

**Civil Society Conflict Prevention Network KATU**

**Report from the conference on**

**THE EUROPEAN UNION AND SMALL ARMS**

**8-9 October 1999**

**Helsinki, Finland**

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## *Foreword*

The Citizens' Security Council, KATU (in Finnish Kansalaisten turvallisuusneuvosto) was established in spring 1997 by more than 20 Finnish non-governmental organisations and research institutes in order to create a broad civic forum for conflict prevention and conflict resolution. KATU acts as a network combining the efforts of Finnish NGO's to prevent the outbreak and escalation of violent conflicts.

KATU organised together with Saferworld and International Alert a conference on The European Union and small arms during the Finnish EU Presidency on 8-9 October 1999 in Helsinki, Finland.

The conference discussed the following topics:

- Assessing the impact of Codes of Conduct
- Key challenges for small arms control in Central and Eastern European countries
- Implementing the West African Moratorium
- Controlling small arms proliferation in Southern Africa.

Altogether more than 50 representatives from European and African NGO's and research institutes as well as governments participated in the conference. The workshop discussed on various topics related to small arms both in the plenaries and in the small groups.

This book is the Final Report of the conference. It includes most of the speeches held in various sessions as well as reports from the working groups. We hope that this book is useful for its readers.

KATU wants to thank both the International Alert and Saferworld for their valuable help and assistance in planning and organizing the workshop, and the Ministry for Foreign Affairs for funding the workshop and the publication of this report.

Helsinki, December 1999

Anne Palm  
Secretary General  
KATU

Ms. Kirsti Lintonen, Under-Secretary of State, Ministry for Foreign Affairs, Finland

### ***OPENING REMARKS***

Mr. Chairman, Ladies and Gentlemen,

It gives me great pleasure to be present here today and to address this distinguished audience. The issue of this conference is most timely since the proliferation of small arms in recent years has contributed significantly to local and regional conflicts, especially in developing countries with the victims being increasingly part of the non-combatant civilian population. Small arms proliferation has become an issue only after the cold war as the threat of mass destruction has become almost obsolete and small-scale conflicts and small arms have been integrated in disarmament and conflict-prevention policies.

In developing countries small arms and light weapons have become major instruments in violent conflicts, they are used in the killings and wounding, serious human rights abuses, banditry and crime, and destruction of infrastructures; it is evident that availability and use of small arms increases insecurity and instability, undermining the basis for sustainable development

Intra-state and regional conflicts destroy development potential and impede the prospects for future sustainable development. For this reason the Finnish government and the European Union consider conflict prevention and peace-building cornerstones of today's development co-operation. Our goals can be summed up as follows: to increase widespread security, to eradicate worldwide poverty, to enhance human rights and democracy, to combat global environmental threats, and to increase economic interaction. The goals are inter-linked in many ways. Security is indispensable for economic advancement, and a proper human rights record makes it possible for the poorest people to take part in democratic decision-making and receive public health and education services, which in turn creates security.

Considering the security goal, it needs to be emphasised that long-term development efforts in creating economic and social ground and institutional capacity for peace and human security are required. Control of arms exports and of illicit arms trade are necessary regarding the accumulation of small arms, but not sufficient. Equally important is creating schools for young children, creating jobs for young men, creating conditions for satisfactory life, in order to prevent people taking up arms. In post-conflict situation demobilisation means finding a new role for ex-soldiers in society and teaching new ways of solving disputes and conflicts that will arise in the future.

The small arms problem is not just creating new international norms but, and more importantly, about full compliance with relevant international norms, including the laws of war, and about respect for human rights, including respect for minority rights; this means among other things that the availability of social services must be stretched to all ethnic groups, to rich as well as to poor. If human rights, including economic, social and cultural rights, are guaranteed non-discriminatorily, possibilities for lasting peace are created. In addition, weapons collection must be part of peace agreements, demobilisation programmes and post-conflict reconstruction.

Instruments available to us are bilateral development assistance and multilateral development

organisations. In a post-conflict situation co-ordination and integrated approach including peacekeeping, peace building, demobilisation programmes is needed.

