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paper 17

Combating the Excessive and Uncontrolled Accumulation and Spread of Small Arms

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COMBATING THE EXCESSIVE AND UNCONTROLLED ACCUMULATION AND SPREAD OF SMALL ARMS

A COMPILATION OF POLICY RECOMMENDATIONS

A Study for the Conflict Prevention Network of the European Union Analysis and Evaluation Centre

by Sami Faltas and Holger Anders

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Executive Summary

This report lists policies and practical measures on effective small arms control recommended by various organizations and individuals.[1] The European Commission ordered it because it wishes to implement the Council resolution of 21 May 1999.[2] Though the report is meant for use in development policy, it includes many recommendations mainly related to the Common Foreign and Security Policy, because the authors believe a comprehensive approach is required.
Recommendations are made to

- Reduce the perceived need for small arms by promoting measures to improve public security in areas afflicted by a proliferation of small arms. Building capacities for effective law enforcement is critical, but must go together with transparency, accountability, respect for the rights and liberties of the population and sustainable development (see section 1)
- Prevent the recruitment of child-soldiers and mercenaries (2.1)
- Promote the demobilization, disarmament and reintegration of soldiers and irregular combatants (2.2)
- Support and encourage the rehabilitation of the victims of armed conflict, including the fighters themselves, especially former child soldiers, as well as their families (2.3)
- Discourage the glorification of violence and the trivialisation of its impact in popular culture, and to combat patterns of violent behavior among males by promoting general and specific education and awareness campaigns (3)
- Promote the acquisition of skills, the reinforcement of values and the development of institutions conducive to non-violent conflict resolution (4)
- Reinforce and tighten national controls on exports and imports of small arms in the EU, and to promote their improvement elsewhere (5.1)
- Expand and intensify international co-operation to the same end (5.2)
- Take and promote measures to control and restrict small arms production (6)
- Take and promote measures to increase transparency in small arms. It is important to clearly define the powers of agencies responsible for controlling small arms and to ensure that the necessary information is collected and available (7)
- Take and promote measures to ensure the safe storage of stocks of small arms, and the removal and destruction of undesirable stocks (8)
- Promote measures to strengthen gun control, i.e., national laws and controls on the use, sale and possession of small arms (9)

[1] See 'Sources'

[2] 'Combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU's emergency aid, reconstruction and development programs'

- Wherever appropriate, commission studies to obtain a better understanding of the underlying problems and how to tackle them
- Adopt a comprehensive approach**.** Often, recommended actions will only succeed if other measures are taken first, or at the same time
- Acknowledge and encourage the contribution of non-governmental organizations (civil society) to peace-building and small arms control
  Wherever appropriate, help developing countries develop the capacity to control and limit the possession, trading and use of small arms.

Introduction

The problem of the "excessive and uncontrolled accumulation and spread of small arms"[3] needs little introduction. Today's wars are mostly fought in the developing countries with small arms and light weapons, their ammunition and related equipment.[4] The fighters and victims in these wars are often civilians. Indeed, they are often children. If these conflicts are to be prevented or stopped, policy-makers must address a wide range of issues. Some of these concern the perceived need for weaponry and armed conflict, which in this report is called the 'demand side' of the small arms market. Others concern the provision and availability of the tools of violence. In this report they are called the 'supply side' of the small arms market. The European Union has committed itself to tackling these issues.

This report is a compilation of some 400 recommendations[5], taken from about 30 expert sources, including personal communications and unpublished texts, on how to better control the accumulation and proliferation of small arms around the world.

Its purpose is to help the European Union implement the recommendations contained in:

- the *Council Resolution on combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU's emergency aid, reconstruction and development programmes*, adopted on 21 May 1999. This resolution addresses, from a "Development" point of view, the issues in:
- the *Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons*, adopted on 17 December 1998 by the Council on the basis of Article J.3 of the Treaty on European Union (1999/34/CFSP).

These two documents are reproduced in the Annexes of this report. Earlier texts on related subjects, adopted by the EU, include

- the *EU Programme for preventing and combating illicit trafficking in conventional arms* of 26 June 1997, and
- the *EU Code of Conduct on Arms Exports* of 8 June 1998.[6]

Many of the recommendations in this report would require the EU to take on new commitments and/or take new action. In some cases, they represent steps that some EU member states have taken and others have not. It was not practical to sharply

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3 See EU Council Resolution of 21 May 1999, article 1

4 In this report collectively referred to as small arms

5 Some are repeated because they are relevant to several policy objectives.

6 See also the *Resolution on Coherence* of 5 June 1997 and the *Conclusions on the Role of Development Co-operation in Strengthening Peace-building, Conflict Prevention and Conflict Resolution* of 30 November 1998.

distinguish between recommendations addressed to the EU, to the governments of EU states or to states outside the EU. In many cases, recommendations call on the EU to 'promote' certain measures without spelling out at which level and involving which actors. Where appropriate, we have made certain proposals more concrete and specific. In other cases, we have broadened the scope of a proposal that was made in a specific context but seemed to us to be of wider interest.

The authors' task was to compile practical recommendations that would help the EU make a better contribution to controlling small arms, especially in the domain of development co-operation. We were urged to present these in a single, clear diagram that would enable policy-makers to quickly select elements useful to them. This proved impossible because the number of recommendations was too great.

In consultation with our client, CPN, we had decided to cast our net wide, consulting many documents and experts, and including both suggestions from the domain of development co-operation and from the realm of the Common Foreign and Security Policy. We only added a few recommendations ourselves.

Thus the document turned out to be longer and more complex than expected. We hope the users will nonetheless find it useful and accessible.

The outline of the **list of Policies and Practical Measures** is the full compilation. Throughout the text, a small box indicates how the recommendations discussed fit into the large scheme of things.

In the list of Policies and Practical Measures, we have used 'bullets' as follows:

- General policy objectives
- o More specific policy objectives
- → Practical measures
- → More specific practical measures

However, for the sake of clarity, bullets are omitted when a number code is used.

Combating the accumulation and spread of small arms is a challenge to the international community as a whole. The EU cannot solve this problem alone. Furthermore, development policy is only one domain in which governments can act to control small arms.

Nevertheless, EU policy-makers can make a very significant contribution to combating this global problem. As they set out to tackle it, they will find development policy an excellent point of departure.

Promoting sustainable development, good governance, transparency, a vibrant civil society, non-violent conflict resolution and conflict prevention are goals to which the EU attaches great importance in its development policy. As this report will suggest, they are also basic preconditions for the successful control of small arms. Many important practical measures can be undertaken within these broad policy objectives to reduce and prevent the undesirable trading, holding and use of firearms around the world. In this way, significant progress can be made.

Of course, development policy alone cannot solve the problem of small arms proliferation. Only a long-term and comprehensive effort, involving many governments and all their relevant departments, with the critical support of non-governmental organizations, can achieve this.

It is crucial to bear the linkages between various recommendations in mind, because a piecemeal approach can easily produce perverse effects.

For instance, launching a professional training program for the police in a developing country, including the supply of equipment, may help the law enforcement officers maintain law and order. However, if the population do not see the police as their protector, they may not feel any safer or more inclined to give up the guns they are keeping for self-protection. For this and other reasons, programs to train the police in professional skills must go hand in hand with measures to strengthen the rule of law, teach the police to respect human rights and build good relations with the community, and to encourage the population not to take their protection into their own hands.

In this way, the success of many measures depends on others being undertaken previously or at the same time. We were only able to point out some of these linkages.

Some chapters in this report reflect a good understanding of the problems to be tackled and present cogent proposals on what can be done. Others are obviously underdeveloped and contain only vague and general suggestions. We hope our report will serve to stimulate further study and reflection in these areas. If the international community wants to effectively sharpen its policies on small arms proliferation, it also needs to sharpen its understanding of the problem.

