drug trafficking and organized crime, coupled with a recognition of their links to illegal arms trafficking, led the member states of the OAS—under the leadership of Mexico, Colombia, and the United States—to negotiate two instruments designed to combat the illicit trade in firearms, ammunition, and explosives. Adopted by the OAS over the 1997-98 period, these represented the first steps taken at the regional level to curb the illicit arms trade and improve controls over the movement of firearms generally. The two

instruments have, in fact, influenced other small arms processes at both regional and global levels.¹

The Inter-American Convention: The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (OAS, 1997) was adopted in Washington, DC on 14 November 1997 and entered into force on 1 July 1998 after having been ratified by two OAS states. The Convention sets out various operational and legal measures designed 'to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials' (OAS, 1997, art. II). Its broad definition of 'firearms', in article I (3)—which includes rockets, missiles, and their delivery systems—ensures coverage of a wide range of small arms and light weapons.

The Convention's operational measures aim at improving the monitoring and control of the manufacture and trans-border movement of firearms, ammunition, explosives, and other related materials. Significant provisions include the marking of all firearms at the time of manufacture and import (art. VI), record-keeping (art. XI), the establishment or maintenance of effective export, import and international transit license systems (art. IX), and the strengthening of controls at export points (art. X). The Convention also mandates the strengthening of certain legal norms, specifically obliging States Parties to criminalize illicit arms manufacturing and trafficking (art. IV), and provides for mutual legal assistance (art. XVII) and extradition rights (art. XIX).

In tandem with these efforts, the Convention seeks 'to promote and facilitate cooperation and exchange of information and experience among States Parties' in respect of illicit arms manufacturing and trafficking (art. II). Relevant provisions cover the exchange of information, including tracing information (art. XIII), and the exchange of experience and training in identification and tracing of weapons, intelligence gathering, and related activities (art. XV). The aim is to enhance the capacity of law enforcement authorities to combat the illicit firearms trade.

The Model Regulations: The Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition (OAS, 1998) were developed parallel to the Inter-American Convention by the OAS Inter-American Drug Abuse Control Commission (CICAD) on the basis of a 1992 OAS General Assembly mandate (AG/RES. 1197 (XXII-O/92)). The draft regulations were completed in September 1997, approved by CICAD in Lima, Peru, in November 1997, and adopted by the OAS General Assembly in June 1998 (AG/RES. 1543 (XXVIII-O/98)).

Map 7.1 OAS Member States



The Inter-American Convention aims to 'prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials'.

Table 7.1 Implementation of the OAS firearms instruments in Latin America and the Caribbean

State	Inter-American Convention Ratification	Model Regulations Adoption	Responsibility for Import and Export Permits
Antigua and Barbuda	no	—	—
Argentina	no	yes	—
Bahamas	yes	under way	—
Barbados	no	under way	Commissioner of Police
Belize	yes	yes	Commissioner of Police
Bolivia	yes	under way	Ministry of Defence
Brazil	yes	—	—
Canada	no	yes	Department of Foreign Affairs and International Trade
Chile	no	—	Ministry of Defence
Colombia	no	partially	Ministry of Defence
Costa Rica	no	under way	Ministry of Public Security
Cuba	—	—	—
Dominica	no	—	—
Dominican Republic	no	under way	Ministry of the Interior/Police
Ecuador	yes	—	Ministry of Defence
El Salvador	yes	yes	—
Grenada	no	under way	—
Guatemala	no	—	—
Guyana	no	under way	Commissioner of Police
Haiti	no	under way	Commissioner of Police
Honduras	no	—	—
Jamaica	no	under way	—
Mexico	yes	—	Armed Forces
Nicaragua	yes	under way	The National Police
Panama	yes	yes	—
Paraguay	no	under way	Ministry of Defence
Peru	yes	partially	—
Saint Lucia	no	partially	Commissioner of Police
Saint Vincent and the Grenadines	no	—	Commissioner of Police
St. Kitts and Nevis	no	—	Commissioner of Police
Suriname	no	—	—
Trinidad and Tobago	no	partially	Commissioner of Police
United States of America	no	yes	Departments of State, Commerce, and Treasury
Uruguay	no	—	Ministry of Defence
Venezuela	no	—	—
Total Ratifications	10		

Source: UN-LIREC, September 2000

The Model Regulations consist of a series of harmonized measures and procedures for monitoring and controlling the international movement of firearms, their parts and components, and ammunition² among OAS states. Through the adoption of common, high standards in this area, the instrument seeks to prevent the diversion of these weapons to illegal markets and activities (OAS, 1998, section 1.2). The Model Regulations set out export, import, and in-transit procedures and documentation for firearms, their parts and components (chapters I and III), and ammunition (chapters II and III). Other responsibilities of member states include record-keeping, information exchange, training and technical assistance, and the notification of shipment irregularities (chapter IV).

The scope of the Model Regulations is, however, limited to 'all classes of commercially-traded firearms, their parts and components and commercially traded ammunition.' Expressly excluded are 'state-to-state transactions or transfers for purposes of national security.' (section 1.2)

The Model Regulations' goal of strengthening the monitoring and control of the international movement of firearms and ammunition to prevent the diversion of these weapons to the illicit market complements the Inter-American Convention's efforts along such lines, including the latter's provisions on marking and record-keeping (OAS, 1997, arts. VI and XI), as well as those for enhanced export, import, and in-transit controls (arts. VIII–X).

Implementing the Inter-American Convention: As a formal legal instrument, the Inter-American Convention binds only those OAS member states that have ratified it. The instrument entered into force on 1 July 1998, after the second ratification; yet it is still in its infancy. As of October 2000, ten states—just under one-third of the total, active membership of 34 states—had ratified the Convention.³ Table 7.1 provides an overview of implementation of the two firearms instruments by OAS states.

The first regular meeting of the Convention's Consultative Committee, consisting of representatives of the States Parties, was held in Washington, DC on 9–10 March 2000. The recommendations of the Committee serve to promote and facilitate implementation of the Convention through the exchange of information, knowledge and experience, the encouragement of co-operation, and the promotion of training, technical assistance, and other measures (OAS, 1997, arts. XX and XXI). The Consultative Committee is assisted in its work by the General Secretariat of the OAS.

Outside the formal treaty framework, it appears that the Inter-American Convention has spurred bilateral and sub-regional co-operation among OAS states in such areas as weapons tracing and identification. Following the Convention's adoption, the US stepped up co-operation with, and provided training to, police and customs administrations in several Latin American countries. However, as will be discussed in the next section on the implementation of the OAS firearms instruments in Central America, many of the hemisphere's poorer countries currently lack the resources needed to effectively implement the Convention.

Implementing the Model Regulations: In contrast to the Inter-American Convention, the Model Regulations are not legally binding and, therefore, do not require ratification by OAS states. Information obtained from the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) indicates that, as of September 2000, six of 34 active OAS member states⁴ had adopted the Model Regulations,⁵ while another eleven were preparing to do so. Four other active member states had partially adopted them. Criteria used to determine implementation include changes to, or adoption of, new national legislation and regulations, and practical co-operation and exchange of information between member states. Information was not available for the 13 other active members.

Several initiatives are now underway to facilitate adoption and implementation of the Model Regulations in line with the recommendations of the Group of Experts that drafted them.⁶ CICAD and UN-LiREC have hosted two workshops designed to brief government officials on the practical

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implementation of the Model Regulations and provide a forum for information-sharing on national policies, practices, and inter-agency co-ordination. The first workshop was held in Lima, Peru, in November 1999, for the countries of South America and Mexico, while the second was organized in co-operation with the Inter-Ministerial Anti-Drug Training Centre of France (CIFAD), in Martinique, French West Indies, in May 2000, for Central American and Caribbean states.

A training manual to assist law enforcement officials in the implementation of the Model Regulations is being prepared by CICAD and UN-LiREC for dissemination to member states by the end of the year 2000. In addition, a Memorandum of Understanding (MoU) on future co-operation between the two institutions was prepared for signature during the UN Millennium Assembly. It provides, inter alia, for the joint development of initiatives supporting national efforts to enhance administrative effectiveness in dealing with firearms. Both CICAD and UN-LiREC have initiated discussions with Interpol Americas to sign similar MoUs with a view to tripartite collaboration in training government officials in the region.

Central America: A proving ground for the OAS firearms instruments

Section author: Camilla Waszink, SAND and BICC

The eventual success or failure of the OAS firearms instruments will be decided, in large measure, in those parts of the Americas especially hard hit by the small arms problem—for example, Central America.

The current proliferation of small arms and light weapons in the sub-region has several causes. Many of these weapons remained in circulation after the Cold War and the sub-region's several civil wars ended at the start of the 1990s. In addition, Central America's geographic position—wedged between the largest drug-producing countries in South America and the primary markets in North America—has made it a principal transit point for illicit arms and drug traffickers. Much illicit arms trafficking in the sub-region is also driven by the armed conflicts in Colombia and certain parts of Mexico. Combined with economic weakness and persistent inequality, the resulting abundance of weapons has generated high levels of violence and citizen insecurity throughout the sub-region (BROKERS, ILLICIT TRANSFERS, EFFECTS).

Especially hard hit by the small arms problem, Central America will be a proving ground for the OAS firearms instruments.

All the countries of Central America have signed the Inter-American Convention, while Belize, El Salvador, Nicaragua, and Panama have ratified it. El Salvador's ratification, on 18 March 1999, influenced the passage of national legislation on firearms and money laundering. Four months in advance of Panama's September 1999 ratification of the Convention, its legislature approved a 30-article bill setting out comprehensive measures to control illicit trafficking of arms and explosives. Legal and political obstacles, as well as a lack of resources, have, however, prevented some Central American countries from ratifying the Convention. For example, in Guatemala, constitutional changes are considered a prerequisite.

It is feared that insufficient resources will also limit the implementation of the Convention in the sub-region. Many of the practical measures it mandates, such as marking, record-keeping, and strengthened export controls, require substantial human and financial resources. Yet, Central America is burdened by endemic poverty, underdevelopment, and external debt. The assistance of the OAS, its Member States, and other actors will be needed if the Convention is to be effectively implemented in the sub-region, though obviously nothing can be done unless the countries of Central America themselves set Convention implementation as a priority.

Some analysts' critiques of the Convention appear especially relevant in the Central American context.⁷ For example, although it requires States Parties to confiscate illicit arms and ensure that they 'do not fall into the hands of private individuals or businesses', it does not mandate their destruction (OAS, 1997, art. VII). In Central America, many weapons enter the illegal market as a

result of theft from insecure government arsenals or sale by corrupt government officials.

Further, while the Inter-American Convention is based on the realization that the security threats facing the region are interrelated and must be addressed multilaterally, the law enforcement approach it applies to the problem of illicit trafficking ignores the important relationship between illicit arms and armed conflict. As described earlier, this relationship accounts for much of the small arms proliferation in Central America. Thus, while the Convention could potentially constitute part of the solution to the sub-region's small arms problem, it is far from sufficient. Other measures which would complement the OAS instruments are, however, being developed and, in some cases, implemented.⁸

Although the political, legal, and resource constraints hindering implementation of the Model Regulations in Central America are similar to those for the Inter-American Convention, it has been suggested that the former might be easier and less costly to implement. This, coupled with their practical, specific nature, might ultimately make the Model Regulations the more effective of the two OAS instruments (Meek 1998, pp. 53-54). It is, however, too early to judge whether this is the case in Central America, since neither measure has had much practical impact to date.

Central American measures

Section author: Camilla Waszink, SAND and BICC

This section examines small arms measures adopted in Central America. At least potentially, these address aspects of the sub-region's small arms problem left untouched by the OAS instruments.

The Framework Agreement for Democratic Security in Central America (SICA, 1995), signed in December 1995 and in force since December 1997, was developed under the System for Central American Integration (SICA), an organ established to support the process of integration within the sub-region. As of October 2000, the agreement had been ratified by only four countries: El Salvador, Guatemala, Honduras, and Nicaragua. While Costa Rica and Panama have signed the treaty, they have made a series of reservations on its arms control and regional security provisions.

The agreement aims to establish a new model of regional security that is 'unique, holistic and indivisible' (second preambular para.). Of its 78 articles, articles 30-37 are most relevant to the issue of small arms control and basically complement the OAS Convention. Thus, the parties commit themselves to combat the illicit trafficking of both military-style weapons and handguns and to implement modern and harmonized legislation in this area. The agreement also provides for co-operation between relevant authorities, confidential exchange of information on military inventories and military expenditures, and the establishment of a Central American register for arms and arms transfers.

Implementation of the Framework Agreement has, however, been minimal to date, apparently partly because of insufficient institutional capacity. Several unresolved border disputes in Central America, including the Gulf of Fonseca maritime boundary dispute between El Salvador, Honduras, and Nicaragua, are also adversely affecting these countries' willingness and ability to co-operate.

The Arias Code of Conduct (International Code of Conduct on Arms Transfers, 1997) also springs from Central America, though the proposal targets the international arms trade as a whole. Drafted and promoted by a group of Nobel Peace Prize laureates led by former Costa Rican President Oscar Arias, the Code has been formally backed by the Costa Rican Government and, as of October 2000, was being revised with a view to increasing its operational range and flexibility.