These issues are widely discussed in the EU and have led to the European Union Joint Action on Small Arms and regional EU small arms initiatives, which will be discussed later at this meeting.

Finally, I would like to wish all participants success and fruitful deliberations at this important conference.

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Ms Eugenia Piza-Lopez, International Alert, UK

### ***THE ISSUE OF SMALL ARMS***

Owen Green has clearly outlined what we know of the problems associated with small arms and what achievements have been so far in trying to address the issue. We know that small arms are a social, political and economic problem confronting most nations and communities. While we acknowledge that small arms may not always be the cause of conflicts, they indeed play a central role in aggravating it. Whether we are talking about the use of small arms for the purposes of maintaining political power, ensuring social control through the abuse of human rights, or the security of territory and precious commodities, small arms are a phenomenon with severe consequences for the maintenance of stability, peaceful relations and sustainable development.

Today I would like to highlight some of the issues that, in our view, require further attention. We fully acknowledge the significant advances there have been in understanding the phenomenon and developing responses at different levels. We commend these advances and recognise the efforts made so far in tackling the challenges of small arms. However, we feel that there are three critical issues that require a leap forward if we are to enter the new millennium confident in our collective actions and commitment. These include: the development of real political will to go beyond discourse into serious implementation; the construction of a coherent, co-ordinated and above all comprehensive framework to address the problem and the recognition that there are significant gaps which merit further attention.

Let me start with the last point I raised. We need to accept that the global market for small arms is not limited to a few advanced industrialised countries. No one knows the magnitude of the international light weapons trade. It is estimated that almost \$3 billion are shipped across borders each year. The illegal trade is estimated at anywhere between \$2 billion and \$ 10 billion. These figures are being estimated for military type weapons only. The civilian market for firearms involves very large numbers.

What is truly frightening about these figures is the fact that demand, production and trade have now taken root outside the military and the state. Internal wars and conflict, rising crime and the surge among communities and individuals to arm themselves for personal safety or to

protect their business assets have set the stage for strong civilian, commercial and political demand. As stated by project Ploughshares, we have gone beyond the militarisation of civil conflict towards a demilitarisation of armed conflict and an arms race amongst civilians. Whilst the latter are the primary victims of the use of these weapons, they have also become the principal combatants. War, fighting and armed violence are no longer the prerogative of the state. Small arms are available to the unrestrained as well as the trained, the amateur and the professional alike.

Today we face a complex scenario where the trade in small arms runs from legal transfers at one end of the spectrum to gun runners, clandestine arms trafficking networks and impoverished communities and individuals who survive of petty trade. These operations are far more lucrative than any legal employment in the commercial and government sectors. The reality today is that arms merchants, dealers, middleman, politicians and military officials engage in deals that operate on a number of levels ranging from the legal and quasi-legal to nowhere near legal.

This reality poses two major challenges for policymakers. On the one hand, the need to gain a greater understanding of what is still one of the least understood of the world's big businesses. Greater efforts and resources are needed to go into understanding the trade roots, looking at the impact on local and national economies and the implications of all of these for policy development and action. The political economy of light weapons is still a mystique for most of us. These responses are at best too narrow and fragmented, and at worst inappropriate and damaging in the long term. The second challenge is the development of policy and responses that go well beyond arms control efforts and action by governments and international organisations. There is a real need to address the amorphous reality called non-state actors whether we talk about organised guerrilla groups, private military and security companies, illegal traffickers or ultimately dissatisfied communities who take up arms. No longer should we treat this problem in isolation. The boundaries between actors, between licit or illicit, between criminality and legality, between profit making and survival are increasingly blurred.

The responses required involve a redefinition of development with significant changes to macroeconomic policy, a willingness to tackle the loopholes in global banking and financial transactions, a commitment to address the basic needs of populations, serious efforts towards the conversion of war industries, the development of programmes to tackle youth violence and the establishment of masculinity, and the recognition that arms control and gun control are indivisible, to name only a few. For much of the above there are already policies and frameworks in place. We need the political will and the commitment to implement them. For other issues we need to go beyond our own frameworks and start rethinking and challenging our assumptions. Time is too short for the millions of people killed every year, for those who flee their homes avoiding slaughter or those who died at home in the hands of their loved ones.