Sami Faltas and Holger Anders, Bonn International Center for Conversion

Outline of the List of Policies and Practical Measures

On the Demand Side of the Market

1 Improve Public Security

1.1 General
1.2 Policy and capacity development
1.3 Accountability and transparency
1.4 Community relations
1.5 Training
1.6 Specifics on military reform
1.7 Specifics on police reform
1.8 Specifics on judicial and prison reform

2 Address Fighters and Victims

2.1 Prevent the recruitment of combatants
2.2 Demobilize and reintegrate fighters
2.3 Rehabilitate victims

3 Reverse Cultures of Violence

4 Promote Non-violent Conflict Resolution

On the Supply Side of the Market

5 Limit the International Trade in Small Arms

5.1 Tighten National Controls

5.1.1 Strengthen Control Laws

5.1.1.1 Scope
5.1.1.2 Transit and transport
5.1.1.3 Licensing and end-use
5.1.1.4 Brokers
5.1.1.5 Registration and marking of arms
5.1.1.6 Other

5.1.2 Build Enforcement Capacity

5.1.2.1 Police and customs
5.1.2.2 Combat corruption and conflicts of interest
5.1.2.3 Institution-building

5.2 Improve International Co-ordination

5.2.1 Harmonize National Controls

5.2.1.1 Codes of Conduct
5.2.1.2 Common standards
5.2.1.3 Information
5.2.1.4 Enforcement

5.2.2 Enhance International Regulation

6 Restrict the Production of Small Arms

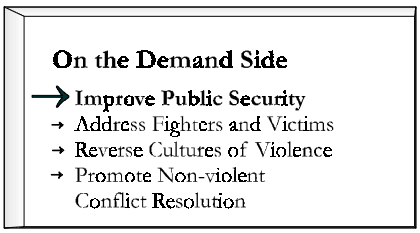
7 Enhance Transparency in Small Arms

8 Promote Safe Storage, Collection and Disposal of Small Arms

9 Improve Domestic Gun Control

Policies and Practical Measures

On the Demand Side of the Market



1 Improve Public Security

1.1 General

- As a rule, combine national policies and international programs to build and reform the security sector with initiatives for the **promotion of good governance**[7] and **sustainable development**
- Provide **technical and financial assistance** for security sector development, growth and reform in developing countries, bearing the previous and following recommendations in 2.1 in mind. For instance,
  - send consultants to help develop policies on military, police and judicial reform
  - provide assistance for wider and better recruitment and equipment
  - support reform programs as outlined below
- Encourage and promote the formulation and development of military and police policy in terms of **Human Security**[8]
- In addition to military and law enforcement agencies, consider promoting the development and improvement of capacities for **intelligence work**

1.2 Policy and capacity development

- Strengthen relevant governmental and non-governmental civil institutions to manage and oversee the security sector efficiently and legitimately by providing technical and financial aid for **capacity-building** at
  - → Ministries of defense, justice or internal or home affairs
  - → Independent ombudsmen's offices
  - → Civilian review boards
  - → Penal institutions
  - → Legislatures
  - → Budget offices, audit units and finance ministries

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[7] Which includes accountability, transparency, the rule of law and the respect of human rights

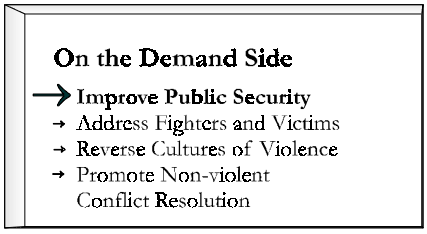
[8] In this approach, the security of the community or nation is based on the security of each individual member.
The military are responsible for protecting them against external threats, whereas the police are charged with maintaining law, order and public security within society

→ Civil society bodies such as NGOs and community based organizations
→ Professional associations
→ Trade Unions
→ Journalists, reporters and other media workers
→ Political parties
→ Research and advocacy institutes and universities
→ This can be pursued in the following ways, including:
  → Training civilian officials and NGOs in security studies, defense budgeting, planning, management and equipment procurement, conflict management and related subjects
  → Offer training for journalists on accurate and ethical political reporting
  → International training missions and exchanges, university courses, seminars etc., both in the donor country and in the recipient country
  → Where feasible, do this for regions rather than for single countries
  → Stimulate the capacity of government agencies to disseminate information on the security sector both within the government and to the public
  → Generally, wherever possible, foster a climate in which civil society can actively and critically monitor the security sector and engage the government in an exchange of views on military and security policy

- In **weak or collapsed states**, investigate how the use of weapons by armed units can be regulated in the framework of traditional cultures and structures. Consider promoting such regulation on the condition that minimum standards of respect for human rights are maintained
- Promote the tight regulation of the rights and obligations of **private security forces**[9]
  → Discourage the recruitment and use of private militias
  → Discourage the use and promote the strict regulation of commercial security services
  → Seek a total ban on the recruitment and use of foreign mercenaries

[9] See also 2.1

1.3 Accountability and transparency



- Strongly promote the full **accountability** of all military and law enforcement agencies
  - Promote **democratic control**—the security sector should take its orders from a civil government authority that answers to parliament
    - → Encourage the establishment of civilian review boards
    - → Help train civilian government officials to control and monitor the security forces
    - → Encourage parliamentarians to oversee military and law enforcement agencies
      - → Promote international exchanges and study visits
      - → Support the development of laws and procedures that enable parliaments to perform this task better
      - → Support debate and education on the supervisory role of parliament
  - Ensure that this accountability extends to the **use of all resources** entrusted to them
    - → e.g. strongly promote transparency on expenditure for military and law enforcement purposes
    - → Ensure that they **answer to independent courts** for criminal offences under national and international law and infringements on the rights of citizens
    - → Ensure that they will face **serious penalties** if found guilty of grave misconduct, especially violations of human rights
- Provide **technical and financial assistance** to other states where needed and appropriate, to promote transparency and accountability in the security sector. This can comprise:
  - → Special missions of security, justice, political and development officials at all levels
  - → Assistance in defining the separate areas of responsibility of the military and the police
  - → Staging conferences on transparency and accountability in the security sector
- To promote transparency and accountability,
  - → discourage all **political activities** by military and law enforcement agencies and their members on active duty
  - → discourage commercial activities undertaken by the military and other security agencies because such **'military business'** leads to conflicts of interest and a lack of accountability

- Promote the **regular and independent monitoring and evaluation** of efforts and initiatives like those as described here with a view to terminating programs that are not effective and to further developing and funding programs that are bearing fruit

1.4 Community relations

- Promote trust and **confidence** between the security sector and the civilian population by
  - improving public security[10]
  - taking local culture into account when organizing and training the security sector

  → ensuring a balanced composition of the security sector (ethnicity, age, gender, etc.)
  - emphasizing human security as the mission of the security sector[11]
  - training the security sector in community relations and human rights[12]
  - stimulating public debate on the role of military and police in society—e.g. by

    → encouraging the staging of regional conference on such topics
  - encouraging civil society to contribute to public security, e.g. by

    → supporting local groups working on issues related to gun violence
  - stimulating and empowering civilian institutions to monitor the security sector e.g. by

    → organizing international exchanges, secondments and study visits

    → supporting law schools and other organizations to develop training programs for trainers who are to build the capacity of civil society to monitor the security sector

1.5 Training

- Provide for the **training and education** of military and law enforcement officials, either abroad or at home,

  → to **enhance professional skills** and attitudes,

  → to instil in them a **respect for the rule of law** and the rights and liberties of citizens under national and international law, an understanding of their responsibility to the community, and a responsiveness to the needs of the community[13]

  → Support programs to 'train the trainers' in this field

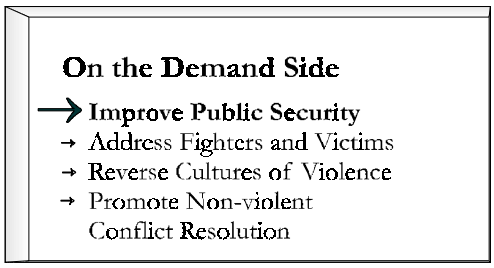
  → Provide training exercises based on real situations

  → Assist in matching training, equipment and operational mandates

[10] See 1.7
[11] See 1.1
[12] See 1.5
[13] See also 1.4

- In **weak or collapsed states**, seek possibilities to promote the respect for **human rights** among the armed units led by warlords and tribal chiefs.[14]

