

Strategies and Concepts – a Comparison of Approaches of Different Organisations and Regimes

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This article will outline the international initiatives and instruments dealing with measures against the illicit trade and misuse of Small Arms and Light Weapons (SALW). Former UN Secretary General Kofi Annan declared in his recent address to the SALW Review Conference on 26 June 2006 that “these weapons may be small, but they cause mass destruction”. In fact, SALW are increasingly referred to as the real weapons of mass destruction of today. They are instrumental in the deaths of reportedly more than 500.000 people annually – of which 300.000 people are killed by SALW in armed conflicts every year. The vast majority of victims – up to 90% – are civilians, SALW are instrumental in depriving human rights of millions, they undermine the development of many nations and they fuel conflicts, crime and terrorism.

United Nations (UN)

Five years ago, the United Nations member states made a commitment to urgently address the illicit trade in SALW. The *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* represented a landmark consensus against the trafficking of these weapons. Although only politically and not legally binding, the 2001 *Programme of Action* is a unique and global framework in the fight against the proliferation and misuse of SALW. Since 2001, small arms issues have gained wide recognition in most parts of the world as being instrumental in conventional arms control as well as in human security. Political attention has been focused

on the issue, and important support has been provided by NGOs and civil society from the outset of the process.

It should be emphasized that the *Programme of Action* is not directed against the legal trade in SALW. Among other steps it requires Member States to elevate illicit gun production/possession to a criminal offence, establish a national coordination agency, identify and destroy stocks of surplus weapons, keep track of officially-held guns, issue end-user certificates for exports/transit and notify any re-export to the original supplier nation. Furthermore, it commits member states to the so called Disarmament, Demobilisation & Reintegration (DDR) of ex-combatants including collection and destruction of their weapons, support regional agreements, mark guns at the point of manufacture for identification and tracing, maintain records of gun manufacture, engage in more information exchange, ensure better enforcement of arms embargoes and include civil society organisations in all the efforts undertaken to prevent small arms proliferation. The *Programme of Action* emphasises the complementarity of global, regional and national measures in its implementation.

Over the past five years, considerable progress has been made in the programme's implementation. Nearly 140 countries have submitted reports to the UN, an overwhelming majority of them have laws to counter illicit SALW trafficking, and more than half of the Member States have established national coordinating bodies to check the flow of weapons. One particularly positive effect of the programme is that it has promoted regional cooperation: Whereas the EU's *Code of Conduct on Arms Exports* had come into force already in 1998, other regions have established similar instruments only recently. For example, the Economic Community of West African States (ECOWAS) adopted a landmark legally binding convention on small arms in June 2006.

Despite all the progress made, important challenges remain. Many UN Member States still need to introduce or update their legislation to meet the standards outlined in the *Programme of Action*, 55 states have yet to report on implementation efforts. Many national coordinating bodies

lack the capacity or resources to carry out their functions, and there is a need for better international cooperation and increased donor funding.

The UN SALW Review Conference which took place in New York from 26 June to 7 July 2006 addressed these and other challenges. Although it reaffirmed the validity and effectiveness of the *Programme of Action* the conference failed to identify new initiatives to improve it. Most regrettably, no consensus could be reached on an outcome document despite the efforts of the overwhelming majority of states. At the very end, negotiations collapsed on the firm resistance of the United States against taking a commitment towards a substantial follow-up process of the conference in the United Nations' framework. Instead, the US advocated full implementation of the PoA by all Member States and a follow-up process based on a mere national and regional level, such as the Organization for Security and Cooperation in Europe (OSCE) which was unacceptable to other states. But the conference also failed due to, inter alia, the lack of commitment by several other countries to agree on improved transfer controls for SALW (e.g. China, India, Iran, Pakistan, Russia, South Africa, Venezuela and Cuba). Even though no substantial results could be obtained the conference succeeded in attracting much political attention including worldwide media coverage. The future of the United Nations' SALW process will, to a great extent, depend on the position of the above mentioned countries where the disputes between "multilateralists" and "unilateralists" as well as hegemonial considerations play a crucial role.