At the same time, Central American citizens are launching initiatives to tackle the small arms problem at the community level. For example, throughout Honduras, 563 'Citizen Security Committees' have been established to provide support to local police forces. Some Honduran communities have also held local plebiscites to ban or control the sale of alcohol, thereby reducing

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The Framework Agreement for Democratic Security in Central America aims to establish a new model of regional security that is 'unique, holistic and indivisible'.

The issue of small arms proliferation is now high on the public agenda in Central America ... but lack of political commitment, institutional weakness, corruption, and inadequate resources remain major stumbling blocks.

violence and delinquency (Castellanos, 2000). Many reforms conducted in the context of the region's various peace-building processes, including the restructuring of national police forces and the strengthening of democratic institutions, can also contribute to small arms control.

The issue of small arms proliferation is now high on the public agenda in Central America. A large number of organizations have taken up the question and civil society is increasingly involved. The final declaration of the sub-regional conference held on the subject in Antigua, Guatemala, in June 2000, emphasizes the need to combine initiatives. The actions listed in the declaration include: co-operation and information exchange between law enforcement agencies and judicial bodies; ratification and implementation of regional treaties; weapons collection and destruction programmes; and the development of measures addressing the legal trade (Antigua Declaration, 2000).

Yet, such efforts may well be stymied by the same obstacles that have so far hampered ratification and implementation of the OAS firearms instruments: lack of political commitment, institutional weakness, corruption, and inadequate human and financial resources.

The West African Moratorium

Section author: Anatole Ayissi, UNIDIR

The idea of a West African moratorium on small arms grew out of 1990s efforts for conflict resolution in Northern Mali and a 1996 proposal of Malian President Alpha Oumar Konaré. The Economic Community of West African States (ECOWAS) endorsed the concept, and the Declaration of a

Box 7.2 The MERCOSUR Joint Mechanism?

MERCOSUR is a customs union comprising Argentina, Brazil, Paraguay, and Uruguay. The MERCOSUR states agreed, in July 1998, on the creation of a Joint Mechanism (MERCOSUR 1998a) to share information on companies and individuals involved in the commercial trade in firearms, ammunition, explosives, and related materials. The agreement involves the creation of a mechanism for sharing information contained in existing national registers.

Application of the Joint Mechanism was extended to MERCOSUR associate members Bolivia and Chile through the signature of a separate Entente (MERCOSUR, 1998b).

Information requests and responses are to be processed through MERCOSUR's System of Security Information Exchange (SISME), a computerized system for the exchange of police and public security information among MERCOSUR's four full and two associate members.

While agreement in principle on SISME was reached in 1998, with an accord on organizational structure and functions following in 1999, as of August 2000, it had not yet become operational due to compatibility problems among national computer systems. Until SISME is operational, the Joint Mechanism cannot function.

Map 7.2 MERCOSUR countries



Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (ECOWAS, 1998) was signed by the Heads of State of all 16 ECOWAS members, on 31 October 1998, at their 21st Summit in Abuja, Nigeria. The agreement took effect the following day for a renewable period of three years.

The Moratorium Regime: The Moratorium regime consists of three basic instruments:

1. **The Moratorium Declaration (October 1998):** In addition to the text of the Declaration itself, this instrument provides for 'a meeting of Ministers of Foreign Affairs to assess and evaluate the moratorium at the end of the initial three-year period' of implementation, i.e. October 2001 (ECOWAS, 1998, last operative para.).
2. **The Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development (PCASED) (March 1999):** The PCASED project, established and operated by the UN Development Programme (UNDP), is intended to support the implementation of the Moratorium and assist with its practical development and security-related objectives (e.g. weapons collection) in West Africa and other African sub-regions. The Director of the UN Regional Centre for Peace and Disarmament in Africa (Lomé) also acts as the Director of PCASED. The Plan of Action for PCASED (ECOWAS, 1999c), adopted by ECOWAS Foreign Ministers in March 1999 (ECOWAS, 1999b), targets nine 'priority areas' which mirror various provisions of the Code of Conduct, including several mentioned below.
3. **The Code of Conduct (December 1999):** This document (ECOWAS, 1999d), adopted by ECOWAS Heads of State at their Lomé Summit, on 10 December 1999, tackles the details of Moratorium implementation. It specifies the types of weapons covered by the Moratorium¹⁰ and extends the latter's scope to include 'components and ammunition' for these weapons (art. 3). Key institutional and operational mechanisms envisaged in the Code include:
 - The establishment of 'National Commissions' in each member state to 'promote and ensure coordination of concrete measures for effective implementation of the Moratorium at national level' (art. 4).¹¹

Map 7.3 African sub-regions

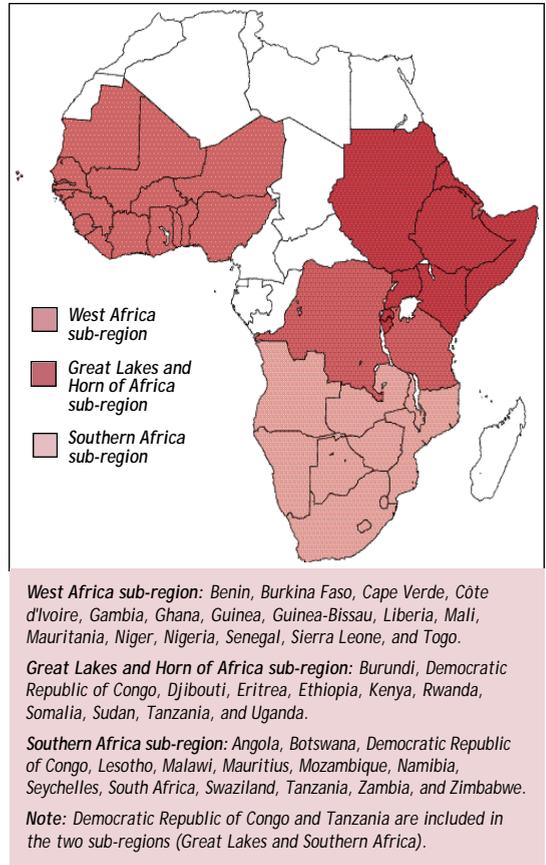


Figure 7.1 West African Moratorium timeline



- The development of '[s]tructures, staff, and procedures' within the ECOWAS Secretariat to support member states' implementation of the Moratorium and monitor compliance with it (art. 5);
- The preparation of annual reports by member states 'on the ordering or procurement of weapons, components and ammunition covered by the Moratorium' (art. 6);
- The development of a regional arms register and database (art. 6);
- The harmonization (and adoption) of legislation and administrative measures 'necessary for exercising control of cross-border' small arms transfers (art. 7); and
- The declaration of weapons and ammunition used in regional peace operations (art. 8).

The Code of Conduct sets out procedures for obtaining 'exemptions' to the Moratorium 'to meet legitimate national security needs or international peace operations requirements' (art. 9). At the same time, ECOWAS states undertake to collect, register, and destroy weapons and ammunition, covered by the Moratorium, 'that are surplus to national security requirements' or retrieved in the context of peace processes (art. 13).

The Code also calls for the development of procedures for inter- and intra-state co-operation between officials involved in monitoring and implementing the Moratorium (art. 11) and the development of 'more effective border control mechanisms' (art. 12). The key organs involved in these efforts are the Executive Secretariat of ECOWAS, the National Commissions, and PCASED.

Implementing the Moratorium

On the face of it, the West African Moratorium constitutes something of a watershed, suggesting, as it does, an important perceptual shift towards acknowledgement of 'human security' alongside 'national security' as an essential component of the broad African security equation. It also implies recognition of the need to pursue these goals within a regional framework. Still, these conceptual advances mean little if left unimplemented.

As of October 2000, the Moratorium had been in effect for almost two years. Yet, implementation is proving difficult. So far, only three of 16 ECOWAS states—Liberia, Mali, and Niger—had set up the National Commissions envisaged in the Code of Conduct. The establishment of other critical Moratorium support structures has also lagged. PCASED reached its full complement of staff only in May 2000. At the same time, the ECOWAS Executive Secretariat, with limited staff and resources, has not been able to support the Moratorium process as fully as had been hoped (PCASED 2000, p. 18).

Nevertheless, modest progress in Moratorium implementation is being achieved. Although, as mentioned, only three countries have established National Commissions, several others have taken 'preliminary steps' to this end (PCASED 2000, p. 7).¹² At the end of August 2000, the ECOWAS Executive Secretary announced that a liaison office for PCASED would be established at ECOWAS headquarters in Abuja, giving the latter, for the first time, a dedicated small arms organ. As for the regional arms register and database, a prototype has been approved by ECOWAS member states, with the necessary infrastructure being designed and set up by PCASED. Preliminary work on the enhancement of border controls and on the review and harmonization of national legislation is also being undertaken.¹³ At the same time, PCASED has provided support for weapons collection efforts throughout West Africa.¹⁴ Efforts to build support for the Moratorium within African civil society are also underway.¹⁵

The support of supplier countries is important, including the decision by individual Participating States of the Wassenaar Arrangement to actively back the Moratorium. Germany, for example, has indicated in writing that it will not authorize any exports of small arms or light weapons to ECOWAS countries before receiving confirmation from the ECOWAS Secretariat that these have been approved under Code of Conduct exemption procedures. And on several occasions, the UK

The Moratorium has been in effect since November 1998, but implementation is proving difficult.

has checked the legitimacy of export orders received from ECOWAS states with the ECOWAS Secretariat and PCASED.¹⁶

Yet, external support can be effective only where local conditions permit. On the crucial question of whether West African states are abiding by their commitment to stop importing, exporting, and manufacturing small arms there is cause for real concern. Several ECOWAS states and other actors have applied for exemptions for specific arms transactions, in some cases even before the relevant procedures had been finalized in the December 1999 Code of Conduct.¹⁷ Nevertheless, evidence of Moratorium violations by some West African states, notably in relation to the Sierra Leone conflict, is mounting.¹⁸

As a regional instrument, the Moratorium's effectiveness depends on conditions prevailing across the region as a whole. At the end of the year 2000, the situation, as already suggested, was not good. Armed conflict and/or instability prevailed in several areas, while some West African states were apparently flouting the formal commitments they had made to the Moratorium process. The support of external actors, including arms suppliers, is no doubt important to the measure's eventual success or failure. Yet, ultimately, its fate depends on West Africa itself.

Developing a small arms programme for Southern Africa

Section author: Virginia Gamba, Arms Management Programme, ISS

The problem of small arms proliferation and misuse has been on the Southern African agenda for several years now. While progress in translating shared concerns into operational mechanisms has been slow, this derives from the conviction that an effective small arms policy must be based on a strong, pre-existing consensus, coupled with a viable implementation strategy. Before discussing the small arms process that is specific to, and being developed by, the Southern African sub-region itself, we will look at the sub-region's links to the EU on the issue in the context of the latter's Programme for Preventing and Combating Illicit Trafficking in Conventional Arms.¹⁹

The main forum for policy debate and development in Southern Africa is the 14-member Southern African Development Community (SADC).²⁰ A May 1998 conference, hosted by the Institute for Security Studies (ISS) and Saferworld at Halfway House near Pretoria, brought together officials from SADC member states and the European Union (EU) and its member states to develop the main elements of a regional action programme for small arms.

The resulting Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking (SADC, 1998) was formally endorsed at a November 1998 EU-SADC Ministerial Meeting. It tackles the small arms problem in comprehensive fashion, listing measures which the countries of the sub-region can take and identifying areas of potential EU assistance across four broad areas:

1. Combating illicit trafficking;
2. Strengthening regulation and controls on accumulation and transfers of arms;
3. Promoting the removal of arms from society and the destruction of surplus arms; and
4. Enhancing transparency, information exchange, and consultation on arms in Southern Africa (SADC, 1998).

A dedicated EU-SADC working group on small arms was established in late 1999 to facilitate the small arms dialogue between the two regions and to allow for regular review of progress in implementing the Action Programme.

Although programme implementation has been modest to date, this stems from SADC's preference for region-to-region, as opposed to bilateral, assistance. Perhaps the main significance of the EU-SADC process to date has been the impetus given to the purely sub-regional small arms process. Development of the implementation plan to the Draft Protocol, discussed below, has been premised on the expectation of eventual EU support.

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The Moratorium's fate ultimately depends on West Africa itself.

The Southern Africa Regional Action Programme tackles the small arms problem in comprehensive fashion.

The sub-regional process was launched at the August 1999 SADC Summit, in Maputo, with agreement on the establishment of a SADC small arms working group (SADC, 1999).²¹ At its first meeting, in October 1999, the working group asked the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO)²² to prepare a Draft Protocol on Firearms and Ammunition, together with an accompanying implementation plan. This work, subsequently assigned to SARPCCO's Legal Subcommittee, was completed in March 2000. As of August 2000, the draft documents were being discussed at the national level, prior to their expected adoption at the 2001 SADC Summit.