1.6 Specifics on military reform



- Improve **professionalism** and effectiveness
  - Promote **exchanges** and secondments between armed forces
    - → Provide sustained advice through medium to long-term advisers, mentors and/or monitors
    - → Support national and regional **staff colleges** teaching
      - → civil-military codes of conduct based on international standards
      - → rights and responsibilities in society
    - → Develop training teams and **curricula for trainers**
  - At home and abroad, **critically review military forces** and consider promoting changes that would:
    - → Direct their missions toward external security and away from police duties
    - → Accordingly adjust their size and budget
    - → Accordingly review their internal organization
    - → Accordingly modify their composition in terms of age, skills, ethnicity
    - → Accordingly modernize their recruitment and training
    - → Accordingly ensure that they obtain the resources and equipment they need

1.7 Specifics on police reform

- Improve **professionalism** and effectiveness[15]
  - → Promote **exchanges** and secondments between police forces
  - → Provide sustained advice through medium to long-term advisers, mentors and/or monitors
    - Support national and regional **police academies** teaching
      - → police **codes of conduct** based on international standards
      - → **knowledge of the law**
      - → **criminal investigation**
      - → **community relations**
      - → **community-based policing** and policing by consent
      - → how to combat **drugs, fraud and corruption**

[14] Consider making development assistance conditional upon a greater respect for human rights. See also 2.1

[15] See also 1.5

→ Develop training teams and **curricula for trainers**

- Strengthen the capacity of police forces to **implement change** and conduct **strategic planning**
- Promote the effective **monitoring of police forces** and assist the development of capacities to this end[16]
- Promote **adequate remuneration** of police and customs within the framework of programs to combat corruption[17]

  → Consider directly subsidizing law enforcement in certain critical situations in developing countries
- Stimulate the development of law enforcement policies and strategies to combat **drugs, fraud and corruption**

1.8 Specifics on judicial and prison reform

- Promote **reform of the judicial and regulatory system**
  → Support conferences on judicial reform
  → Support the strengthening of the role and power of judges
    → Specifically, establish control of the prisons by the judiciary[18]
  → Support the development of independent systems for judicial appointment
  → Support debate on the constitutional role and competence of the judiciary
  → Support the provision of equipment for courts like computers for
    → case tracking
    → record keeping
    → budget management and
    → personnel management
- **Train judges, prosecutors,** lawyers and other judiciary officials[19]
  → Provide technical and financial assistance
  → Enhance professionalism and independence
  → Improve the protection of the human rights of offenders
  → Help to develop training materials
- Support **independent legal institutions** like
  → documentation centers for judges, prosecutors and legal professionals
  → law libraries and bar associations
  → legal counseling groups
  → NGOs training 'paralegals' as a simple first-tier judiciary

[16] See also 1.4
[17] See also 5.1.2.2
[18] As opposed to law enforcement agencies
[19] See also 1.5

- Support the development and implementation for special programs to deal **with juvenile delinquency**
- Support the development and implementation of special programs and guidelines to deal with **gun law offenders**, paying special attention to
  → male adolescents
  → ex-combatants
  → social rehabilitation
  → vocational training
  → detection and disposal of illegal firearms
- Support establishment of administrative and judicial **control mechanisms for prison services**
- Support **prison reform** by
  → establishing prison regulations in conformity with international reforms
  → reviewing recruitment, training and promotion of prison personnel[20]
  → rehabilitation of prison infrastructure
- Promote **adequate remuneration** of judiciary and prison officials within the framework of programs to combat corruption[21]
  → Consider directly subsidizing the remuneration of judiciary and prison officials in certain critical situations in developing countries

2 Address Fighters and Victims

On the Demand Side
- Improve Public Security
- **Address Fighters and Victims**
- Reverse Cultures of Violence
- Promote Non-violent Conflict Resolution

2.1 Prevent the recruitment of combatants

→ Encourage all states to sign, ratify and implement the UN Convention banning **mercenaries**
→ Promote raising the age at which children are considered adults and respect **child rights**
  → Promote the adoption of the optional protocol to the Convention on the Rights of the Child, raising the minimum age for recruitment and participation of children in hostilities to 18
  → Promote the subsequent ratification and implementation of this in national law (I.e., make it a criminal offence to recruit or abduct children under 18 for active combat roles)
  → Support regional judicial measures protecting the rights of the child, e.g. the African Charta on the Rights of the Child
  → Support the training of personnel involved in peace missions in the

[20] See also 1.5
[21] 1See also 5.1.2.2

protection, rights and welfare of children, especially girls
- → Build up international pressure on armed groups that abuse children, e.g. by making clear that recognition of rebel groups as governments will be harder if they recruited child soldiers

2.2 Demobilize and reintegrate fighters

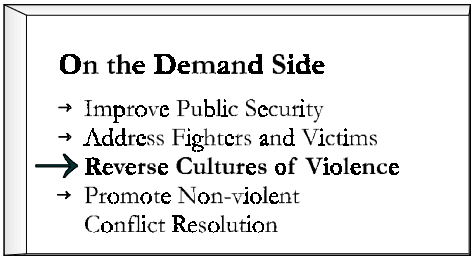
- **Support programs to demobilize** and reintegrate soldiers and other combatants and their dependants
  - → Verify that the participation of all parties concerned, including local communities, is assured
  - → Verify that local conditions and culture are taken into account
  - → Ensure that this is included in peace accords and that control mechanisms are established
  - → Provide food, clothing, housing and other basic needs for ex-combatants
  - → Repatriate displaced persons among ex-fighters
  - → Support specific measures for retired 'political' officers
  - → Provide resources to establish and maintain demobilization centers

- Combine demobilization programs with programs to **promote social development and economic opportunities**
  - → For the ex-combatants and their dependants and for the community at large
    - → Promote surveys on skills and needs to determine an appropriate approach
    - → Support vocational training schemes and provide formal schooling
    - → Establish courses on how to start a business
    - → Provide micro-credits for female-headed households
    - → Promote salary-support schemes for ex-combatants
- Promote the screening of ex-combatants to **detect and prosecute war criminals**

2.3 Rehabilitate victims

- Promote the provision of **special care** for the victims of armed conflict
  - → Include the ex-combatants themselves, especially child soldiers
  - → Give special consideration to women, disabled people and children
  - → Provide culturally appropriate psychosocial trauma counseling and other kinds of counseling to victims, especially former child soldiers
  - → Provide therapy and care for child soldiers and their families and communities to facilitate their return
  - → Enable all victims to fully participate in post-war recovery programs
  - → Provide both immediate relief and long-term medical care

3 Reverse Cultures of Violence[22]

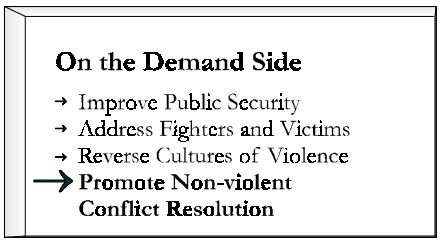


- Discourage the **glorification of violence** and the trivialisation of its impact in the media and in popular culture
  - → Discourage the advertising and distribution of combat toys and violent games
  - → Ban all advertisements of small arms, ammunition and related equipment except in limited-distribution professional military and police journals
  - → Encourage the media to discuss and portray cultures of peace
  - → Encourage the media to discuss and analyze causes of violence and war
- Commission research and debate on causes and patterns of **violent behavior among men**, especially male adolescents, investigating
  - → their social conditioning toward such behavior and
  - → male patterns of conflict resolutions
- Seek ways to counter **men's inclinations to violence**
  - → Investigate the role women can play in discouraging men's interest in guns and their inclination toward violence
- Support public **education and awareness** programs on the dangers and disadvantages of firearms and armed violence[23]
  - → Working at the local, regional and national level
  - → Closely involving local groups and using their expertise
    - → for instance, publicizing information on numbers and stories of the victims of armed violence
  - → Developing special campaigns for specific audiences
  - → Developing school curricula
  - → Developing campaign materials
  - → Engaging popular personalities
  - → Effectively using mass media
  - → Paying special attention to the problem of child soldiers
  - → Highlighting the cost of the undesirable use of firearms
  - → Highlighting the risks of wanting guns for self-protection
  - → Stigmatize certain categories of weapons e.g.
    - → weapons that are particularly destructive like semi-automatic rifles
    - → arms prone to kill unintentionally, like hand-grenades