European Union (EU)

The European Union had been among the main actors of the UN SALW process from its beginning in 2001 and confirmed its leading role during the 2006 Review Conference.

Under the Austrian Presidency in the first half of 2006 the EU succeeded in making her priorities the topics of the conference. These were:

- improved controls over transfer of SALW,

- the initiation of a UN process on the issue of ammunition (not covered by the *Programme of Action*),
- the implementation of the *Instrument on Marking and Tracing* adopted in 2005,
- the stepping up of UN action against illicit brokering of SALW,
- mainstreaming the small arms issues into development and poverty reduction strategies and
- the continuation of a global follow-up in the UN framework.

The EU's strong political commitment was witnessed by the presence of representatives of all key institutions including the European Parliament.

However, in her final statement the EU declared that the UN Review Conference had been a missed opportunity in the common fight against the scourge of illicit SALW. Being committed to effective multilateralism, the EU was deeply disappointed by the lack of results.

Despite this, the EU's ongoing financial and operational support to the implementation of the *Programme of Action* will remain unchanged: the main sources of financial assistance to implement the *Programme of Action* are EU funding through Member States, the *European Development Fund* and *Common Foreign and Security Policy* resources (CFSP). The Heads of State and Government of the European Union adopted its *Strategy on Small Arms and Light Weapons* in December 2005 which constitutes the basic guidelines for all EU-SALW activities (see the article of Andreas Strub in this volume).

The EU will remain in the forefront of the fight and practical work to prevent, combat and eradicate the illicit trade in SALW in all its aspects. This commitment will continue in close partnership with civil society. Most importantly, alliances with countries in Africa and Latin America – the most heavily affected by the scourge of SALW – will need to be further invigorated, and the EU will have to continue to convince amongst others the United States that a multilateral follow-up process is the best and most appropriate way to achieve our common goal and have the UN *Programme of Action* fully implemented by all MS.

Organization for Security and Cooperation in Europe (OSCE)

As mentioned above, the *Programme of Action* has promoted regional cooperation. This applies in particular to the Organization for Security and Cooperation in Europe (OSCE). In fact, the world's largest regional security organization with 56 participating States set the trend in 2000 when it adopted a landmark *Document on Small Arms and Light Weapons*. In response to the challenge posed by huge amounts of SALW emanating from former Eastern Bloc arsenals the agreement aims at combating the destabilizing accumulation and uncontrolled spread of these weapons. It made a substantial contribution to the UN *Programme of Action* adopted a year later in 2001, whose provisions are often similar and complementary. The OSCE document commits participating States to a set of norms, principles and measures, which, if fully implemented, also helps them to abide by the UN *Programme of Action*.

In order to facilitate the implementation of the SALW Document, the OSCE adopted a *Handbook of Best Practices on Small Arms and Light Weapons* in December 2003. The handbook is one of the most comprehensive manuals to-date and provides participating States with a set of guidelines relating to all stages of a weapon's life – starting with its manufacture and finishing with the destruction. Furthermore, the OSCE agreed on a *Document on Stockpiles of Conventional Ammunition* in 2003 and on stringent *Principles for the Export Control of Man-Portable Air Defence Systems* (so called MANPADS) in May 2004.

Since the standards set out in the SALW Document are very high, the OSCE regards assistance to individual states as a priority. Over the past years the organization has conducted numerous training programmes and practice-oriented projects covering stockpile management and security, cross-border trafficking and weapons destruction. From 2001 to 2004 approximately 4.3 million weapons were destroyed under the auspices of the OSCE – and financed by national contributions/donors due to the fact that the OSCE does not dispose of budgetary funds for these projects. Under a special mechanism whereby a state can request

assistance from other states to meet its own identified needs OSCE projects for the destruction of SALW and their stockpile security will commence soon in Belarus and will continue in Tajikistan. In Ukraine, the OSCE recently launched a joint project with NATO whereby the OSCE deals with ammunition and NATO is in charge of weapons destruction. The project was also financed by Austria (for further details see the article by Claes Nilsson in this volume).