The draft documents cover a broad range of areas, including: national controls over firearms; marking and record-keeping systems; the collection and disposal of surplus or confiscated firearms; mutual legal assistance; improved policing; and transparency and information exchange mechanisms. Significantly, the drafts recognize the need to combat corruption and control arms brokering activities. The overall approach is comprehensive with provision made for long-term prevention strategies, as well as short-term reduction measures. The Draft Protocol, when finalized, is also intended to be legally binding.

With civil society organizations in a facilitating role, the draft documents are being shaped through discussion between the sub-region's developmental-political organization, SADC, and its police organization, SARPCCO, the envisaged implementing agency. This collaboration is being followed with interest elsewhere, including in the Great Lakes/Horn of Africa sub-region, the subject of the next section.

Recent initiatives in the Great Lakes and Horn of Africa

Section author: Andrew McLean, Saferworld and ISS

The Great Lakes region²³ and the Horn of Africa²⁴ are both severely affected by the proliferation and misuse of small arms and light weapons (ILLICIT TRANSFERS, BROKERS, EFFECTS). Yet, until recently, little had been done to address this issue.

The initiatives described below are prompted by the growing realization that small arms lie at the heart of many of the problems facing the two sub-regions. The conflicts in Burundi, Democratic Republic of Congo (DRC), Northern Uganda, Southern Sudan, and Somalia are all fuelled by these weapons, as is the increasingly violent practice of cattle-rustling in such border districts as Wajir (Kenya) and Karamoja (Uganda) (EFFECTS). Small arms are also driving high levels of crime, violence, and insecurity in cities like Kigali, Nairobi, and Mogadishu.

Porous borders and conflict dynamics mean that the security and stability of the Great Lakes and Horn sub-regions are closely intertwined. For example, the conflict in DRC fuels the illicit trafficking of weapons in and through the Horn. Dealing with small arms proliferation in the two sub-regions requires joint action.

Developing a draft action programme: The experience of Southern Africa shows the important role the police can play in developing comprehensive, viable strategies for combating small arms. It also demonstrates the value of civil society organizations leading a 'track two' initiative parallel to the official governmental process.

With this in mind, four NGOs from Africa and the UK—ISS, Saferworld, the Security Research and Information Centre (SRIC), and the UN African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)²⁵—organized a meeting in Kampala, Uganda, on 31 January–1 February 2000. It brought together senior police officers from across the Great Lakes and Horn sub-regions and representatives of the Interpol sub-regional bureau in Nairobi, the East African Co-operation (EAC),²⁶ and the Inter-Governmental Authority on Development (IGAD)²⁷ to map out a possible policy agenda. A second objective of the meeting was to engage the Interpol sub-regional

Once finalized, Southern Africa's Draft Protocol on Firearms and Ammunition is intended to be a comprehensive, legally binding instrument.

Small arms proliferation lies at the heart of many of the problems facing the Great Lakes and Horn of Africa. Dealing with it requires joint action.

bureau as a partner. The latter is important as it acts as the secretariat to the Eastern Africa Police Chiefs Committee (EAPCCO). Eleven countries are members of EAPCCO²⁸ and so it is the only structure which covers the entire Great Lakes and Horn of Africa sub-region.²⁹

The Kampala meeting document (Draft Proposal for Elements of a Subregional Action Programme, 2000) identified four areas or 'pillars':

1. Strengthening legal controls on weapons possession and transfer, including regulating civilian ownership, marking, controlling manufacturing, increasing transparency, regulating arms dealers and brokers, and controlling small arms transfers into the sub-region;
2. Enhancing operational capacity to combat illicit arms trafficking, including establishing a regional illicit trafficking database, enhancing the capacity of law enforcement agencies, improving co-ordination, exchanging intelligence, strengthening border controls, and establishing cross-border operations;
3. Removing and destroying surplus weapons and developing education programmes, including demobilizing and reintegrating former combatants, taking inventories of state-held small arms, introducing community policing, protecting witnesses and sources, and working with community structures and civil society; and
4. Enhancing the capacity of sub-regional institutions for implementation, including proposals to build the capacity of the EAC, EAPCCO, and IGAD.

The draft action programme also indicates areas in which donor governments could provide financial and technical assistance to facilitate its implementation.

Adopting the Nairobi Declaration: The Kampala proposals were discussed at a conference hosted by the Kenyan Government in Nairobi, on 12–15 March 2000, and attended by foreign ministers from ten countries in the Great Lakes and Horn sub-regions.³⁰ The resulting agreement (Nairobi Declaration, 2000) represents a significant statement of intent on an issue which, until recently, states have considered highly sensitive.

The signatories undertake to share information and co-operate 'in all matters relating to illicit small arms and light weapons' (Nairobi Declaration, 2000, operative para. iii) and express their intention 'to exercise effective control over the possession and transfer of small arms and light weapons' through such measures as the strengthening (or adoption) and co-ordination of controls on civilian arms possession and the strengthening of sub-regional co-operation among police, intelligence, customs, and border control officials (operative para. iv).

In addition, the signatories '[u]rge source countries to ensure that all manufacturers, traders, brokers, financier, and transporters of small arms and light weapons are regulated through licensing' (operative para. iv). They also mandate the Kenyan government to co-ordinate follow-up activities (operative para. v). In fact, Kenya has since established a small arms secretariat in its Ministry of Foreign Affairs for this purpose.

Moving towards implementation: ISS, Saferworld, SRIC, and UNAFRI, in association with the Interpol sub-regional bureau in Nairobi, held a seminar in Dar-es-Salaam, on 7–8 May 2000, to discuss how the proposals in the draft Kampala Subregional Action Programme could help build upon and implement the Nairobi Declaration. The conference was attended by senior police officers, government officials, and representatives from sub-regional organizations, as well as NGOs from ten countries in the Great Lakes and Horn sub-regions.³¹

This was the first time that all these actors had come together to discuss small arms issues.³² The main focus was on enhancing the capacity of the sub-regional organizations to implement an action programme. Participants discussed the comparative strengths and potential roles of the EAC, EAPCCO, and IGAD. They also looked at how these organizations will link to the small arms secretariat that the Kenyan Government has established to co-ordinate follow-up activities to the Nairobi Declaration.

Developing an effective division of labour between these myriad organizations will be crucial

The Nairobi Declaration represents a significant statement of intent on an issue which, until recently, states have considered highly sensitive.

to the success of small arms initiatives in the Great Lakes and Horn sub-regions. The following proposals are now beginning to gain acceptance:

- EAPCCO could focus on operational matters, generally, and, more specifically, on the implementation of the measures outlined in the second pillar of the Kampala draft programme;
- EAC could work towards establishing and strengthening the legal controls and measures outlined in the first pillar of the Kampala draft programme;
- IGAD could focus on the developmental, educational, and demobilization tasks outlined in the third pillar of the Kampala draft programme; and
- The Nairobi secretariat could play a co-ordinating and facilitating role.

Finalizing an Agenda for Action: Experts from all the Nairobi Declaration signatory countries (excepting DRC) met again in Nairobi on 6–8 November 2000 to discuss how to implement the agreement. They agreed on three key documents for this purpose. Building upon the Nairobi Declaration, the first document (Coordinated Agenda for Action, 2000) articulates a comprehensive and concrete framework for action on the small arms problem, committing the states of the Great Lakes and Horn of Africa sub-regions to a series of practical measures in the following areas:

- Institutional framework;
- Regional co-operation and co-ordination;
- Legislative measures;
- Operational and capacity building;
- Control, seizures, forfeiture, distribution, collection and destruction;
- Information exchange and record-keeping; and
- Public awareness.

The second document (Implementation Plan, 2000) sets out the specific measures needed to turn the Coordinated Agenda into a working reality in each of the agreed areas. Meetings, training, and information exchanges are proposed for this purpose. In the third document (Annex A to International Assistance, 2000), the countries of the Great Lakes and Horn sub-regions call upon the international community for support in implementing the Coordinated Agenda and its Implementation Plan. General assistance is requested in the following areas: ensuring responsible controls on weapons transfers; abiding by international sanctions; supporting peace processes, and conflict prevention and resolution efforts; and implementing social and economic programmes. Financial and technical assistance is also sought in support of specific needs identified in the Implementation Plan.

These documents, offering a comprehensive basis for action on small arms in the sub-regions, were to be submitted for signature at the OAU Ministerial Conference, scheduled for Bamako, Mali, on 30 November–1 December 2000.

Involving East Africa's police chiefs: Significant progress is also being made at the operational level. Small arms was one of the main agenda items at the EAPCCO annual general meeting, held in Khartoum from 19–21 June 2000. The Police Chiefs agreed on a constitution for EAPCCO and a number of resolutions tackling firearms trafficking. They agreed specifically to: strengthen national laws, regulations, and procedures on the control, licensing, and use of arms; establish a regional database on firearms to facilitate sharing of information; and utilize the Interpol Weapons and Explosives Tracking System (IWETS) database. The Police Chiefs also agreed on measures to deal with cattle-rustling and resolved to develop an agreement for co-operation and mutual assistance to combat crime. These steps show that EAPCCO is developing teeth and has the potential to play a key role in sub-regional efforts to address the illicit trafficking of small arms.

Galvanizing civil society: An increasing number of NGOs in the Horn of Africa are realizing the need for action to combat small arms because of the impact the problem is having on their work. This is important since these organizations can help spur political action, monitor the implementation of initiatives, and provide a link from the local to the national and sub-regional levels.

A national network of NGOs working on the small arms issue in Uganda has already been established by People with Disabilities. SRIC has organized two workshops for Kenyan NGOs in Nairobi, while the Africa Peace Forum, in association with the EAC and the Norwegian Initiative on Small Arms Transfers (NISAT), organized a seminar for civil society organizations from Kenya, Tanzania, and Uganda in Arusha, Tanzania on 23-25 March 2000.³³ These organizations are now working together to develop a sub-regional network of NGOs which will be affiliated to the International Action Network on Small Arms (IANSA).

Forging links to other African initiatives: Eastern Africa's potential division of labour between a sub-regional developmental organization, IGAD, and a sub-regional police chiefs organization, EAPCCO, is similar to that adopted in Southern Africa, described in the preceding section. IGAD, however, does not include Burundi, DRC, Rwanda, the Seychelles, and Tanzania. The omission of DRC, Tanzania, and the Seychelles is not crucial as these countries are all in SADC and the Seychelles do not have a significant small arms problem. But Burundi and Rwanda are clearly significant absentees. This shows the potential importance of the new small arms secretariat in the Kenyan Ministry of Foreign Affairs in serving to link the different sub-regional organizations.

At the same time, the Great Lakes/Horn initiatives tie in with the Organization of African Unity (OAU) and UN processes described below. These are mutually reinforcing. To the extent that the sub-region continues to move forward on small arms issues, it could help spur the development of concrete measures at the continent-wide level.

Assessing prospects for the sub-region: The countries of the sub-region have expressed a clear desire to effectively address the small arms problem. A broad network of institutions, including sub-regional institutions, is fully engaged on the issue, with increasingly strong links being established between political and operational entities (e.g. departments of foreign affairs and police). Civil society organizations have also been accepted by all sides as important partners. The sub-region has thus made considerable progress on the small arms question in 2000. Yet, the existing agreements and broad momentum remain to be translated into effective action.

'An African common approach' to small arms

Section author: Virginia Gamba, Arms Management Programme, ISS

While the consequences of small arms and light weapons proliferation have been acutely felt on the African continent, the countries of the region have seldom spoken with one voice. Despite isolated, earlier requests on the part of member states that the OAU take up the issue, it was only in July 1999 that the organization's highest policy-making organ launched efforts for the development of 'an African common approach' in advance of the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects . The focus of this initiative was the convening of a 'ministerial preparatory conference' (OAU, 1999, para. 13).³⁴

The work undertaken by the OAU Secretariat to prepare for the ministerial conference had two main components: first, an ongoing awareness-raising programme targeted at OAU member states³⁵ and, second, the convening of meetings, in Addis Ababa, in May and June 2000, of experts from African states (OAU, 2000a) and representatives of African and international organizations (OAU, 2000b).

The OAU Ministerial Conference, held in Bamako, Mali on 30 November-1 December 2000, served both to consolidate an African common position for the 2001 UN Conference and to



articulate, for the first time, a continent-wide strategy for tackling the small arms problem. The Bamako Declaration (OAU, 2000c), adopted by the OAU ministers on 1 December 2000, takes a comprehensive approach to its subject. While it stresses the need for action on the part of supplier countries, it also addresses the demand aspect of the small arms question. The importance of prevention is recognized, together with control and reduction. The provisions of the Declaration target both the licit and illicit dimensions of the problem.

At a general level, the Bamako Declaration calls for the 'institutionalization' of programmes for action on small arms at the national and sub-regional levels (OAU, 2000c, subpara. 2.viii). Specific recommendations for action at the national level include:

- Creation of national co-ordination agencies for small arms (subpara. 3.A.i);
- Enhancement of the capacity of national law enforcement and security agencies and officials, including training and upgrading of equipment and resources (subpara. 3.A.ii);
- Destruction of surplus and confiscated weapons (subpara. 3.A.iv);
- Development and implementation of public awareness programmes (subpara. 3.A.v); and
- The conclusion of bilateral arrangements for small arms control in common frontier zones (subpara. 3.A.ix).