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Ambassador Pasi Patokallio, Finland

## ***IMPLEMENTATION OF THE RECOMMENDATIONS OF THE UN PANEL ON SMALL ARMS BY THE EUROPEAN UNION***

It gives me great pleasure to participate in this timely conference organized by three prominent NGO's, our own Citizens' Security Council, or KATU for short, Saferworld and International Alert. I am particularly pleased to see my old friend and comrade-in-disarmament Anne Palm as the key organizer. I am also happy to spot Owen Greene here. Owen is not only a familiar NGO face on the small arms scene. He is an interface with governments, having just served as consultant to the UN Group of Governmental Experts on Small Arms of which I was a member. He did a very good job indeed.

I was invited here in my recent capacity as member of that UN Panel. The Panel concluded it's year and a half of work at the end of July by adopting unanimously it's report to the Secretary-General. Over the next few weeks, the report (document A/54/258) will be considered by the UN General Assembly in it's First Committee.

Unanimity was no mean achievement, as Owen can also tell you. Experts on the Panel represented 23 different countries, from all over the world. All five permanent members of the UN Security Council were on the Panel, as were most major non-aligned States. The EU was represented by experts from six member states (Belgium, France, Germany, Sweden, the UK, and my own country, Finland). And the EU made a difference on the Panel. Our shared views are reflected throughout the report, not always fully but that is the price of consensus. This is because we worked well together and had a lot to fall back on in terms of earlier EU work (the Programme to Combat Illicit Trafficking of Small Arms, the Code of Conduct for Arms Exports and the Joint Action on Small Arms).

The EU has been up front on this issue in the UN for quite some time, pushing a comprehensive view of and a comprehensive approach to the problem of small arms and light weapons. Any sensible approach to this complex problem must be multifaceted; disarmament, development and law enforcement are all needed to deal with it and its awful human consequences. Small arms are a human security issue.

The focus of the present conference is on action at the regional level, particularly in Africa. This is indeed a key level of action. Practical measures that make a real impact on the ground are best taken regionally, sub-regionally, nationally and even subnationally (the Gramsh Pilot Project is an example). But – and I would like to emphasize this – the global context for all these regional and national efforts is also crucially important. That means UN involvement more than anything else.

Excessive and destabilizing accumulation of, and proliferation of small arms and light weapons is, after all, a global phenomenon even if its impact is mostly felt at the regional level, and in some regions much more than in others. The global reach of the problem is what the UN Panel's report also makes very clear.

I have therefore taken the liberty of amending the title of my presentation from what the organizers suggested. I will focus on the implementation of the Panel's report but not in the EU but by the EU, with particular reference to action at the global level, within the UN.

This may sound conceited but the truth is that the EU itself is not really in need of implementation of the Panel's recommendations. They often demand much less than what we do already. The price of consensus again.

The EU is a major player on this issue in the UN and should be so also in the future. I will outline what the EU, in my personal view, should focus on in a moment. Before doing that, however, I would like to remind you that there is another major player on the global scene which is very important but which, for some reason, does not seem to rate a mention here. I am referring to the United States. The US is taking an increasingly active interest in the issue of small arms within the UN and outside it, particularly in Africa. Secretary Albright spoke on the issue some two weeks ago at the Security Council. She will also raise it during her trip to Africa later this month. The EU and the US are already working closely together to co-ordinate their approaches. In my view, the EU-US co-operation is a key axis that can really shape action on this issue at the UN and elsewhere.

Now! What needs implementing at the global level as far as the Panel's recommendations are concerned? Where should the EU (and the US) make a push, make a difference?

I see two global processes as our prime fields of action.

One is the on-going negotiations in Vienna on a Firearms Protocol under the prospective Convention against Transnational Organized Crime. The negotiations are well under way and the target date for completion is the end of the year 2000. This is the law enforcement part of dealing with the problem. Trafficking in small arms is a crime just like any trafficking.