[22] See also 4
[23] See also 9

→ Targeting the glorification of violence and the trivialisation of its impact
→ Promoting non-violent conflict resolution

4 Promote Non-violent Conflict Resolution[24]



- Seek to encourage the reassertion of skills and **values conducive to non-violent conflict resolution** and the limitation of violence by
  → involving extended families, elders, teachers, the clergy, traditional leaders and other figures of influence capable of reinforcing such values
  → paying special attention to values and taboos protecting non-combatants during violent conflict
  → developing educational programs to promote such values
  → promoting and supporting conflict resolution skills training
- Promote **education and awareness** programs for peaceful conflict resolution by
  → encouraging and enabling victims of violent conflict to be involved
  → stimulating local capacities and actions in favor of peace
  → supporting peace and reconciliation media programs
- Promote social cohesion, **reconciliation** and trust between communities by
  → promoting women's participation in post-conflict society
  → supporting mediation training for local NGOs
  → supporting mediation training for community elders
  → supporting Human Rights campaigns for affected groups
  → supporting civil society groups and identify stake-holders of peace, e.g.
    → appropriate sectors of industry such as tourism which stand to benefit from effective gun control and reduction of violence
- Support the creation of an **international network** of initiatives in favor of durable peace and organizations working for a culture of peace

[24] See also 3

- Help developing states **build institutions** for managing change and resolving conflict, maintaining law and order and resolving conflict without resorting to violence or oppression[25]
  - → Build on and support community-based administrative and conflict settlement structures
  - → Establish a Human Rights Ombudsman
  - → Support conciliation, mediation and arbitration programs for traditional institutions, neighborhood panels or "juges de la paix"
  - → Support establishment of regional dispute resolution mechanisms
  - → Promote regional conflict prevention measures, including
    - → early warning and early action on potential conflicts[26]
    - Promote the establishment and operation of **war crimes tribunals** and truth-finding and reconciliation commission

[25] See also 1
[26] See also 7

On the Supply Side of the Market



5 Limit the International Trade in Small Arms

5.1 Tighten National Controls

- Incorporate **arms embargoes** into national law*
- Only allow arms deliveries and provide development aid to **states that respect human rights***
- Prevent deliveries of arms, spare parts, maintenance, to parties found in **violation of end-use certificates** until perpetrators are brought to justice*

5.1.1 Strengthen Control Laws

- In the EU, **review and strengthen national laws**, policies and measures to control small arms proliferation*
  → Seek the same commitment from other states
  → Support the UNDP Trust Fund for the Reduction of Small Arms Proliferation

5.1.1.1 Scope[27]

- Extend controls to the import, export, transit and production of **ammunition***
  → Require government licenses for imports, exports and transit
  → Require government licenses for transfers of technology and equipment for the manufacturing of ammunition
  → Only allow ammunition transfers to registered and controlled traders
  → Seek the same commitment from other states

→ Apply the same control rules to **used weapons** as to new ones*
  → Seek the same commitment from other states

→ Extend controls to cover transfers of **non-lethal weapons** and other tools of repression technology like electroshock weapons, tear gas, rubber bullets, as well as technology and equipment for their production*

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

[27] See also 5.1.1.3

→ Restrict through licensing the provision of military, security and police training and technology to countries where **human rights abuses** are common*

→ Seek to have small arms and their ammunition included in **the UN Register of Conventional Arms***

→ Exercise special restraint in licensing **transfers of particularly dangerous small arms** like high-firepower guns*

→ Define the conscious **use of falsified documents** in small arms transfers as a crime of conspiracy to break the law and impose stiff penalties*

→ Adopt **extra-territorial legislation** for nationals that contravene national or international arms control laws*

5.1.1.2 Transit and transport

- Apply controls similar to those for exports to **shipments in transit***
  → Check legality with exporting and importing country
  → Insist on pre-notification of arrival of arms in transit
  → Inform authorities at next delivery point that arms are on the way
  → Check the arrival of these arms at next point of delivery

→ Require clear and comprehensive **documentation by arms transport firms** of methods and routes of shipments*

→ **Ensure security of firearms** and ammunition that are being imported or exported or are in transit*

→ Ensure that arms in transit are appropriately **marked and registered**
  → Mark, return or confiscate arms in transit that are not adequately marked and registered

→ Seek similar commitments from other states*

5.1.1.3 Licensing and end-use[28]

→ Issue export or transit license only upon reception of license of importing state*

→ Extend licensing system to **all parties in small arms transfers**: producers, reconditioners, wholesalers, retailers, brokers, bankers, official aid donors, shipping agents, insurers and end-users*

→ Allow **no exemptions** to the licensing requirement*

→ Promote the world-wide **standardization of end-use forms**[29] for all transactions and transfers concerning small arms*

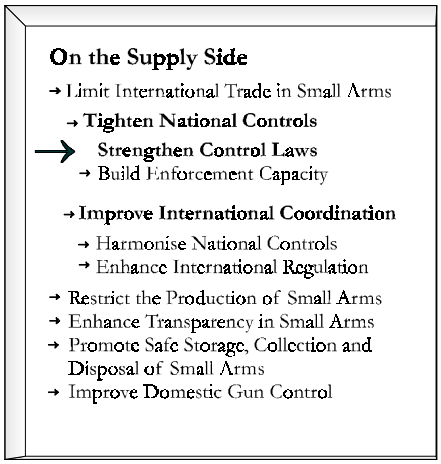
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* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

[28] See also 5.1.1.1, 5.1.1.2 and 5.1.1.4

- Combat **forgery and deception***
  - → Require that end-use certificates are issued or authorized by national authorities of recipient state
  - → Require that end-use certificates are on secure paper
  - → Check the authenticity of end-use certificates with the national authorities of the recipient state before authorizing export or transhipment
  - → Pre-notify the recipient and transit state when an arms export is due to take place
- **Monitor compliance** with end-use declarations*

→ Require exporters to contractually oblige the recipients to notify the exporting state of changes of use or re-export
  - → Establish a confidential exchange of information system on apparent non-compliance or misuse of end-use certificates
  - → Establish a database of end-users, describing their capacity to control flows and stocks of weapons, their record of adherence to human rights, etc.
  - → Exporter must give evidence within three months after export of arrival of goods at stated destination and user
  - → Establish common requirements that re-exports require prior approval by the states of origin



→ Require exporters to **oblige recipient to allow verification** of the end use and to provide reasonable access to independent monitors for this purpose*
  - → Provide wherever necessary **assistance to exporting and importing countries** to enable them to closely monitor the end-use of military and security equipment

- Seek **similar commitments** from other states to make their licensing system more effective

5.1.1.4 Brokers

- Control the **international brokering** of small arms, ammunition, and related equipment and services*
  - → Adopt comprehensive list of broker activities to be controlled
  - → Require a government license for brokering transactions, containing full details on banking, insurance, credit and transportation

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[29] See also 5.2

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

→ Including extraterritorial legislation (see US State Department regulations as a model)
→ Punish brokers who have violated national export laws or failed to meet all their obligations as approved brokers
  → by revoking their approved status and
  → by refusing them licenses for new transactions
→ Require brokers to seek government approval and registration
→ Compile EU databases of
  → registered brokers
  → agents convicted of illegal brokering activities
→ Seek similar commitments from other states

5.1.1.5 Registration and marking of arms[30]

→ Require **marking of firearms at import** to specify recipient's name and address*

→ Require the marking and registering of **confiscated and forfeited firearms** to show that they have been taken out of circulation*