Among the Declaration's recommendations for action at the sub-regional level are the codification, harmonization, and standardization of national norms governing small arms and ammunition (subpara. 3.B.ii) and the strengthening of sub-regional and Africa-wide co-operation among police, customs, and border control services (subpara. 3.B.iii).

African nations also seek the commitment of states beyond the continent—especially arms supplier countries—to, *inter alia*, improve controls over the small arms trade, 'discourage and eliminate the practice of dumping excess weapons in African countries', and limit trade in small arms to governments and authorized traders (para. 4). In addition, OAU countries call upon international donors to provide financial, technical, and other support for African efforts to address the continent's small arms problem, including for 'the reintegration of demobilized youths and those in illegal possession of small arms' (subpara. 4.ii and para. 5).

The important supporting role of civil society in developing and implementing small arms measures is stressed throughout the Bamako Declaration. So is the need for strong co-operation among states, regional, and international organizations, and NGOs in tackling a problem that, OAU ministers emphasize, 'transcends borders' (subpara. 1.vii). The ministers have also committed themselves to 'promote and defend this African common position', reflected in the Declaration, at the July 2001 UN Conference and 'call for a realistic and implementable programme of action' as its outcome (paras. 6-7).

The Bamako Declaration is a statement of political commitment, not a legally binding instrument. In fact, the expression of that commitment is quite muted. Those provisions which concern African nations themselves are cast in the form of recommendations³⁶ that, implicitly, individual states are free to follow or not, as they see fit. It remains to be seen what impact the Declaration will have. It could lend important momentum to sub-regional initiatives on the continent and to the July 2001 UN Conference. Its adoption by all OAU states, without reservation, is in itself important. However, the Declaration makes only modest provision for follow-up, with the OAU Secretary-General simply requested 'to follow up on the implementation of the present Declaration and to present regular progress reports to the Council of Ministers' (para. 8).

The next step in the development of a continent-wide strategy to combat small arms would be agreement on an implementation plan fleshing out the Bamako Declaration with specific, practical measures. The OAU's successful management of the process leading to Bamako has prepared it to take the process forward from there. Meanwhile, concrete action for the implementation of the Declaration has been left to the discretion of individual OAU states.

The 2000 Bamako Conference articulated, for the first time, a continent-wide approach to the small arms problem.

The Bamako Declaration is a statement of political commitment, not a legally binding instrument. Its impact remains to be seen.

ASEAN's first steps on small arms

Section author: Katherine Kramer, *Small Arms Survey in partnership with Nonviolence International Southeast Asia*

The Association of Southeast Asian Nations (ASEAN) has, to date, avoided consideration of controls on small arms and light weapons for fear of compromising national sovereignty and security. A partial exception has been the question of illicit small arms trafficking, specifically in the context of transnational crime.

ASEAN's 1997 ministerial meeting in Malaysia set a cautious tone on the small arms issue, emphasizing the need for regional co-operation in combating transnational crime. Small arms and their illicit smuggling were seen as an integral part of terrorism, drug trafficking, money laundering, trafficking of persons, and piracy.³⁷ The 1997 ASEAN Declaration on Transnational Crime (ASEAN, 1997), setting out the basic framework for regional co-operation on this issue, was followed by the 1999 ASEAN Plan of Action to Combat Transnational Crime (ASEAN 1999, paras. 8-12), that envisages 'a cohesive regional strategy to prevent, control and neutralise transnational crime'. ASEAN Ministers also agreed in principle to the establishment of an ASEAN Centre for Combating Transnational Crime (ACTC) with a mandate to:

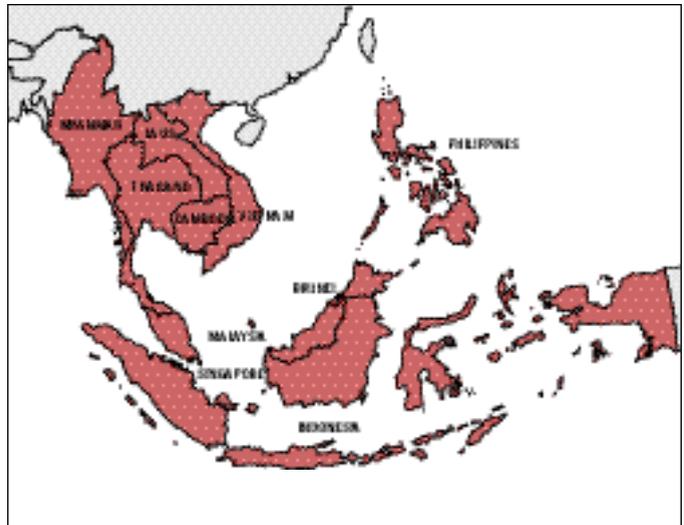
- Promote data sharing on matters relating to transnational crime;
- Act as a repository of information on national legislation, regulatory measures, and jurisprudence of member states;
- Conduct in-depth analysis of transnational crime activities;
- Recommend appropriate regional strategies to fight such activities; and
- Assist in the implementation of Plan of Action programme activities (paras. 13-14).

As of August 2000, the Philippine government, whose offer to host the ACTC was 'welcomed' at the 1999 Yangon ministerial meeting (para. 15), had already begun to construct the building intended to house it. However, final approval for the Centre had yet to be granted, with some member states reluctant to share certain types of information.³⁸ Thus far, ASEAN initiatives in the area of transnational crime, aimed primarily at criminal syndicates operating across borders, have involved written or verbal agreements, with no concrete action taken.

Small arms, as a distinct topic, was considered by ASEAN member states³⁹ for the first time at the Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, in May 2000,⁴⁰ yet collectively they kept to a narrow, transnational crime perspective.

ASEAN's continuing reluctance to tackle small arms issues head-on has a variety of sources. An acute aversion to outside interference in matters seen as strictly internal is one. At the same time, member countries are affected by small arms in different ways and to different degrees. Currently, the only point of agreement is the transnational crime

Map 7.4 ASEAN countries



aspect, in which small arms are intertwined with other cross-border crimes. Yet, where small arms issues are subsumed under other topics, they risk being overlooked. A limited perspective on the small arms problem also ignores the important links that exist between the licit and illicit trades, as well as the destabilizing effects small arms have outside the context of transnational crime.

ASEAN states have, to date, shown little inclination to use the organization to shape regional policy, consistently opting for bilateral agreement over broader regional norms. Thus, while five member states have bilateral extradition agreements, no regional agreement yet exists. ASEAN's potential as a vehicle for regional policy-making is currently undermined by its members' sensitivity to perceived infringements of national sovereignty. Unless their recent willingness to discuss small arms as a distinct issue signals a new approach, this will constitute a serious handicap in addressing the complex problem of small arms proliferation.

EU measures

Section author: Elizabeth Clegg, Saferworld

Co-operation among EU member states to combat small arms proliferation is relatively recent.⁴¹ However, since mid-1997, the EU has shown an increasing willingness to tackle the causes and effects of this phenomenon. Several agreements have been concluded, focusing on the control of legal transfers, tackling illicit trafficking, and reducing levels of small arms in affected regions. The EU is thus well-placed to make a meaningful contribution to international efforts to control the

Box 7.3 The Pacific Islands Forum

The South Pacific region has not escaped the small arms problem. On the contrary, armed conflict has fueled demand for weapons in several Pacific island nations—a demand which is being met by the transfer of newer weapons and the recycling of older ones dating, in some cases, back to World War II.

The Pacific Islands Forum (formerly the South Pacific Forum), brings together Australia, New Zealand, and smaller Pacific island nations on a broad range of issues, including small arms—first discussed by the Forum in mid-1996. The task of developing a common approach to weapons control for the region was initially delegated to a sub-committee of the South Pacific Chiefs of Police Conference (SPCPC) and the Oceania Customs Organisation (OCO).

In October 1998, the sub-committee drafted the 'Honiara Initiative', setting out a weapons control strategy covering firearms and their parts and the questions of illicit manufacture, illicit trafficking, and firearms licensing. The 'Nadi Framework', produced by the SPCPC/OCO sub-committee in March 2000, expands the 'Honiara Initiative' to a wider range of weapons, including knives, traditional weapons (clubs, bows and arrows, and spears), stun guns, martial arts equipment, military-style ordnance and explosives, and incapacitating gases and liquids.

The 'Nadi Framework' includes the following core principles:

- that the possession and use of firearms, ammunition, other related materials, and prohibited weapons is a privilege that is conditional on the overriding need to ensure public safety; and
- that the improvement of public safety requires the imposition of strict controls on the importation, possession, and use of firearms, ammunition, other related materials, and prohibited weapons.

As of November 2000, the Pacific Islands Forum Secretariat, at the request of Forum Leaders, was working to develop model legislation on weapons controls.

Sources: Pacific Islands Forum Secretariat, 2000; UN Secretary-General 2000.

spread and misuse of small arms. For a variety of reasons, however, implementation has not followed as swiftly as might have been anticipated. As a result, the impact of these various initiatives has, to date, been limited.

The EU programme on illicit trafficking: The first substantive EU initiative to control small arms was agreed by its member states (the Council of the European Union) in June 1997 in the form of the European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms (EU Council, 1997).

This programme translates the member states' desire to 'take concrete measures to curb the illicit traffic and use of conventional arms' (5th preambular para.), mandating action in three main areas:

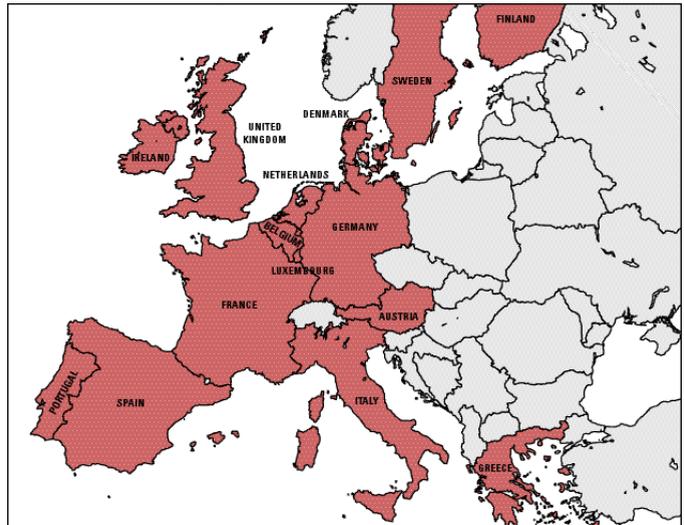
1. Strengthening collective efforts to prevent and combat the illicit trafficking of arms from their territories through co-ordination and co-operation among intelligence, customs, and law enforcement agencies, and through the exchange of information on illicit arms trafficking (para. 1);
2. Assisting affected countries by building the capacity of national police, customs, and immigration authorities and by promoting sub-regional and national co-operation among relevant agencies with respect to arms trafficking (para. 2); and
3. Seeking to reduce the number of arms in circulation through such measures as weapons collection and destruction programmes (para. 3).

The most significant effort in the implementation of the EU Programme to date has been the development and endorsement by the EU and SADC of a Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking (SADC, 1998) and the establishment of an EU-SADC working group on this issue—described above in the section on Southern Africa.

The EU Code of Conduct: In June 1998, the Council of the EU agreed on a European Union Code of Conduct on Arms Exports (EU Council, 1998a), marking a new phase in co-operation on arms issues among EU states. An initiative of the UK Presidency of the EU, the Code involved significant political movement on the part of EU governments and a recognition of the need for 'high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all Member States' (3rd preambular para.).

The Code of Conduct governs transfers of all types of conventional arms—including small arms and light weapons—as well as the export of dual-use equipment (i.e. technology with potential civilian and military applications) destined for the armed forces or other security forces of the recipient state. The development of a 'Common Control List' was identified as a priority when the Code was agreed in June 1998, though it was finalized only at the end of the Portuguese Presidency, in June 2000.

Map 7.5 European Union countries



It consists of guidelines of varying detail—based on the eight criteria for conventional arms exports agreed by the member states in 1991 and 1992⁴²—which should be factored into export licensing decisions. These include the human rights record of the recipient, its internal situation, its external behaviour, including respect for international law, and its expenditure on arms as compared with social and economic development.

The Code also contains a series of ‘Operative Provisions’ which provide for information exchange and review. With respect to export licensing, the most significant provision is the mechanism whereby member states inform each other if they deny an export licence. If, less than three years after such a denial has been issued, an EU state wishes to issue a licence for ‘an essentially identical transaction’, it must first consult with the member state which issued the original denial (EU Council, 1998a, Operative Provision 3). The Code also provides for an annual review process in which member states present a report on their arms exports and implementation of the Code for discussion at an annual meeting. This meeting then leads to the production of a ‘consolidated report’ by all 15 EU states (Operative Provision 8). The first review was conducted in the second half of 1999, under the Finnish Presidency; the next was scheduled for November 2000, under the auspices of the French Presidency.