The other global process takes place in the context of disarmament. I refer to the International Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held under the UN auspices sometime in 2001. I will concentrate the rest of my comments on this upcoming conference since the UN Panel was requested by the General Assembly last year to consider also issues relating to this conference, and the Panel's report does that.

More importantly, the EU (and the US) believe that this UN conference should be the focal point in international efforts to combat the destabilizing accumulation and spread of these weapons.

The UN Panel agreed on recommendations as to the purpose and objectives of the conference. The purpose is to develop and strengthen international efforts to prevent, combat and eradicate the illicit trade of these arms in all its aspects. As far as the EU is concerned, the stress is on "all its aspects". In other words, the scope of the conference should not be limited to violations of legislation or export/import controls. Such a limitation would simply make the conference duplicate the work in Vienna. All relevant factors leading to the excessive and destabilizing accumulation and proliferation of these weapons should be considered. At issue are also legal transfers in so far as they contribute to diversion to illegal ends. Also covert transfers by governments to non-state actors should be considered.

The Panel's report sets out four objectives for the conference:

- 1 Development or strengthening of norms at global, regional and national levels. From the EU perspective, global acceptance of a norm such as the EU Code of Conduct on Arms Exports would be desirable, although probably not attainable.



- 2 Development of measures to implement these norms as principles. The Panel's report lists measures such as marking weapons and suggests a UN study on the feasibility of establishing reliable and cost-effective ways to do so. The Panel also proposes that an already agreed-upon UN study on the feasibility of restricting the manufacture and trade of small arms and light weapons to authorized manufactures and dealers, be completed in time for the 2001 conference and be extended to cover middle-men, brokering activities as well.
- 3 Mobilization of political will, and raising of awareness throughout the international community. Here I believe that NGO's can play a very useful role before and at the conference. The Panel specifically recommends that representatives of civil society be provided opportunities for presentations at the preparatory committee of the conference. The EU would have been prepared to provide even more access to the NGO community but ran against stiff resistance on the part of some influential non-aligned States. It is somewhat ironic that these same non-aligned States argue forcefully for NGO access to discussions on nuclear issues, such as the NPT. But of course nuclear weapons tend to be other people's weapons unlike small arms which every state has.
- 4 Promotion of responsibility of States with respect to small arms transfers. The EU certainly thinks that these weapons should not be transferred to irresponsible governments such as those who would use them to violate human rights, engage in acts of aggression or otherwise act in violation of international law.

It is very important that any agreements reached at the conference be codified in a politically or, preferably, legally binding instrument, together with an action plan. Curiously again, the same key non-aligned States were very reluctant to commit themselves to say anything about the nature of the end product of the conference. The EU will certainly be pressing for tangible results.

This brings me to my last point: the discrepancy between ideology and reality. Based on my experience as a member of two successive UN panels on the subject of small arms, I am worried that the 2001 conference could well run into trouble already in its preparatory phase if certain attitudes persist. There is an ideological tendency on the part of some non-aligned States to attribute the whole problem to the supply of these weapons by predominantly Western suppliers. That is certainly part of the problem. At the same time, it is the part of problem where action is being taken by the EU (and the US). But Western supply is certainly not the whole problem. Suppliers nowadays span the globe, from Brazil and China to Egypt and Pakistan, to name a few. Earlier supply and leaking stockpiles also play a role. And most importantly, demand from States and non-State actors engaged in civil conflicts, seeks supplies from whatever source is willing to provide them. This is the reality.

Instead of engaging in the blame game, these non-aligned States too should recognize the problem for what it is: a common problem. Many sorry stories come out of Africa, but the issue of small arms in Africa, or at least parts of it, offers also hope and determination to deal with the problem in a pragmatic and cooperative spirit. That same spirit is also needed at the global level when the international community is preparing for the UN conference in 2001.

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Mr. Alberto Estevez,  
Military, Security and Police Transfers Co-ordinator  
Amnesty International, Spanish Section

## ***STRENGTHENING THE EUROPEAN UNION CODE OF CONDUCT ON ARMS EXPORTS: 1999 ANNUAL REVIEW***

### **1 EU Arms Transfers**

According to SIPRI's<sup>1</sup> 1998 yearbook, six out the ten main arms exporters worldwide between 1993 and 1997 were EU Member States (UK, France, Germany, Netherlands, Italy and Spain). Sweden appears in place n. 14th and Belgium in n. 18th.