- Require the **later marking and registering** of unmarked arms*
- Require firearms and ammunition to be indelibly **marked, registered and made traceable** at manufacture*
  → Specify date, manufacturer, place and serial number
  → Headstamps on rounds of ammunition should allow the identification of manufacturer, lot number and recipient
  → Promote measures that make firearms and ammunition easier to detect by X-ray and other means
  → Provide law enforcement agencies with the means for the detection of firearms and ammunition with technical and financial assistance
  → Investigate the feasibility of permissive action links that make it impossible to use the weapon without providing the required code and cannot be removed without making the weapon useless
  → Establish and maintain national and international databases of marked and registered arms and ammunition
  → Seek similar commitments from other states
  → Include such measures in the Firearms Protocol[31]
- Provide encouragement as well as **technical and financial help** to developing countries to adopt, where appropriate, measures like the above

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[30] See also 7

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

[31] See also 5.2.2

5.1.1.6 Other

- Research and target **trade flows that serve to finance illicit and undesirable arms purchases**
  → Introduce national laws and international conventions to embargo such transactions
  → Urge business to recognize the undesirability of indirectly fuelling armed conflict and act accordingly
- Investigate legitimate ways to **compensate arms manufacturers for reduced sales**, including possible market sharing arrangements*
- Include **mandatory security provisions** in transfer contracts
  → E.g. a deposit of 25-50 percent of the value of the contract[32]*
- Intervene to **combat black arms markets**.* This can include
  → Driving up the price of illegal weapons and
  → Promoting the creation of an international Rapid Intervention Fund, preferably at the United Nations, for such purposes

→ Require a government license and the disclosure of details on transactions from **financial institutions** involved in arms transfers*

- Draw up international legal provisions against the **'laundering'** of money, using agencies like the UN International Drug Control Programme, Interpol and regional organizations[33]*
- Ensure prompt investigation and effective **prosecution of violations** of arms trade controls*

→ Increase the penalties for such violations

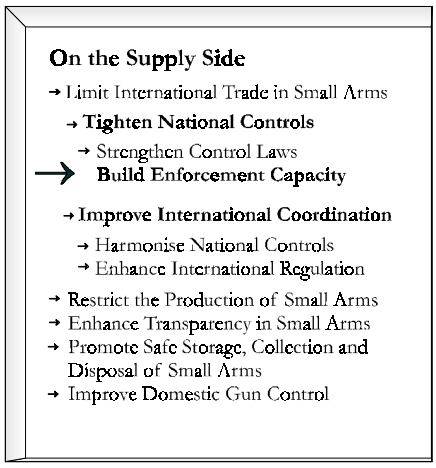
- In order to discourage the international trade in arms and defray the cost of controlling it,
  → impose **taxes** and
  → a substantial **recycling deposit** on the sale of arms and ammunition[34]*

[32] This would be repaid when the arrival of the goods at the stated destination is independently confirmed

[33] This will make it easier to combat illicit arms-trafficking and other criminal activities

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

5.1.2 Build Enforcement Capacity



5.1.2.1 Police and customs

- Build and **develop the capacity of police and customs** agencies to enforce arms trade laws by
  - → wider and better recruitment
  - → better training, focussed on arms trade control
  - → co-operating with other countries in sharing information, exchanging personnel and training programs
  - → providing better equipment
  - → establishing and maintaining international databases to facilitate the monitoring of the legal arms trade and the suppression illicit trafficking
  - → ensuring that they have the necessary powers and means to monitor the international traffic in arms, including
    - → inspecting cargoes
    - → verifying whether cargoes match the documentation
    - → questioning transport crews
    - → x-raying containers
    - → checking flight plans against flight directions

5.1.2.2 Combat corruption and conflicts of interest

- Promote programs to combat inappropriate and illegal behavior amongst law enforcement personnel by
  - → Anti-drug programs
  - → Programs to **combat fraud and corruption**, especially in collusion with organized crime
  - → Ensuring adequate working conditions and remuneration

→ Bar officials currently or recently involved in arms trade control from serving arms trading companies as directors, advisers, or any other capacity*

- Investigate the feasibility of extending anti-fraud and anti-corruption programs to commercial companies involved in the arms trade*

[35] I.e. a charge paid by the purchaser that would be refunded when the product is transferred to an approved recycling facility

5.1.2.3 Institution-building

→ Establish a single **administrative arms control entity** to oversee compliance with national and international arms control legislation and regulations*

- → With clear lines of authority
- → Transparent and accountable to the government
- → With streamlined licensing procedures
- → With the authority to examine the records of defense industries
- → Properly trained personnel and adequate equipment
- → Seek similar commitments from other states

- Ensure co-ordination between the government departments involved in arms control policy*

  → By establishing co-ordination units such as **interdepartmental committees**

5.2 Improve International Co-ordination



- Create an EU **program to fund arms control** and reduction activities
- Actively **involve EU representatives** in countries afflicted by small arms proliferation in arms trade control
- **Integrate respect for human rights into international agreements** on development and arms transfers
- Establish an **international mechanism to monitor adherence** to norms and rules on arms transfers and notify appropriate bodies of serious violations*
- Provide **technical and financial assistance** to developing states and regions that are making efforts to combat the accumulation and proliferation of small arms in their area

  → Specifically, actively support the 1998 ECOWAS moratorium on small arms

  → Encourage and help Southern Africa and the Organisation of American States to implement their resolution to control arms flows in their regions

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

→ Seek stronger transfer controls and develop **common minimum standards** in the Wassenaar Arrangement, UN agencies relating to Crime prevention, NATO and other international bodies*

- Use influence as major donors in **UNDP, World Bank**
  - The DAC of the OECD can be used for establishing further guidelines
- Consider adoption of effective arms trade control policies and minimum security standards as criteria for **NATO** membership*

→ Create and maintain an **international registry of officials authorized by their governments to sign end-user certificates***
  → The UN Disarmament Department might be the repository

→ Create and maintain a **registry of end-users, transit countries, brokers and other parties** indicating possible risks of diversion and other violations of arms control rules*

- Establish and maintain a **regular information exchange**[36]* and consultation between the EU states in order to
  → Co-ordinate and harmonize judgements relating to criteria of the EU Code of Conduct
  → Report arms export licenses granted in preceding months
  → Report such unlawful small arms holdings as have been identified to the state of origin
  → Inform, upon request, exporting state of the reception of shipment of firearms and ammunition
  → Create an EU registry of agents licensed to trade in arms and military equipment and provide military and police training. Encourage EU associated countries to provide information on such registries

→ Strive for the widest possible international agreement on the need to prevent fuelling wars by imposing an **embargo** on the provision of arms, ammunition and related material, services and technology to aggressors.* More specifically,
→ Adopt **a more systematic approach** to the imposition of such embargoes
  → Implement effective EU **control mechanisms** for embargoes
    → Move power for ruling on violations of EU embargoes from the Council to European Court of Justice

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* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

36 It is highly desirable to create a body that could meet at short notice in a business-like fashion to deal with issues as they arise, rather than only have annual meetings of a formal nature

- → Strengthen EU monitoring system of embargoes
- → Harmonize penalties for violations of international arms embargoes
- → Provide international observers to control ports of entries in countries under international embargoes
- → Extend these co-ordination efforts to all dependencies of EU states

5.2.1 Harmonize National Controls



5.2.1.1 Codes of Conduct

- Strengthen the EU **Code of Conduct** by explicitly banning arms exports to parties with a record of gross human rights abuses and violations of international humanitarian law*
- Encourage **public debate** on the implementation of the EU Code of Conduct on Arms Exports*
- Examine lessons concerning arms trade control learned in West Africa to consider their utility for other regions
- Promote local, national, regional and international codes of conduct in which exporting states commit themselves not to supply arms, ammunition or related technology to states where there is a **serious risk** that they will
  - → be used to violate human rights
  - → be used in violation of international humanitarian law
  - → fuel international aggression and regional instability
  - → prevent adequate social spending or
  - → thwart sustainable development programs

5.2.1.2 Common standards

- Develop **common lists** of controlled items among all states committed to small arms control*
  - → With special attention to closing loopholes like ammunition, dual-use equipment and technology
- Work towards the **harmonization of arms control criteria***
- Work towards **common minimum standards on transit and transport controls***