Finally, the EU Code contains a commitment by the member states to ‘use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code of Conduct’ (Operative Provision 11). The EU Associate countries of Central and Eastern Europe have already signed up to the principles of the Code, while the US and Canada have also expressed their support.

The EU Code has been welcomed as an important first step in the development of responsible controls over the European arms trade, however a number of weaknesses have been identified by parliamentarians, NGOs, and even some EU governments. One criticism concerns the guidelines which, while involving a significant elaboration of the eight criteria, are quite vague and subject to differing interpretations. The consultation provisions of the EU Code are also the subject of controversy. In particular, the provision for bilateral notification of intention to undercut has been criticized by a number of EU governments as insufficient to ensure a common approach. While most governments earlier appeared to support the principle that all 15 member states be notified in such cases, this did not receive the unanimous support required. Finally, the EU Code has also been criticized for a lack of transparency, its emphasis clearly being on the exchange of information between member states rather than on public transparency. While no specific commitment has been made that either the national reports or the ‘consolidated report’ would be made public, the first annual review did, in fact, lead to the publication of the ‘consolidated report’ (EU Council, 1999b). The adoption of the EU Code has undoubtedly been beneficial in several respects:

- **Information sharing:** Even its relatively limited information exchange provisions—especially, the circulation of denials to all member states—are an important source of information to those EU states who lack substantial intelligence resources. Such information should prevent governments from unwittingly licensing the export of arms where there is a serious risk of misuse.
- **Objective criteria:** The Code has also helped increase international acceptance of the need to assess arms export licences using objective criteria.
- **Human rights and other considerations:** The support the Code has received from non-EU arms exporters points to widespread acknowledgement of the need to put concerns relating to human rights, regional and international stability, and development at the centre of decisions on arms export licences. This is especially significant against the backdrop of the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Still, in practical terms, the effect of the EU Code of Conduct on member states’ small arms trade

The EU Code of Conduct has been welcomed as an important first step in the development of responsible controls over the European arms trade.

is difficult to judge. While the guidelines relating to internal repression and instability are potentially very significant, their actual impact is unclear because of a lack of information on EU member states' arms exports, both before and after the adoption of the Code.

Indeed, across the EU, there still exist widely different standards of transparency in the arms trade. Some governments publish very detailed information (e.g. United Kingdom, 2000 and Italy, 2000), while others have yet to publish any form of annual report on their arms sales. While the introduction of the EU Code does seem to have prompted moves towards greater transparency in a number of EU states—notably with the publication of the first reports by France in March 2000 (France, 2000) and Germany in September 2000 (Germany, 2000)—in general, the information provided by EU governments does not allow a clear assessment of how the Code is being implemented.

The EU Joint Action: On 17 December 1998, the Council of the European Union agreed on a Joint Action on small arms (EU Council, 1998b), motivated, in large measure, by the German government's desire for a comprehensive EU mechanism that addressed both control and reduction aspects of small arms proliferation. Its stated objectives are:

- To combat and contribute to ending the destabilizing accumulation and spread of small arms;
- To contribute to the reduction of existing accumulations of these weapons to levels consistent with countries' legitimate security needs; and
- To help solve the problems caused by such accumulations (EU Council, 1998b, art. 1).

Thus, the Joint Action sets out a comprehensive programme comprising:

- Preventive measures, which seek to limit the build-up of further destabilizing accumulations of small arms, for example, by establishing and maintaining national inventories of small arms and through a commitment to export small arms in accordance with restrictive criteria (art. 3);
- Reactive measures designed to help reduce existing accumulations of small arms, through, for example, the effective removal of surplus small arms, including their safe storage and destruction, and the demobilization, rehabilitation, and reintegration of former combatants (arts. 4-5); and
- Provision of financial and technical assistance which makes 'a direct and identifiable contribution' to the achievement of the measures described above (art. 6).

An Annex to the Joint Action lists the equipment it covers, including a range of small arms and light weapons extending from machine guns to anti-aircraft missiles, but—crucially—not ammunition. The fact that measures to remove and destroy ammunition do not fall within its scope has been cited as a major weakness of the agreement.

The Joint Action is premised upon the need for a partnership approach, between the EU and affected countries, in order to effectively tackle the problem of small arms proliferation. The first step in the establishment of a partnership involves recognition of the principles espoused within the Joint Action. To this end, the EU has encouraged partner countries to endorse its objectives. A request for assistance in addressing a particular problem then has to be received by the EU before a practical course of action can be initiated or funds disbursed.

While the Joint Action has received considerable support, including from the EU Associate countries and the members of ECOWAS, implementation thus far has focused on just a few countries, including Albania and Cambodia. Following a request for assistance from the Cambodian government, the EU sent a delegation in July 1999 to explore possibilities for supporting the weapons collection and destruction programmes previously initiated by the Cambodian authorities. This mission led to a December 1999 agreement on a joint EU-Cambodia programme to tackle small arms proliferation, including assistance in the development of legislation, in the management of small arms stockpiles, and for initiatives to raise awareness within civil society of the small arms problem.



Introduction of the EU Code of Conduct seems to have prompted moves towards greater transparency.

Through the Joint Action, the EU has also sought to support weapons collection efforts in Albania. However, the original Gramsh Pilot Programme, elaborated by UNDP in collaboration with the Albanian authorities, made no provision for the destruction of collected weapons—a prerequisite for EU assistance. As a result of negotiations conducted in 1999, the EU has, in principle, agreed to support the latest phase of the ‘weapons for development’ initiative in Albania, involving two new districts and comprising a weapons destruction component.

The partnership orientation of the EU Joint Action represents a potentially productive means of tackling accumulations of small arms in affected regions. However, the experience of the Cambodian, and particularly the Albanian, initiatives shows that the Joint Action does not necessarily offer a prompt response to particular small arms problems. Accordingly, the implementation of the Joint Action has been limited to date; the potential impact of its wide-ranging approach towards accumulations of small arms has yet to be realized.

The EU Joint Action is premised upon the need for a partnership approach.

The EU Development Council Resolution: In May 1999, the Development Council of the EU Council of Ministers agreed on a small arms resolution (EU Council, 1999a) that builds upon the commitments already made by EU member states. It asserts that:

An integrated and comprehensive approach is required by the international community which adequately addresses the complexity of the small arms problem and its political, economic and social causes and takes account of the aspect of security as a prerequisite for development [EU Council, 1999a, para. 4].

Measures deserving particular attention include: encouraging countries to eliminate surplus weapons; combating illicit trafficking; ensuring effective demobilization; and challenging cultures of violence. The Resolution also points to the SADC and ECOWAS sub-regions as especially worthy of EU attention, given the progress already made there on frameworks for combating small arms proliferation (para. 5). It also stresses the importance of continued consultation and co-operation with relevant agencies at global, regional, and national levels, as well as adequate co-ordination within the EU itself (para. 7).

The Council Resolution is important in that it constitutes an acknowledgement by EU development co-operation ministries that it is appropriate to use development aid for tackling the problem of small arms proliferation. It also recognizes the EU Commission’s role in combating small arms accumulations by inviting ‘the Commission, together with the relevant experts of the Member States, to define the conditions and guidelines for specific development cooperation activities relevant to the matter’. Efforts to tackle small arms should now be at the heart of EU development assistance programmes. However, despite the commitments made in the Council Resolution, it is unlikely that new funds will be made available to tackle small arms issues. These will instead have to be found from existing budgets and within the context of EU development programmes.

The 1999 EU Development Council Resolution endorses the use of development aid to tackle the problem of small arms proliferation.

Conclusions on EU measures: EU co-operation on small arms has advanced steadily since the late 1990s with agreement on a range of initiatives to tackle the supply of and demand for these weapons. Yet, if the objectives of these agreements are to be realized, the focus now needs to be on implementation.

In terms of efforts to reduce the levels of small arms in circulation, work has to be done to bridge the gap between the needs of countries in affected regions and the disbursement of EU assistance within the frameworks of the Programme on illicit trafficking and the Joint Action. EU member states also need to reinforce the Code of Conduct to achieve a more transparent export control policy and ensure that restraint in the export of small arms is clearly demonstrated. Finally, additional measures are required to prevent the circumvention of existing EU restrictions. These could include strict controls on the end use of EU arms, increased scrutiny of licensed production arrangements, and registration and licensing requirements for EU arms brokers and their transactions.

Tackling small arms in the Euro-Atlantic region

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The North Atlantic Treaty Organization (NATO) and the Organization for Security and Co-operation in Europe (OSCE) are the two leading multilateral security organizations in the Euro-Atlantic region. Until recently, neither had been involved in efforts to combat the proliferation and misuse of small arms and light weapons. Although a number of their member states had leading roles in these initiatives, they had been pursued in other regional fora.

The EU's focus now needs to be on implementation.

However, in 1998 and 1999, both NATO and the OSCE began to examine small arms issues. Several factors appear to have contributed to this. The supply of weapons from the Euro-Atlantic region was identified as a critical component of the global proliferation problem (PRODUCERS, BROKERS, ILLICIT TRANSFERS). Ironically, peacekeeping commanders found their forces facing weapons exported by their own or allied governments.⁴³ The looting and partial re-circulation of some 650,000 Albanian government weapons during that country's 1997 crisis contributed to instability in Kosovo and concentrated policy makers on problems within Europe⁴⁴ (EFFECTS). Finally, a number of governments, already engaged in combating illicit trafficking and the criminal use of guns in other regional fora, saw no reason to exclude NATO and the OSCE from what increasingly looked like an evolving, global process of control. NGOs have also helped advance the consideration of the small arms issue by both of these organizations.⁴⁵

The importance of engaging NATO: The NATO/Euro-Atlantic Partnership Council (EAPC) Work Programme was adopted only in July 1999 (EAPC, 1999a). Although the Alliance had previously been sceptical of small arms initiatives, insisting that responsibility for stockpile security, export controls, and transparency lay with member governments, by the time of the April 1999 Washington summit, NATO had extended its traditional defence and deterrence role to include a range of responsibilities from conflict prevention to crisis management.⁴⁶

In many respects, NATO is well-placed to take up the challenge of small arms control—in both political and practical terms. Politically, the 46 members of the EAPC, comprising the 19 NATO states and 27 'partner' countries, include many of the world's most important suppliers of small arms and light weapons to regions of conflict, several of which are not parties to the arms control regimes of the EU or Wassenaar Arrangement. NATO can therefore play a key role in setting the arms control standards for the EAPC countries, especially those seeking to join the Alliance.

In practical terms, NATO is a well-resourced organization, equipped with established military structures and technical expertise that outstrips other multilateral organizations working on small arms issues. In addition, NATO can draw the perspectives and expertise of military officers and defence officials—with direct experience in managing weapons and working with the arms industry—into a policy area thus far dominated by officials working for foreign affairs, development, and justice departments.

Developing a NATO work programme: Led by Canada, Norway, and the US, the EAPC began to consider the small arms issue in March 1999.⁴⁷ One month later, the EAPC formed an Ad Hoc Working Group on small arms charged with setting a work programme for the Council, which was drafted by July 1999 (EAPC, 1999a).

The July 1999 NATO/EAPC programme sought to 'identify ways in which EAPC/PPP might contribute to the challenge of small arms and light weapons' (EAPC, 1999a, para. (1)).⁴⁸ Emphasis was placed on reinforcing existing initiatives rather than duplicating them, taking advantage of NATO/EAPC's specific knowledge and expertise. The programme identified three areas for examination:

1. Stockpile management and security, and destruction of surplus stocks;
2. National export control, mechanisms, enforcement and arms embargoes; and
3. Peacekeeping training and development.

Following a series of workshops, held in September 1999, the Working Group identified the following 'three broad areas where there is significant potential for an enhanced contribution' (EAPC, 1999b, para. 4) to small arms control:

1. **Generic training:** Dialogue and training on 'best practices' in respect of stockpile management and security, the collection, disposal, and destruction of weaponry, and small arms control in the context of peace missions (para. 4.1);
2. **Tailored assistance and co-operation:** Support for individual countries in such areas as border controls, stockpile management and security, export control regimes, and customs and police enforcement (para. 4.2); and
3. **Best practices:** Further information exchange and consultation on such matters as transparency and weapons marking regimes (para. 4.3).

NATO is well-placed to take up the challenge of small arms control. It has the potential to make a significant impact on the problem.

The Working Group further called for the elaboration of a Partnership Work Programme 'Chapter' on small arms and light weapons to 'consolidate all of the related PFP activities' and 'provide an appropriate political focus for subsequent SALW [small arms and light weapons] initiatives' (EAPC, 1999b, para. 8.1). Subsequent workshops have attempted, with some success, to build consensus in such areas as best practice in export control and common systems of marking and tracing weapons.⁴⁹

Moving from words to action: NATO's work programme has, to date, been short on concrete action. In an attempt to address this, a new Partnership Work Program (PWP) Chapter, The Challenge of Small Arms and Light Weapons, was agreed upon in February 2000. The Chapter aims to involve EAPC countries in small arms issues through the elaboration of specific, practical activities and guidelines, focusing on such areas as stockpile management and security, destruction of surplus stocks, and the collection and destruction of small arms in peace missions (EAPC, 2000a).