NATO Partnership for Peace

In 1999, the Euro-Atlantic Partnership Council (EAPC), the political forum for co-operation of NATO's Partnership for Peace (PfP) established a Working Group on SALW (and Mine Action). It was originally meant to provide a forum focusing on the impact of SALW's proliferation on NATO's joint peace keeping operations. The Working Group decided that it would not interject itself into the establishment of international norms and standards preferring to rely on the UN, the OSCE and the EU for that purpose. The programme of the Working Group is adopted annually and is a sub-set of the overall *Euro-Atlantic Partnership Work Programme*. In 2006, the priority areas of work are continued support for the implementation of the *UN Programme of Action*, support of NATO Trust Fund activities, cooperation with the OSCE and other international organizations, initiatives on a case by case basis with the Alliance's Mediterranean Dialogue and Istanbul Cooperative Initiative Countries, cooperation and support of activities in South Eastern Europe and pursuing initiatives with NATO Contact Countries.

The PfP Trust Fund Projects (TFP) are the tangible and operational dimension of NATO's effort. They generally focus on the destruction of SALW, ammunition as well as land mines, UXOs and rocket fuel. Most recently, projects also started to cover the reintegration for former military personnel. The NATO/PfP Trust Fund's accomplishments as of now include the destruction of more than 2.5 million landmines, 28.000 small arms and light weapons and 1.800 tonnes of munitions. The *South*

East Europe Initiative (SEEI) Trust Fund demilitarized 28.000 SALW in Serbia in 2003. Currently, SALW projects are being carried out in Albania (destruction of ammunition including a public awareness campaign), Kazakhstan (destruction of SALW and MANPADS) and Ukraine (destruction of SALW, MANPADS and ammunition). The latter is the world's biggest SALW destruction project ever launched. Its final objective is the destruction of 1.5 million SALW, 133.000 tons of ammunition and 1.000 MANPADS. Austria supports the NATO Trust Fund Projects, most notably via financial contributions to the US-led projects in Ukraine and Kazakhstan.

Wassenaar Arrangement

Last, but not least, the valuable contribution of the Vienna based Wassenaar Arrangement (WA) to the fight against the illicit trafficking in SALW deserves to be mentioned. The WA is one of five export control regimes dealing with Conventional Arms and Dual-use Goods and Technologies and commits participating States (currently 40) to report on arms transfers and denials of the latter. Arms transfer decisions are open to scrutiny and participating States can consider exports of these weapons by other partners in making their own decisions. It is the only export control regime with a permanent Secretariat. In 2002, the WA adopted a document setting out detailed *Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW)* – the so called terrorist's weapon of choice. Governments were urged to consider more than 20 factors involving the internal situation in a prospective recipient country or its surrounding region, before issuing a license for the export of small arms and light weapons.

The agreement reached in 2003 goes even further by expanding the scope of mandatory reporting of conventional arms transfers to include MANPADS.

Furthermore, the WA adopted two important documents in 2003: *Elements for Export Controls of Man-Portable Air Defence Systems*

(MANPADS) tightening the control over these weapons and banning their export to non-state actors and *Elements for Effective Legislation on Arms Brokering*.

Conclusion

Only ten years ago, the proliferation and misuse of SALW was far from any agenda of the international community. In 2006, as we have seen, the situation presents itself very differently. Global instruments like the 2001 *UN Programme of Action* as well as a number of regional instruments (inter alia the OSCE Document, the *WA Guidelines for exports of SALW*, the *EU Code of Conduct* or the *Nairobi Protocol*) were created. Some organisations focus their action on norm setting whereas others concentrate on practical initiatives like weapons destruction. The international community does not yet appear ready to adopt a comprehensive and consensual approach to the many dimensions of the small arms problem. Nevertheless, the multi-faceted and cross-dimensional SALW process will most probably be one of the priority issues of conventional arms control in the future.