- Create and adopt a **uniform international end-user certificate** with provisions for extra information required by individual governments[37]*
  → This could be done by the UN Disarmament Department
- Promote and adopt **minimum international standards for the marking, registration and traceability** of firearms, explosives and ammunition[38]*
  → Markings should include at least information on factory of production, year of production and batch of production in a standardized form

5.2.1.3 Information[39]

- Enhance **information exchange** between EU states, including associated countries,
  → on national arms trade laws and procedures
  → on law enforcement and criminal justice, both between policy-makers and practitioners
  → on sensitive destinations and end-users
  → on unauthorized re-transfers and
  → on methods and routes used for illicit arms manufacturing and trafficking and ways to detect and prevent them
    → Also promote similar co-operation world-wide

→ Create **national points of contact for regional and international exchange of information** and co-operation relating to ammunition and explosives*

→ Link **national and regional registries** on production, stocks and transfers of ammunitions and explosives on regional and international basis*

5.2.1.4 Enforcement

- Strengthen **international law enforcement**.* For instance,
  → help the International Weapons and Explosives Tracing System (IWETS) of Interpol to combat illicit manufacturing and trafficking in firearms and ammunition
  → allocate resources for an Interpol task force on arms trafficking to enhance Interpol's analytical capabilities
  → establish an accessible database on illicit flows of ammunition, e.g. within framework of Interpol

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

37 See also 5.1.1.3

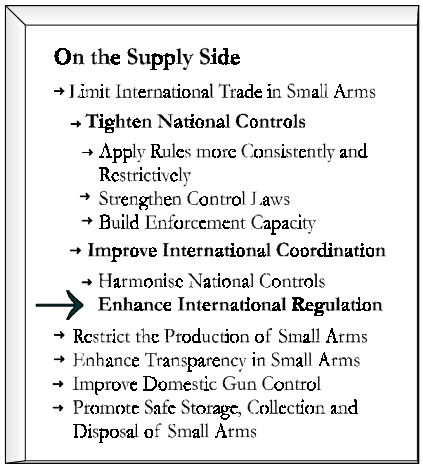
38 See also 5.1.1.5

39 See also 7

→ allocate resources for similar activities at Europol
→ promote effective regional arms control agencies

- Promote **international exchanges and co-operation** in the enforcement of arms trade control* by
  → providing funds for establishment of regional information gathering capabilities on arms trafficking in areas affected by violent conflict
  → exchanging experience and training and providing technical assistance necessary to combat illicit manufacturing and trafficking
  → improving border controls through joint patrols, 'hot pursuit' agreements, etc.
  → co-operating in customs and controlling remote frontiers
  → establishing an international register on illicit small arms seized or destroyed
  → notifying the country of origin after identification of unlawful small arms holdings
  → internationalizing the brokering control system[40]

5.2.2 Enhance International Regulation



- Adopt **international conventions***
  → on the illicit trafficking and production of small arms, including their parts and ammunition, as well as marking and tracing, perhaps in the framework of the planned **Transnational Organised Crime Convention**
  → on all aspects of small arms proliferation including norms governing export, acquisition, control, distribution, storage, marking and use of weapons, perhaps as an outcome of the **2001 conference on small arms**

→ Support the **Firearms Protocol** to the UN ECOSOC Convention on Transnational Crime*
  → In this framework, target links between conflict and crime and
  → include government-to-government arms sales

- Establish an international norm against **arms transfers to non-state actors***

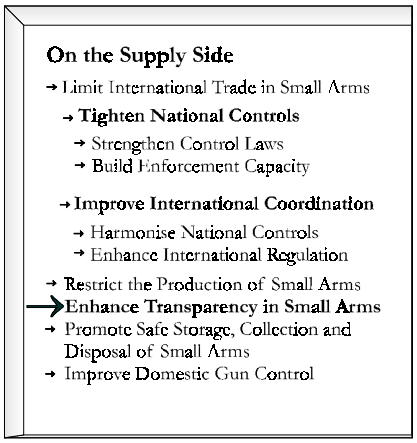
* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

[40] See also 5.1.1.4

6 Restrict the Production of Small Arms

- Tightly **control the legal manufacturing, and combat the illegal production**, of small arms, their ammunition and related goods* by
  → requiring a government license for production
  → strictly controlling the export of production licenses
  → identifying and disrupting the supply of raw materials to illegal producers
- Promote the **reduction of surplus production capacities** for small arms, ammunition and explosives in EU countries, in former Warsaw Pact states and elsewhere by
  → providing incentives for the closure or conversion of under-utilized plants
  → promoting the diversification of arms production plants into civil activities

7 Enhance Transparency in Small Arms[41]



- Provide early warning on potentially destabilizing accumulation by **monitoring transfers** of small arms and ammunition, including on-site research on the price of weapons in the black market, types of weapons available, etc.
- Support **independent research on and monitoring** of the international spread, accumulation and misuse of small arms and ammunition, and ways to combat these problems
- Establish a UN advisory group on **ammunition** and **explosives** serving as point of contact for research, information and technical advice/assistance*
- Establish and maintain **national and regional registries on production, flows and stocks** of small arms, ammunition, repression equipment and explosives
  → Among EU states and associated countries
  → Promote the same in the OAS, ASEAN and elsewhere
  → Expand the UN Register of Conventional Arms to include small arms and their ammunition
  → Alternatively, establish a separate database on small arms

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

41 See also 5.1.1.5 and 5.2.1.2

- Promote the **provision of information and advice** that will help people working in afflicted areas identify small arms and deal with the problems they cause
- Produce annual, public and highly disaggregated **reports on completed and prospective shipments** of small arms and ammunition by companies and state agencies*
  → Publish an annual consolidated report on arms sales by EU states like the US Government Section 655 Report

→ Consider requiring powder and explosive manufacturing companies to publicize list of recipients and amount of delivery to enable monitoring and identification of excessive purchases*

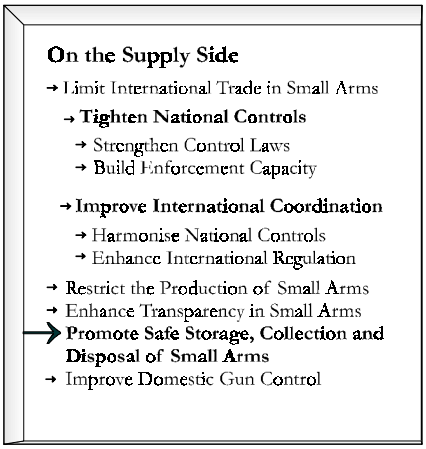
- Enhance in the EU the **parliamentary scrutiny of government policy** in arms trade control*
- Encourage and, if appropriate, **help other states to do the same**

→ Publish **national/regional registry of approved brokers** and arms trading companies*

- Require **defense industries to be accountable** to their governments*
  → in providing transparency on all their activities in the arms business
  → in making all information on their financial dealings accessible to the government including details of their tax-haven accounts

→ Repeal laws that define information about arms negotiations and completed deals as **commercial or state secrets***

8 Promote Safe Storage, Collection Disposal of Small Arms



- Promote **safe storage** of weaponry
  → at the site of production, in active use, and after decommissioning
  → by requiring the holders to keep records and regularly account for stocks
  → by training, paying, equipping and supervising personnel to securely guard them
  → providing the personnel with adequate facilities
  → by doing this in the EU and encouraging other states to do the same
- Investigate ways to prevent or reduce the proliferation of **non-military weapons** like machetes in conflict areas

- Promote the integration of weapons destruction commitments in all **peace settlements and disarmament treaties**
- Develop **guidelines for peacekeepers** of the UN and other organizations and states to enable them to remove the tools of violence[42]*
  - → in order to prevent a recurrence or escalation of conflicts
  - → in such a way that a large part of the weaponry and ammunition is collected and destroyed
  - → in such a way that the risk to the officials responsible for weapons disposal is acceptable
  - → in a balanced way in order not to increase instability and insecurity
  - → in close co-ordination with demobilization and reintegration measures[43]
  - → building on the good and bad experiences of earlier peacekeeping missions
  - → wherever appropriate, closely linked to programs for reconstruction and reconciliation
- Similarly, support and facilitate national and local initiatives in all parts of the world to **remove** the tools of violence from society and **destroy** them[44]
  - → Wherever appropriate, integrate this with development co-operation in a comprehensive program that may include debt relief, reconstruction, community development, job creation and income generating measures, etc.
  - → Provide rapid and practical support for local disarmament initiatives in afflicted areas
  - → Help needy states to develop and share facilities for the safe and environmentally-friendly destruction of small arms, ammunition and explosives