As of August 2000, six months after the publication of the PWP Chapter, candidate countries' response to the initiative has been cautious. Although many have acknowledged its potential importance, only Lithuania and Romania have so far indicated they intend to take up NATO's offer of assistance.⁵⁰ For the moment, it is unclear how far NATO will go in implementing its small arms programme and, crucially, whether programmes designed for partner nations will also be implemented by the Alliance's existing members.

Building consensus around small arms issues in the OSCE: The OSCE faced considerable hurdles in its efforts to agree on a concrete programme of work on small arms control and reduction measures. As of December 2000, the organization comprised 55 participating States spanning a huge geographical area with widely divergent small arms problems and political perspectives. Yet, it can secure agreements only through a lengthy process of consensus building.

The OSCE began to explore small arms issues in November 1998, when the governments of Canada, the Netherlands, Norway, and Switzerland, in association with the British American Security Information Council (BASIC), organized an exploratory workshop on small arms at the organization's Vienna headquarters. By the time of the November 1999 OSCE Summit in Istanbul, small arms control was squarely on the organization's agenda.

Decision No. 6/99 of the Summit mandated the Forum for Security Co-operation (FSC) to initiate 'a broad and comprehensive discussion' on the question of small arms proliferation and convene a seminar 'devoted to the examination of concrete measures' in this area (OSCE/FSC, 1999). While some OSCE participating States, leading other small arms efforts, were disappointed that the Istanbul Summit did not yield more concrete results, this high-level commitment to addressing the problem represented important progress.⁵¹

The subsequent seminar, held in April 2000, explored a range of control, reduction, and prevention measures which the OSCE could pursue.⁵² Following the seminar, it was generally agreed that a

consensus document should be developed for endorsement by OSCE foreign ministers at their November 2000 meeting in Vienna (Eighth ‘Ministerial Council’). The resulting OSCE Document on Small Arms and Light Weapons was adopted by the FSC on 24 November 2000 (OSCE/FSC, 2000b). While not formally endorsed by the Ministerial Council at its 27–28 November meeting, because of a dispute over other issues, the Document had the support of OSCE ministers.⁵³ It is now OSCE policy.

The OSCE Document on Small Arms and Light Weapons: While the OSCE Document is a statement of political commitment rather than a legally binding instrument (OSCE/FSC, 2000b, sec. VI, para. 6), it has considerable importance. OSCE participating States account for just over half of the world’s legal exporters of small arms, including three of the four biggest exporters—the US, the Russian Federation, and Germany (LEGAL TRANSFERS). At the same time, several OSCE countries—especially in Central Asia, the Caucasus, and southeastern Europe—are directly affected by the problem of small arms proliferation. Of equal significance is the Document’s comprehensive nature. The definition expressly accords the term ‘small arms and light weapons’ (3rd preambular para.), and mirrors that of the 1997 UN Experts Panel,⁵⁴ while the Document’s various norms, principles, and measures address many of the key aspects of the small arms problem.

Sections II and III of the OSCE Document both aim at ‘combating illicit trafficking in all its aspects’ (section titles). In line with the approach taken by the OAS, there is a strong focus on improving controls over legal manufacture and transfer, with provision made for marking, record-keeping, and the harmonization of import, export, and in-transit procedures and documentation. Yet, in contrast to the narrower OAS approach, OSCE efforts to combat illicit trafficking also target the problem of supply, subordinating the export of small arms and related technology to a series of common criteria that are derived from and elaborate upon the 1993 OSCE ‘Principles Governing Conventional Arms Transfers’ (subsec. III (A)). Participating States also undertake to ‘make every effort within their competence’ to extend these criteria to licensed small arms producers located outside their territory (subsec. III (A), para. 3). In addition, the OSCE Document includes language acknowledging the need to regulate international brokering activities, though it leaves the adoption of specific measures to the discretion of participating States (subsec. III (D)). Preceding drafts of the Document had included agreement on certain minimum standards in this area.

The question of stockpile management, reduction of surpluses, and destruction is addressed in section IV of the OSCE Document. Key decisions in this area, including the determination of the existence of a surplus, are left to individual participating States, though the section does indicate that destruction is ‘the preferred method for the disposal of small arms’ (subsec. IV (C), para. 1) and, generally, seeks to promote ‘best practice’ in relation to stockpile management. Section V of the Document seeks to integrate OSCE small arms initiatives into the organization’s broader efforts for conflict prevention and post-conflict rehabilitation. In principle, participating States agree to provide assistance inter alia, for stockpile management, weapons collection, and border control, and to incorporate small arms-related measures—including the disarmament, demobilization, and reintegration of ex-combatants—into future OSCE missions and peacekeeping operations (subsecs. V (C)–(D)).

Implementation of sections II to IV of the OSCE Document is supported by a series of transparency measures. These include the ‘restricted’ annual exchange of information among participating States on small arms exports to, and imports from, other participating States (subsec. III (F), para. 1 and Annex). While an improvement over existing practice, the latter measure will not require full (public) transparency under prevailing OSCE rules.⁵⁵

Dividing the responsibilities: While the progress made by NATO and the OSCE to develop small arms work programmes is welcome, their comprehensive nature threatens a duplication of efforts in such areas as export controls, weapons marking, and stockpile management and security. At the same time, these programmes overlap with the EU and the UN, especially in the area of illicit trafficking. While only a comprehensive approach can effectively address the small arms problem, it

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is critical that NATO and the OSCE, whose programmes cover many of the same countries, co-operate in developing relevant and complementary initiatives.

The November 2000 OSCE Document confirms the organization's strength in developing norms and principles. Following its adoption, the OSCE appears well-placed to increase transparency in a wide range of small arms-related areas, including transfers. NATO's considerable resources and military expertise would suggest a potential focus on the problems of stockpile management and security along with the destruction of surplus weapons stocks. In addition, the two organizations could extend their nascent collaboration in the area of conflict prevention and management, and post-conflict rehabilitation. Both the OSCE and NATO have acquired considerable expertise in the conduct of peace missions and could develop joint programmes for small arms control in this context.

In contrast to the narrower OAS approach, OSCE efforts to combat illicit trafficking also target the problem of supply.

Global measures

The need for a global component to the fight against small arms proliferation was recognized at an early stage. The two key initiatives in this respect—the UN Firearms Protocol and the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects—are highlighted in this section, with a broader, though not comprehensive, picture of global activity offered immediately below. Important links to activity at other levels (regional and sub-regional) are again noted where appropriate.

The global small arms process

Section author: Ed Laurance, Monterey Institute of International Studies

Even when states have the economic and political resources to address the problems posed within their borders by the proliferation and misuse of small arms, their efforts are invariably inadequate to the task if conducted in isolation. Bilateral or regional solutions have often been pursued. Yet, by the mid-1990s, it was increasingly evident that the small arms problem had important global aspects that required a global process as well.

The global nature of the small arms problem: The global dimensions of the small arms problem were initially brought home in the context of UN efforts to tame a series of intra-state conflicts in the first half of the 1990s. Peacekeeping troops from many nations, along with their political leaders, were suddenly confronted with the reality of small arms proliferation. The UN's increasing willingness to circumvent the principle of non-intervention in the internal affairs of states also helped legitimize the idea of global action on a still-sensitive issue.

Research confirmed that the supply of small arms was global in scope. States and armed opponents looked to the whole world for the sources and transit routes of their weapons. At the same time, many of the states worst hit by small arms proliferation were asking the international community for assistance. As the problem's global dimensions became clear, the landmine campaign, and its resulting treaty banning antipersonnel mines, demonstrated the potential of global action centred on a particular type of weapon.

Small arms as an international security and disarmament issue: By the mid-1990s, small arms were viewed as a problem of international security and disarmament. UN Secretary-General Boutros Boutros-Ghali helped direct attention to the issue, in these terms, in his 1995 Supplement to An Agenda for Peace. He challenged the international community to 'find effective solutions' to the problem of small arms proliferation and misuse illustrated by the conflicts the UN was grappling with at that time.⁵⁶

This call for global action was soon answered. In December 1995, the General Assembly authorized the first small arms Panel of Experts to prepare a report on the types of weapons being

used and the nature and causes of their accumulation and transfer, and to make recommendations for appropriate action (UNGA, 1995, para. 1). The resulting August 1997 report of the Panel recommended, inter alia, that the UN consider convening a global conference on the small arms issue (UN Secretary-General, 1997, Annex, para. 80(k)). A second small arms Group of Experts produced a report in August 1999 which set out objectives for an International Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The law enforcement approach: At the same time that the UN was pursuing the international security aspect of small arms, a parallel and unconnected UN effort was underway that dealt with the problem as one of law enforcement, with transnational crime and illicit trafficking the focus of attention.

The Economic and Social Council's (ECOSOC's) Commission on Crime Prevention and Criminal Justice (CCPCJ) has dealt with the question of firearm regulation since 1995. Its initial efforts were directed towards an assessment of the firearms situation based on a survey completed by 69 countries.⁵⁷ Although the Firearms Study focused on domestic aspects of the small arms problem, it also uncovered evidence pointing to its international dimensions. These findings inspired negotiations on a legally binding Firearms Protocol, described in the next section.

The UN organizes for action: In 1998, the global process was further advanced when the UN Department for Disarmament Affairs (UNDDA) was designated as focal point for all action on small arms within the UN system. Under its leadership, a mechanism called the Coordinating Action on Small Arms (CASA) was created and began to integrate the developmental, criminal, and humanitarian features of the problem with its security aspect.⁵⁸

The role of civil society: By 1997, the NGO community had joined both of these UN tracks, with an emphasis on global action. At a meeting in December 1997, after four years of research and conferences, these groups agreed that the time was right to begin developing a global action plan. In January 1998, a website was developed which, in May 1999, became the basis for the establishment of the International Action Network on Small Arms (IANSA). With over 300 members, IANSA has become the main co-ordinating body for NGO efforts to raise the awareness of civil society, media, and governments, to encourage the development of global policy initiatives, and to work with governments, regional organizations, and the UN to combat the small arms problem.

Concerned NGOs are increasingly focusing on the 2001 UN Conference. These organizations are active participants in the process and will seek to convince governments of the global nature of the problem, of its devastating effects throughout the world, and of the considerable potential for effective action. To illustrate this last point, they will be highlighting the wide variety of programmes they have implemented—from awareness raising to weapons collection and destruction.

Using global resources: As the efforts described above advance, often slowly, towards fruition, several global institutions have begun to fund programmes which seek to address the small arms problem at local and national levels. A 1997 UN General Assembly resolution (UNGA, 1997a) established a process known as the Group of Interested States whereby donor countries meet with states especially hard hit by small arms to identify promising 'practical disarmament' projects for funding. UNDP has established a similar fund. Despite its reluctance to get involved in 'security issues', recognition of the negative effects of small arms on development has also led the World Bank's Post-Conflict Unit to explore how it can help.

Testing the global process: These diverse threads of the global process—including national and regional action, reports and studies, resolutions, and co-ordination mechanisms, pursued by the UN, concerned governments, and civil society—are drawing together in advance of the 2001 UN Conference.

Although national governments will be the central players at the Conference, a wide range of actors will be involved. Regional organizations will be there. Civil society will also participate, having



The landmine campaign demonstrated the potential of global action centred on a particular type of weapon.

been recognized as crucial to the solution of the problem in the December 1999 resolution authorizing the Conference (UNGA, 1999a, 3rd preambular para.). Since one of the Conference's potential outcomes is a global funding initiative, the experience of the Group of Interested States and other funding efforts will also be essential.

The UN Firearms Protocol

Section author: Geraldine O'Callaghan, BASIC

While multilateral efforts to curb the proliferation of small arms and light weapons are still relatively new and untested, the 'law enforcement approach' to the problem, with its corresponding focus on illicit weapons trafficking, has had relative success, gaining the high-level political support of a diverse group of states. This approach—whereby controls on the movement of small arms generally are strengthened in order to isolate and combat the illicit trade—has been adopted by both the OAS and ECOSOC.

The initiative shepherded by ECOSOC's Crime Commission for a binding international agreement to combat the illicit arms trade is the focus of this section. Negotiations for a Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition ('Firearms Protocol') have been underway since early 1999. If and when it is finalized, the Firearms Protocol, a supplement to the overarching United Nations Convention against Transnational Organized Crime (UNGA, 2000d), will have the potential to make a significant impact on the illicit manufacture of and trade in small arms.

The OAS precedent: The negotiators of the global Firearms Protocol have taken the pre-existing Inter-American Convention (OAS, 1997) as its model. The OAS Convention, described earlier, has significant strengths. Perhaps most important, it reflects specific regional concerns surrounding drug trafficking and transnational crime and focuses on increasing co-operation, rather than employing sanctions against countries seen to facilitate the illicit arms trade in the region. It is also a very practical instrument, setting out clear obligations for states to follow in combating illicit trafficking. However, there are concerns that some of the Convention's inherent limitations may also weaken the global instrument modelled upon it. In particular, the OAS Convention emphasizes the enforcement of existing laws alongside the improved implementation of import and export procedures. It does little to change current policies and the impact these may have on the broader small arms problem.