→ Seek commitments from developing countries and former Warsaw Pact states and help them technically and financially to **safely store and dispose of surplus weapons** that cannot be responsibly sold
  - → Through bilateral and EU programs
  - → Multilaterally by creating an international fund for this purpose[45]
  - → By making the responsible disposal of surplus weaponry and compliance—independently verified—with the EU Code of Conduct on Arms Exports a condition for accession to the EU*

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* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

42 For practical measures on weapons collection and disposal, see below in this section

43 See also 2.2

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

45 See also 8

45 See also 5.1.1, first recommendation

- Pursue similar objectives in **NATO** and other international frameworks*

→ Seek a commitment from EU and associated states to dispose of surplus weapons, including small arms, responsibly, preferably by destruction

→ Make the **licensing of arms sales conditional on destruction** of surplus created through the new acquisition*

→ Levy a substantial **recycling deposit** on all sales of weapons in order to facilitate their safe elimination[46]*

- Involve the **European Bank for Reconstruction and Development**, the World Bank and the private sector in programs for the responsible disposal of surplus weapons

9 Improve Domestic Gun Control



- Strengthen national laws and **controls on the use, sale and possession** of small arms and their ammunition in EU states and associated countries and help states requiring support to improve domestic gun control.* More specifically,
  - → Review and promote wherever necessary the introduction of laws on the use, sale and possession of weapons, with provisions for penalties
  - → Clearly define military-style weapons and deny them to civilians
  - → Make a legal distinction and separate rules for the possession and the bearing of small arms by civilians
  - → In countries with a weak state, review and register local arms traders
  - → Mark and register all stocks of small arms and register their public or private owners
  - → Put in place an effective machinery for the enforcement of these rules
    - → Wherever necessary, help other states develop such capacities
- Consider making effective gun control and minimum security standards of stocks **criteria for accession to the EU***
- Encourage **civil society** to develop community-based gun control mechanisms like
  - → teaching people about the dangers and limitations of owning and using firearms and

[46] See also 5.1.1.6

→ discouraging the irresponsible and illegal use of firearms

→ Ban all **advertisements** for small arms, their ammunition and related goods and services except in limited-distribution professional journals*

→ Require all private owners of small arms to take out liability **insurance** for any damage caused to others by the use of their weapons[47]*

- Promote such arrangements on the **widest possible international scale**

→ Increase transfer costs of light weapons by imposing **taxes** on weapons and ammunition sales[48]*

* Actions recommended here are mostly related to the Common Foreign and Security Policy of the EU

47 In order to obtain such insurance, the owner would be required to show a government license to own and use the weapon. It is also desirable to require visible proof of paid-up insurance, to be attached to the weapon. These measures will facilitate the registration of legal firearms and the identification of illegal guns, discourage private gun ownership by making it more expensive, limit the authorisation of people considered a bad risk to legally own guns and improve the chance that the victims of gunfire will receive compensation

48 See also 5.1.1.6

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Annex A: The Council Resolution on combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the EU's emergency aid, reconstruction and development programmes**,** ***adopted on 21 May 1999.***

1. The excessive and uncontrolled accumulation and spread of small arms and light weapons (hereafter referred to as "small arms") has become a problem of global proportions. Particularly in crisis zones and countries where the security situation is unstable, the excessive supply of small arms and a lack of controls has fuelled internal or interstate conflict and has been an obstacle to peaceful economic and social development. Moreover, the ready availability of cheap small arms facilitates the exploitation of children as soldiers.

2. Illicit trafficking in small arms has also been identified as a serious problem, contributing to the increase in banditry, smuggling and similar criminal activities.

3. Recalling the Joint Action of 17 December 1998 on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons, the Council confirms its sustained interest in fulfilling the commitments contained therein in order to ensure coherence of EU activities in the field of small arms. At the same time, the Council draws attention to the EU Code of Conduct on Arms Exports of 8 June 1998 and the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms of 26 June 1997. Finally, the Council recalls the Conclusions on the Role of Development Cooperation in Strengthening Peace-building, Conflict Prevention and Resolution of 30 November 1998, as well as the Resolution on Coherence of 5 June 1997. The Council recalls the "Brussels Call for Action", proposing amongst others an International Program of Action for Practical Disarmament and Peacebuilding; and the "Oslo Platform" addressing the humanitarian, developmental and security concerns provoked by small arms. The Council equally recalls initiatives within the UN, in particular UN General Assembly Resolution 53/L 31 on consolidation of peace through practical disarmament measures, the problems caused by the destabilizing accumulation and spread of arms as well as UN General Assembly Resolution 53/E 77 on small arms and light weapons.

4. The European Union aims at combating the excessive and uncontrolled accumulation and spread of small arms. 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. In particular, a contribution must be made to ensuring that existing stockpiles are reduced to a level consistent with the country's legitimate security needs.

5. The Council recommends that in the field of development cooperation, the Community and the Member States devote particular attention to the following measures:

- inclusion of the small arms issue in the political dialogue with ACP and other development cooperation partner countries of EU; development cooperation support for countries seeking assistance in the control or elimination of surplus small arms, as well as other incentives to encourage the voluntary surrender of small arms and their destruction; the combating of illicit trafficking of small arms through the promotion of appropriate measures, including regional and international cooperation and independent monitoring;

- the effective demobilization of combatants and their subsequent rehabilitation and reintegration into civil life; this is an area in which development policy can make a great and important contribution;

- the challenging and reversing of "cultures of violence" by means of public education and awareness programs, taking into account the important role of local communities;

- considering support, where necessary, to strengthen appropriate government institutions and legislation to better control small arms.

  The first interventions could be focused on Southern Africa (SADC) and on West Africa (ECOWAS), where significant progress has been made and frameworks for combating small arms proliferation have been developed and agreed. EU, Community and bilateral Member State interventions should build upon the ideas and programs existing in these regions and be extended to other regions, where similar initiatives have been taken.

6. In providing assistance to measures recommended in paragraph 5, the EU shall take into particular account the recipient's commitments to comply with the principles mentioned in article 3 of the Joint Action of 17 December 1998; their respect of human rights; their compliance with international humanitarian law and the protection of the rule of law. The Council believes that it is an important prerequisite that recipient countries are also committed to establishing social and political stability and, in time, making their own contribution to relevant initiatives.

7. In order to ensure a coordinated and complementary approach, the Council recalls the following guidelines mentioned in the Joint Action of 17 December 1998:

- At global level: consultation with relevant UN agencies and bodies, in particular UNDP, the Department for Disarmament Affairs, which coordinates the small arms issues within the UN, and the Secretariat's Office for the Coordination of Humanitarian Affairs, relevant international institutions and, where applicable, the International Financial Institutions.

- At regional level: consultation and close cooperation with regional organizations involved in the small arms issue.

- At national level: coordinating within the recipient country between the Commission delegation, the missions of the Member States and of other donors and actors, the authorities of the host country and all relevant bodies, taking into account the mandates of the international organizations concerned, in particular the UN.

- At Community level: ensuring coherence of EU activities in the field of small arms, particularly with respect to the Union's Common Foreign and Security Policy. To this end, the Member States and the Commission will transmit all relevant information to the responsible Council bodies. The Council and the Commission will, in accordance with their mandates, take care of the implementation of their respective activities.

8. In order to assist the full implementation of this Resolution and to improve proper coordination, the Council, with reference to the Conclusions on Peace Building and Conflict Prevention, invites 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. The Council will review the progress made in implementing this Resolution on the basis of the Commission's reporting on the issue of peace building and conflict prevention, as requested by the November 1998 Council Conclusions, which should also include the aspect of small arms, starting in the year 2000.