The Firearms Protocol:⁵⁹ There is little to distinguish the May 2000 draft version of the Firearms Protocol from the OAS Convention which inspired it. Like the OAS Convention, the stated purpose of the Protocol is to:

promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition [UNGA, 2000c, art. 3].

One significant, and initially very controversial, distinction between the regional and international agreements is the omission of explosives from the Protocol. Although Mexico fought hard for their inclusion, both Canada and the US, citing the difficulties faced by the OAS in developing precise definitions, argued that this could hinder ratification. Therefore, although explosives will not fall within the scope of the finalized Protocol, ECOSOC is setting up an Experts Group to determine the feasibility of controlling them.⁶⁰ If the Group can make a convincing case, ECOSOC is committed to drafting a separate protocol which will be attached to the umbrella convention at a later date.

However, apart from this omission, many of the measures outlined in the Protocol mirror corresponding articles in the OAS Convention. In broad terms, the Protocol commits states to:

- Promote common international standards for the import, export, and in-transit international movement of firearms, their parts and components, and ammunition;
- Encourage co-operation and information exchange at the national, regional, and global levels, including on firearms identification, tracking, and tracing; and
- Further international co-operation on firearms, their parts and components, and ammunition by developing an international regime for the management of commercial shipments.

The emphasis placed on co-operation, information exchange, and transparency will enable governments to identify trafficking routes and enhance their understanding of the illicit trade. The development of harmonized marking, licensing, and record-keeping systems will help law enforcement and customs officials distinguish between legal and illegal weapons shipments—often difficult in regions of armed conflict.

Yet, although the draft Protocol contains many detailed and effective provisions for developing harmonized international standards to control the movement of weapons, as of August 2000, some of the most critical aspects of the agreement remained unresolved. These included the definition of firearms, weapons marking, controls on arms brokers, and the disposal of seized illicit weapons.

A prime concern, as mentioned earlier, is that the priorities of the Americas will be transplanted wholesale into the international arena. Although organized crime and drug trafficking remain pressing issues in many parts of the world, measures suited to the phenomenon of illicit weapons trafficking in regions of conflict and post-conflict reconstruction—such as a reasonably broad definition of firearms and the adoption of comprehensive controls on arms brokers—are necessary elements of the broader, global Firearms Protocol . Moreover, the relevance of the finalized Protocol to countries in conflict and developing countries could be limited further were their needs for material and technical assistance in effectively implementing the Protocol left unaddressed.

The road towards implementation is expected to be a long one. Before becoming parties to the Firearms Protocol , states will first have to ratify the umbrella convention, as many of the Protocol's articles (e.g. mutual legal assistance and law enforcement co-operation) hinge upon provisions in the main convention. Forty ratifications of the main convention are required before it enters into force (UNGA, 2000d, art. 38). Under current proposals, the Protocol will need the same number of ratifications before it, independently, enters into force. The problem of insufficient resources, mentioned above, is also being addressed to some extent. Under article 30 of the umbrella convention, States Parties undertake to 'make concrete efforts to the extent possible' to assist developing countries in implementing the Convention. ECOSOC is already encouraging UN member states to commit funds to this process.

Conclusions on the UN Firearms Protocol: A combination of significant resources and political will are prerequisites to the transformation of the UN Firearms Protocol from lofty agreement to working mechanism. Yet, even then, the Protocol will not be a panacea for all the problems associated with small arms proliferation and misuse. Complementary measures, which embed small arms control within the broader context of human security, security sector reform, post-conflict reconstruction, and long-term development, must be pursued if the Protocol is to have any impact on 'the well-being of peoples, their social and economic development and their right to live in peace' (UNGA, 2000c, Preamble, Option 2 (a)). The July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects will provide states with an opportunity to pursue a more integrated approach to small arms control.

However, the successful conclusion of the Firearms Protocol negotiations could constitute a significant step forward—not least in consolidating international consensus around the need to combat illicit weapons trafficking and manufacturing. Much will depend on the form which the finalized Protocol takes. Any loopholes or exemptions will quickly be exploited by weapons traffickers. Yet, the impact of a



The road towards implementation of the UN Firearms Protocol is expected to be a long one.

strong, comprehensive Protocol could be quite far-reaching. In the short-term, such an agreement would initiate a process of meaningful change and inter-governmental co-operation. In the longer-term, it could help reduce the number of weapons reaching the streets and battlefields of the future.

The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

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In July 2001, the United Nations is scheduled to convene the largest conference held to date for the purpose of addressing the problem of small arms proliferation and misuse—the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. UN member states, UN specialized agencies, regional and international organizations, NGOs, and civil society will gather for the purpose of developing a global response to the small arms problem.

The impact of a strong, comprehensive Firearms Protocol could be quite far-reaching.

Background to the Conference: As described earlier, the Conference emerged from the widespread recognition that the small arms problem is global in nature and requires global action. The success of the International Campaign to Ban Landmines in achieving a ban on anti-personnel landmines (APMs) was a key precedent in this regard. While some of the organizations and individuals working on small arms also saw a legal treaty as the primary goal of their efforts, many others concluded that the complex nature of the problem called for a multifaceted approach. The UN was also influenced by the landmine campaign—specifically by the failure to secure an APM ban under the auspices of the UN Conference on Disarmament.⁶¹ Determined to avoid a repeat of this experience in the case of small arms, a major effort was to be mounted to devise a global response within the UN framework.

However, there was no existing global mechanism clearly suited to the task. The UN Register of Conventional Arms only dealt with major weapons systems. Several reviews of the Register revealed that UN member states did not want to expand it to include small arms. The option of the Certain Conventional Weapons (CCW) Treaty (UNGA, 1980) had failed in the case of APMs and there seemed little chance that the more controversial category of small arms and light weapons could be addressed through this global convention.

The idea of concrete UN action on small arms proved controversial.

Such issues were discussed during the deliberations of the first UN Panel on Small Arms in 1996-1997. The concept of a global conference emerged at this time, yet sustained efforts to develop an agenda failed. Among the contentious issues were the possibility of considering the question of legal, as well as illegal, transfers, the form of the final conference document, the development of a code of conduct for small arms transfers, and the collection and destruction of weapons surplus to the security needs of states. The Panel's failure to agree on these questions led to its recommendation, in its August 1997 report, that '[t]he United Nations should consider the possibility of convening an international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report' (UN Secretary-General, 1997, Annex, para. 80(k)). The phrase 'in all its aspects' was deliberately vague. In essence, the hard decisions were passed on to those who would take the next step in the process.

The idea of concrete UN action on small arms proved controversial. Despite the efforts of those who advocated action at the global level (essentially the same coalition of states that had spurred action on the APM issue), the fall 1997 session of the General Assembly did not produce a resolution establishing a firm date for the global conference, calling instead for the views of member states on its convening. At the same time, the General Assembly requested the Secretary-General to review action on the first small arms report in a second report to be prepared with the assistance of a group of governmental experts (UNGA, 1997b, paras. 4 and 5).

The resulting Report of the Group of Governmental Experts on Small Arms set out the aims of the Conference as follows:

- To strengthen or develop norms at the global, regional, and national levels that would reinforce and further co-ordinate efforts to prevent and combat the illicit trade in small arms and light weapons in all its aspects;
- To develop agreed international measures to prevent and combat illicit arms trafficking in and manufacturing of small arms and light weapons and to reduce excessive and destabilizing accumulations and transfers of such weapons, throughout the world, with particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the proliferation of small arms and light weapons have to be dealt with urgently;
- To mobilize the political will throughout the international community to prevent and combat illicit transfers in and manufacturing of small arms and light weapons in all their aspects, and raise awareness of the character and seriousness of the interrelated problems associated with illicit trafficking in and manufacturing of small arms and light weapons and the excessive and destabilizing accumulation and spread of these weapons; and
- To promote responsibility by states with regard to the export, import, transit, and retransfer of small arms and light weapons (UN Secretary-General, 1999, para. 126).



While the Group of Experts left most of the substantive and procedural issues to the Conference Preparatory Committees and the Conference itself, it did agree on certain points that were intended to shape the development and execution of the Conference:

- The primary focus should be on small arms and light weapons manufactured to military specifications.
- The illicit manufacture, acquisition, possession, use, and storage of these weapons should be considered in addition to transfers.
- Legal transfers should be considered insofar as they are directly related to illicit trafficking in and manufacture of small arms and light weapons (UN Secretary-General, 1999, paras. 130-32).

The Conference Preparatory Committee held its first session from 28 February to 3 March 2000, yet made scant progress—deferring decisions on the dates and venue of the Conference, the modalities of NGO participation, and Conference objectives, agenda, and rules of procedure. It did, however, decide to hold further Preparatory Committee meetings on 8-19 January and 19-30 March 2001 (UNGA, 2000b, paras. 15-16 and 18). In October 2000, the UN General Assembly's First Committee decided the Conference would be held from 9-20 July 2001 in New York (UNGA, 2000e).

Conclusions

A wide range of multilateral measures and initiatives has been launched in recent years to combat the proliferation and misuse of small arms and light weapons. This activity is occurring at several different levels—sub-regional, regional, and global—with substantial cross-fertilization between them. Thus, the OAS Inter-American Convention , a regional instrument, is serving as a model for the global UN Firearms Protocol . At the same time, the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is prompting action on the small arms question at regional and sub-regional levels. In some cases, such action simply involves discussion of the question and the initial elaboration of a common position (e.g. ASEAN). In other cases, the regional process is doing more than merely prepare for the 2001 Conference, developing, at the same time, a region-wide policy on small arms (e.g. the OAU). Co-operation between regions—as with the EU-SADC initiative or in the context of NATO and OSCE measures—is another important feature of current efforts to address the small arms problem.

Activity on small arms is also engaging a broad range of actors: intergovernmental organizations, the UN system as a whole, NGOs, civil society, concerned governments, and coalitions between them. Partnership between NGOs and regional organizations has been instrumental in the development of important small arms initiatives in Africa and Europe. Collaboration between the UN, concerned governments, and civil society is proving equally important to the development of global small arms initiatives, especially the July 2001 UN Conference . These same actors are also producing the

Box 7.4 Issues for the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

As of October 2000, with preparations for the Conference accelerating, a series of substantive issues have emerged as its likely focus:

- **Licit versus illicit small arms manufacture and transfer:** One group of states contends that the Conference should restrict itself to a consideration of illicit small arms manufacture and trade, narrowly defined. Others maintain that effective constraints on the illicit trade can only be achieved through increased transparency and better control of the legal trade.
- **Stockpile security and management:** There is growing consensus on the need for states to safeguard weapons against loss through theft or corruption. More controversial is the question of destroying all weapons that are surplus to a state's national and internal security requirements, along with those illegally held by civilians.
- **Control and restraint in weapons manufacture and transfer:** Many states want the Conference to produce some kind of governmental commitment to national legislation that controls and criminalizes the illicit manufacture and export of weapons. Some states are also calling for the adoption of a binding set of international guidelines that would govern small arms exports. Another option is to develop a set of non-binding model regulations for application by states, along with other measures designed to improve the standardization and harmonization of the arms trade.
- **Arms brokering:** Few countries regulate this important part of the supply chain. Suggestions for action include a commitment by states to register arms brokers and transport agents, the insertion of clauses on arms brokering activities into UN Security Council embargo resolutions, and the development of model national brokering legislation (BROKERS).
- **Marking, record-keeping, and tracing:** There is increasing support for the development of international standards for marking small arms, light weapons, and explosives and for associated record-keeping and tracing mechanisms.
- **Civilian possession of small arms:** Although it is widely held that states should strictly regulate the possession and use of military weapons by their citizens, many states are opposed to any discussion of national gun control legislation in multilateral fora.
- **Funding Conference follow-up:** The Conference will also consider how to fund the various measures which are agreed upon and, generally, how to build the capacity of states to address the small arms problem. Options range from improved co-ordination of existing mechanisms to a new global mechanism designed specifically to assist states in preventing, reducing, and eradicating the illicit trade and manufacture of small arms and light weapons.
- **Conference outcome:** One possible, though improbable, outcome of the Conference is a legally binding instrument. More likely is the adoption of a multifaceted programme of action that could include a set of political commitments, as well as recommendations for the negotiation of legally binding instruments that address specific aspects of the small arms problem—for example, a convention on marking.⁶²

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evidence that demonstrates the nature and effects of the small arms problem, along with the possibility of effective action, at all levels, for addressing it.

While the implementation of existing small arms instruments has scarcely begun, effective collaboration appears key here as well. Close co-operation between states and between their respective operational agencies, as practiced and envisaged in southern and eastern Africa, is clearly important. Co-ordination and co-operation among relevant government departments and ministries within individual states seem equally essential—as recognized by ECOWAS states in the context of the operational mechanisms agreed for the Moratorium.

The multilateral small arms process has also seen the adoption of somewhat contrasting approaches to the problem. One divide separates the law enforcement approach, with its emphasis on transnational crime and illicit arms trafficking (e.g. the OAS firearms instruments and the UN Firearms Protocol), from broader efforts to integrate the security, disarmament, developmental, and humanitarian aspects of the small arms problem (e.g. the EU). Various small arms initiatives can also be distinguished according to whether they are designed to address the supply side of the small arms problem (e.g. the EU Code of Conduct) or its demand aspect (e.g. the West African Moratorium).

While comprehensive approaches to the small arms problem have been adopted or are being developed in some regions, including the euro-Atlantic region and Africa, other parts of the world are characterized by partial or total inactivity (e.g. South East Asia and South Asia, respectively). The present reality is one of sharply different levels of regional activity, coupled with a definite emphasis, in the few concrete measures developed to date, on the law enforcement approach to the problem. The focus, in this approach, on transnational crime ignores the far broader and more difficult problem of the availability of small arms *per se*, including the legal trade's role in this proliferation.

The July 2001 UN Conference could begin to close this gap by initiating or stimulating practical action spanning the entire small arms spectrum—including its security, disarmament, developmental, and humanitarian aspects. Yet, as of November 2000, such an outcome is far from certain. While the potential impact of the Conference on regional activity could be very positive, its failure could well hinder progress in the regions.

Whereas a growing body of practice probably allows for a few tentative inferences as to what works well in the field of weapons collection,⁶³ it is too early to assess the efficacy of the small arms instruments described in this chapter. Very few concrete instruments have been developed for the purpose of curbing or controlling small arms proliferation and misuse, while the effective implementation of those that have been finalized is lagging.

It is clear that effective small arms measures require viable implementation mechanisms. The need to involve, in their design, those operational agencies that will eventually be charged with implementation, as in southern and eastern Africa, seems equally important. It is also apparent that the shortfall of human and material resources that many developing countries face, for example in Central America, must be addressed if they are to participate fully in the implementation of small arms measures. At the same time, West Africa demonstrates the limits of subregional processes confronted with uneven political commitment and armed conflict.

The lack of effective implementation of those few small arms instruments now in existence precludes any analysis extending beyond such considerations of basic design and application. The multilateral small arms process, with its different levels, actors, and approaches, is clearly in its infancy. Nevertheless, as illustrated throughout this chapter, considerable work has been accomplished. It will take much time to develop and implement effective remedies to the small arms problem. Yet, the first steps on this long, but crucial, road have now been taken.

There is substantial cross-fertilization occurring between the various measures and initiatives launched in recent years.

The July 2001 UN Conference could stimulate practical action spanning the entire small arms spectrum—including its security, disarmament, developmental, and humanitarian aspects.

For further information and current developments on small arms issues please check our website at www.smallarmssurvey.org

7 List of Abbreviations

ACTC	ASEAN Centre for Combating Transnational Crime
APM	Anti-personnel landmine
ASEAN	Association of Southeast Asian Nations
BASIC	British American Security Information Council (UK, US)
BICC	Bonn International Center for Conversion (Germany)
CASA	Coordinating Action on Small Arms
CCPCJ	Commission on Crime Prevention and Criminal Justice
CCW	Certain Conventional Weapons
CICAD	Inter-American Drug Abuse Control Commission
CIFAD	Inter-Ministerial Anti-Drug Training Centre (France)
CSH	Committee on Hemispheric Security
DRC	Democratic Republic of Congo
EAC	East African Co-operation / East African Community
EAPC	Euro-Atlantic Partnership Council
EAPCCO	Eastern Africa Police Chiefs Committee
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
EU	European Union
FSC	Forum for Security Co-operation
IANSA	International Action Network on Small Arms (UK)
IGAD	Inter-Governmental Authority on Development (Kenya)
Interpol	International Criminal Police Organization
ISS	Institute for Security Studies
IWETS	Interpol Weapons and Explosives Tracking System
MERCOSUR	Mercado Común del Sur
MoU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NISAT	Norwegian Initiative on Small Arms Transfers
NUPI	Norwegian Institute of International Affairs
OAS	Organization of American States
OAU	Organization of African Unity
OCO	Oceania Customs Organisation
OSCE	Organization for Security and Co-operation in Europe
PCASED	Programme for Coordination and Assistance for Security and Development
PfP	Partnership for Peace (NATO)
PWP	Partnership Work Program
SADC	Southern African Development Community
SALW	Small arms and light weapons
SAND	Program on Security and Development (Monterey Institute of International Studies, US)
SARPCCO	Southern African Regional Police Chiefs Co-operation Organisation
SICA	System for Central American Integration
SIPRI	Stockholm International Peace Research Institute
SISME	System of Security Information Exchange

SPCPC	South Pacific Chiefs of Police Conference
SRIC	Security Research and Information Centre (Kenya)
UK	United Kingdom
UN	United Nations
UNAFRI	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (Uganda)
UNDDA	United Nations Department for Disarmament Affairs
UNDP	United Nations Development Programme (US)
UNGA	United Nations General Assembly
UNIDIR	United Nations Institute for Disarmament Research (Switzerland)
UN-LiREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (Peru)
UNRCPPDA	United Nations Regional Centre for Peace and Disarmament in Africa (Togo)
US	United States

7 Endnotes

1 With respect to the global level, see the separate section in this chapter on the UN Firearms Protocol.

2 The Group of Experts which drafted the Model Regulations recommended that a separate experts group be convened to study the question of explosives and develop model regulations for their control. See the 'Recommendations of the Group of Experts to CICAD', appearing at the end of the Model Regulations document (OAS, 1998).

3 As of the same date, 32 states had signed the Convention. For an up-to-date list of signatory and ratifying countries, see: <http://www.oas.org>. Note that while Cuba technically remains a member of the OAS, it has been excluded from voting or participating in the organization's activities since 1962. Active OAS members thus number 34.

4 With respect to Cuba, technically the 35th member state, see preceding note.

5 US implementation of the Model Regulations has been realized through a series of three amendments to pre-existing rules. See: US Department of State, 1999; US Department of Commerce, 1999; US Department of the Treasury, 2000.

6 See the 'Recommendations of the Group of Experts to CICAD', appearing at the end of the Model Regulations document (OAS, 1998).

7 See Dyer and O'Callaghan, 1999.

8 Some of these measures are discussed in the next section. See also in this chapter the section on the July 2001 UN Conference.

9 This section was finalized in August 2000 on the basis of information supplied by Pablo Dreyfus, Small Arms Survey.

10 These include pistols, rifles, sub-machine guns, machine guns, mortars, and howitzers. ECOWAS, 1999c, art. 2 and Annex I.

11 A decision adopted on 10 December 1999 by ECOWAS Heads of State sets out the functions of the National Commissions in some detail. These include assisting governments in the design

and implementation of national policies for small arms control. See ECOWAS, 1999e.

12 See also: PCASED, 2000, pp. 7-8 and 18; UNRCPPDA, NUPI, and NISAT, 2000, p. 77.

13 See PCASED, 2000, pp. 8 and 12.

14 See PCASED, 2000, pp. 9-11.

15 See: PCASED, 2000, pp. 6-7 and 15; UNRCPPDA, NUPI, and NISAT, 2000, p. 81. These efforts include the UNIDIR project 'Peacebuilding and Practical Disarmament in West Africa'.

16 See: PCASED, 2000, pp. 11-12; UNRCPPDA, NUPI, and NISAT, 2000, pp. 77-78.

17 See: PCASED, 2000, pp. 22-23; UNRCPPDA, NUPI, and NISAT, 2000, pp. 82-83.

18 See: Berman, 2000, pp. 13-17 and 27; Harden, 2000; PCASED, 2000, p. 23; UN Security Council, 2000, Annex, Enclosure, Part Two (especially paras. 252-54).

19 Described in the section of the chapter dealing with EU measures.

20 Members are: Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

21 Note that the membership of the working group, initially five SADC states along with the secretariats of SADC and SARPPCO, has since been expanded to include all SADC countries.

22 Members are: Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.

23 i.e. Burundi, Democratic Republic of Congo, Rwanda, Tanzania, and Uganda.

24 i.e. Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda.

25 The four NGOs have worked in partnership to facilitate

- action on small arms in the Great Lakes and Horn sub-regions. 26 EAC member states are Kenya, Tanzania, and Uganda. Burundi and Rwanda have also applied to join. A treaty paving the way for the transformation of the EAC into the East African Community was signed on 30 November 1999 and entered into force on 7 July 2000 following the completion of member state ratification processes. An Inter-State Security Committee, comprised of representatives from national departments of defence, state security, and immigration, will have primary responsibility for small arms issues in the revamped organization.
- 27 Member countries are those listed in the note defining the Horn of Africa sub-region.
- 28 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, the Seychelles, Somalia, Sudan, Tanzania, and Uganda.
- 29 With the exception of DRC, which is not a member, and Somalia, which has no central government.
- 30 Burundi, DRC, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda.
- 31 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Tanzania, and Uganda.
- 32 The meeting report has been published as McLean, 2000c.
- 33 'Conference on Improving Human Security through the Control and Management of Small Arms', Africa Peace Forum/International Resource Group, July 2000.
- 34 See OAU, 1999, paras. 8-10.
- 35 The main instrument of this programme is a newsletter, jointly produced by the OAU Secretariat and ISS, entitled *Small Arms Proliferation and Africa*.
- 36 'WE RECOMMEND that Member States should: ...' (OAU, 2000c, para. 3, opening phrase).
- 37 'Japanese Premier, ASEAN Issue Joint Statement Following Meeting,' BBC Summary of World Broadcasts, 18 December 1997.
- 38 Communication with the ASEAN Secretariat.
- 39 Vietnam was the only ASEAN member state not attending.
- 40 See UNDDA, 2000.
- 41 Note that article 296 of the Treaty establishing the European Community (ex art. 223 of the Treaty of Rome) stipulates that matters relating to arms production and trade remain the competence of the member states (EU, 1997). As a result, arms related issues must be dealt with by the EU's inter-governmental body, the Council of the European Union, also known as the Council of Ministers.
- 42 See the conclusions of the Presidency of the European Council, Luxembourg, 28-29 June 1991, and Lisbon, 26-27 June 1992.
- 43 See, for example, Beach, Eberle, and Rose, 1998.
- 44 See Ter-Velde, 1999.
- 45 With respect to NATO, see: testimony of Daniel Plesch, Director, BASIC, before the Committee on Foreign Relations, US Senate, 5 November 1997; Hilterman, 1998. With respect to the OSCE, see text (November 1998 workshop).
- 46 See NATO, 1999.
- 47 See Bondi, 1999.
- 48 Note that the acronym 'PfP' stands for 'Partnership for Peace', the operational component of the broader, more political EAPC framework.
- 49 See EAPC, 2000b.
- 50 Correspondence with Amb. Lazar Comnescu of the Romanian Mission to NATO, April 2000, and Vaclavas Semakevicius of the Lithuanian Weapons Fund, 15 May 2000.
- 51 See Joseph, 2000.
- 52 See OSCE/FSC, 2000a.
- 53 See: OSCE, 2000b; OSCE, 2000a; Agarkov, 2000; 'OSCE Talks Fail as West and Russia Trade Barbs,' International Herald Tribune (Associated Press), 29 November 2000, p. 6.
- 54 See UN Secretary-General, 1997, Annex, paras. 24-26.
- 55 These prevent the OSCE Secretariat from releasing 'restricted information'. Individual participating States will, however, be able to disclose this information if they want to—including that received from other participating States.
- 56 See UN Secretary-General, 1995, paras. 60-63 and 65.
- 57 See UN, 1998. Note that an updated version of the study, with information from additional countries, is available from the website of the UN Crime and Justice Information Network (<http://www.uncjin.org/Statistics/firearms/index.htm>).
- 58 The key documents are available from the UNDDA website (<http://www.un.org/Depts/dda/CAB/action.htm>).
- 59 The following analysis was prepared in August 2000 using the most recent version of the draft Protocol text then available: UNGA, 2000c.
- 60 See: UNGA, 1999b, paras. 5-8; UNGA, 2000c, nn. 1 and 3.
- 61 Initial efforts to secure such a ban were aimed at the conclusion of a landmine protocol to the CCW Treaty (UNGA, 1980).
- 62 See, for example, the joint proposal of the French and Swiss governments for 'a convention on marking, identification and

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Notes to Readers

Abbreviations: Topic-specific lists of abbreviations are placed at the end of each chapter.

Chapter cross-referencing: Chapter cross-references appear capitalized in parenthesis throughout the text. For example in Chapter 6:

‘Defence economists and political analysts have documented how small arms availability has increased as a result of state manufacturers attempting to reconcile surplus production with decreased demand (PRODUCERS).’

Exchange rates: All monetary values are expressed in current US dollars (US\$). When other currencies are additionally cited, unless otherwise indicated, they are converted to US\$ as of January 2000.

Small Arms Survey: The plain text—Small Arms Survey—is used to indicate the overall project, while the italicized version—*Small Arms Survey*—refers to the publication itself.

Website: For more detailed information and current developments on small arms issues, readers are invited to check our website at <http://www.smallarmssurvey.org>

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