Annex B: The *Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons*, adopted on 17 December 1998 by the Council on the basis of Article J.3 of the Treaty on European Union (1999/34/CFSP).

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992, which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas the excessive and uncontrolled accumulation and spread of small arms and light weapons (hereafter referred to as 'small arms`)[1] has become a problem of great concern to the international community and this phenomenon poses a threat to peace and security and reduces the prospects for sustainable development in many regions of the world;

Whereas the European Union welcomes the adoption and declaration of a moratorium on the importation, exportation and manufacture of light weapons in Ecowas Member States by the Authority of Heads of State or Government of the Economic Community of West African States (Ecowas) at its 21st session;

Whereas the UN Security Council adopted unanimously on 19 November 1998 Resolution 1209 (1998) on the situation in Africa, illicit arms flows to and in Africa;

Whereas the UN General Assembly addressed, in particular in Resolutions 52/38J on Small arms and 52/38G on consolidation of peace through practical disarmament measures, the problems caused by the destabilizing accumulation and spread of small arms;

Whereas the Group of Governmental Experts on Small Arms has been reestablished by the
Secretary-General in accordance with Resolution 52/38J, to continue the work already accomplished under the Panel of Governmental Experts on Small Arms;

Whereas the UN Economic and Social Council recommended that States work towards the elaboration of an international instrument to combat the illicit

[1] See Annex of the Joint Action

manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime;

Whereas the International Criminal Police Organisation (Interpol) is actively pursuing its efforts in the fight against the criminal use of firearms;

Whereas in the spirit of the 'Brussels call for action` and in the interest of upholding State responsibility to protect citizen security within a framework of good governance and integrated approach to security and sustainable development it is required to take comprehensive measures for the elimination of uncontrolled circulation of small arms;

Whereas the present initiative builds on, and is complementary to already existing EU initiatives, in particular the EU programme for preventing and combating illicit trafficking in conventional arms adopted by the Council on 26 June 1997 and the EU code of conduct on arms exports adopted by the Council on 8 June 1998;

Whereas the European Community has supported actions of demobilization and reintegration of former combatants and of weapons collection in the context of its humanitarian aid,
reconstruction and development cooperation policy,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

1. The objectives of this Joint Action 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.

2. This Joint Action entails the following elements:
   - building consensus on the principles and measures referred to in Title I,
   - making a multifacetted contribution as referred to in Title II.

TITLE I

Principles on preventive and reactive aspects

Article 2

The European Union shall enhance efforts to build consensus in the relevant regional and international forums (e.g. the UN and OSCE) and among affected States on the principles and measures set out in Article 2 and on those set out in Articles 3 and 4 as the basis for regional and incremental approaches to the problem and, where appropriate, global international instruments on small arms.

Article 3

In pursuing the objectives set out in Article 1, the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realization of the following principles and measures to prevent the further destabilizing accumulation of small arms:

(a) a commitment by all countries to import and hold small arms only for their legitimate security needs, to a level commensurate with their legitimate self-defense and security requirements, including their ability to participate in UN peacekeeping operations;

(b) a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorized to procure weapons on their behalf) in accordance with appropriate international and regional restrictive arms export criteria, as provided in particular in the EU code of conduct, including officially authorized end-use certificates or, when appropriate, other relevant information on end-use;

(c) a commitment by all countries to produce small arms only for holdings as outlined in (a) above or exports as outlined in (b) above;

(d) in order to ensure control, the establishment and maintenance of national inventories of legally-held weapons owned by the country's authorities and the establishment of restrictive national weapons legislation for small arms including penal sanctions and effective administrative control;

(e) the establishment of confidence building measures, including measures to promote increased transparency and openness, through

regional registers on small arms and regular exchanges of available information, on exports, imports, production and holdings of small arms, and on national weapons legislation, and through consultations between the relevant parties on the information exchanged;

(f) the commitment to combat illicit trafficking of small arms through the implementation of effective national controls, such as efficient border and customs mechanisms, regional and international cooperation and enhanced information exchange;

(g) the commitment to challenge and reverse 'cultures of violence`, by enhancing public involvement through public education and awareness programs.

Article 4

In pursuing the objectives set out in Article 1, the efforts of the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realization of the following principles and measures to reduce existing accumulations of small arms:

(a) the assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;

(b) the promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms, the demobilization of combatants and their subsequent rehabilitation and reintegration, such measures to include compliance with peace and arms control agreements under combined or third-party supervision, respect of human rights and humanitarian law, the protection of the rule of law, in particular as regards the personal safety of former combatants and small arms amnesties, as well as community-based development project and other economic and social incentives;

(c) the effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons, preferably under international supervision;

(d) the rendering of assistance through appropriate international organizations, programs and agencies as well as regional arrangements.

Article 5

The Member States will promote, where appropriate, in the context of resolving armed conflicts,

(a) the inclusion of provisions with regard to demobilization, elimination of surplus weapons and integration of ex-combatants into peace agreements between the parties to the conflict, into mandates of peace-support operations or other relevant missions in support of the peaceful settlement,

(b) the consideration of the possibility of making necessary provision for measures ensuring the removal of small arms in the context of demobilization by the UN Security Council in case the country or parties concerned are not in a position to comply with the relevant obligations.

TITLE II

Contribution by the European Union to specific actions

Article 6

1. The Union will provide financial and technical assistance to programs and projects which make a direct and identifiable contribution to the principles and measures referred to in Title I, including relevant programs or projects conducted by the UN, the International Committee of the Red Cross, other international organizations and regional arrangements and NGOs. Such projects might include, inter alia, weapons collection, security sector reform and demobilization and reintegration programs as well as specific victim assistance programs.

2. In providing such assistance, the EU shall take into account in particular the recipient's commitments to comply with the principles mentioned in Article 3; their respect of human rights; their compliance with international humanitarian law and the protection of the rule of law; and their compliance with their international commitments, in particular with regard to existing peace treaties and international arms control agreements.

Article 7

1. The Council shall decide on:
   - the allocation of the financial and technical contribution referred to in Article 6,
   - the priorities for the use of those funds,
   - the conditions for implementing specific actions of the Union, including the possibility of designating, in certain instances, a person responsible for its implementation.

2. The Council shall decide on the principle, arrangements and financing of such projects on the basis of concrete and properly-costed project proposals and on a case-by-case basis, without prejudice to Member States' bilateral contributions and operation of the European Community.

3. The Presidency shall, under the conditions set out in Article J.5(3) of the Treaty:
   - ensure liaison with the United Nations and any other relevant organization involved,
   - establish, with regional arrangements and third countries, the contacts needed to implement the Union's specific actions.

   It shall keep the Council informed.

Article 8

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.

Article 9

1. The Council and the Commission shall be responsible for ensuring the consistency of the Union's activities in the field of small arms, in particular with regard to its development policies. For this purpose, Member States and the Commission shall submit any relevant information to the relevant Council bodies. The Council and the Commission shall ensure implementation of their respective action, each in accordance with its powers.

2. Member States shall equally seek to increase the effectiveness of their national actions in the field of small arms. As far as possible, actions taken pursuant to Article 6 shall be coordinated with those of Member States and of the European Community.

Article 10

The Council will review annually the actions taken in the framework of this Joint Action.

Article 11

This Joint Action shall enter into force on the day of its adoption.

Article 12

This Joint Action shall be published in the Official Journal.

ANNEX[2]

The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification, and may be reviewed in the light of any such future internationally agreed definition.

(a) Small arms and accessories specially designed for military use

- machine-guns (including heavy machine-guns),
- submachine-guns, including machine pistols,
- fully automatic rifles,
- semi-automatic rifles, if developed and/or introduced as a model for an armed force,
- moderators (silencers).

(b) Man or crew-portable light weapons

- cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre,
- grenade launchers,
- anti-tank weapons, recoilless guns (shoulder-fired rockets),
- anti-tank missiles and launchers,
- anti-aircraft missiles/man-portable air systems (Manpads).

[2] of the Joint Action