<b>MAIN EXPORTERS OF CONVENTIONAL ARMS</b> <i>(in 1990 US million dollars)</i>							
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<i>Place</i>	<i>Country</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>Total</i>
1	USA	12,504	10,434	9,823	9,528	10,840	53,129
2	Russia	3,541	1,117	3,218	3,904	3,466	15,246
3	UK	1,585	1,506	1,726	1,975	2,631	9,423
4	France	898	704	811	2,004	3,343	7,760
5	Germany	1,562	2,392	1,255	1,399	569	7,177
6	China	1,108	687	887	679	170	3,531
7	Netherlands	351	502	381	440	504	2,178
8	Italy	353	289	338	393	408	1,781
9	Canada	220	365	434	239	81	1339
10	Spain	94	260	120	117	639	1,230

(Source: SIPRI's 1998 yearbook)

Generally speaking, despite some encouraging steps taken in the past few years, this trade continues to be characterised by a lack of transparency and parliamentary control.

### **2 The EU Code Review**

On 8th June 1998 the Foreign Affairs Ministers of the European Union agreed upon a Code of Conduct on Arms Exports. NGO's welcomed this move as a first step towards the development of a common, coherent and responsible policy on arms transfers by the EU Member States.

Nevertheless, the agreement fails to provide full respect for international humanitarian law and falls short of establishing adequate EU mechanisms and procedures for Member States to take co-ordinated action to effectively monitor and control transfers by the Member States and their nationals of military, paramilitary and security equipment and services. There is no explicit obligation to prohibit transfers to forces which would most likely use them to seriously violate

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<sup>1</sup> SIPRI (Stockholm's International Research Peace Institute) only counts exports of heavy weapons. Thus, it does not take into account light weapons or small arms, or spare parts, or complements.

international humanitarian law (which sets out the rules of war). Moreover, there are virtually no provisions to address the current deficiencies in most EU Members States' arms control regimes, such as the failure to strictly regulate international arms brokering and licensed production agreements, or to adopt rigorous systems of certifying and monitoring end-use. Finally the Code, as agreed, contains no provision for parliamentary or public scrutiny over arms exports from the EU and thus does little to foster greater transparency and accountability over the arms trade across Europe as a whole. We hope that these omissions will be rectified in the EU review which is currently being carried out by the EU Council of Ministers Arms Working Group (COARM) during the Finnish Presidency of the EU if the Code is to achieve its aims of high common standards in management of and restraint in conventional arms transfers<sup>2</sup>.

One of the main concerns refers to term "internal repression" used in the Code of Conduct, because it is used as a summary term and defined without reference to the obligations set out in international humanitarian law - which has been primarily designed to protect those not actively participating in hostilities during both international and non-international conflicts. EU governments could thus claim that the Code as currently worded allows them to authorise arms transfers to recipient forces even if they are likely to commit breaches of humanitarian law in the context of an internal armed conflict. This wording may also allow governments to send arms to those forces even if they are likely to be used to abuse human rights and violate humanitarian law outside their own borders, for example, when serving in other countries or during cross border attacks against their own nationals who have fled internal fighting. Since very many of the worst atrocities and repressive acts are committed in the context of armed conflict, these are serious flaws in the wording of the Code and should be addressed as soon as possible.

The examples of actions which would constitute internal repression have been extended to include "torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions". This particular wording is a welcome inclusion. However, the EU governments should clarify that the term 'internal repression' will mean 'violations of international human rights standards and/or humanitarian law'.

### *Legal status of the Code*

It was disappointing that the Code was adopted as a Council Declaration (under the Common Foreign and Security Policy -FCSP-). This kind of agreement is politically but not legally binding, and has not been sufficient to guarantee a common approach to arms exports by the 15 EU Member States. This means that the need for parliamentary scrutiny has become even more pressing. EU governments must be held accountable for the way they implement the Code of Conduct. Given the lack of legal instruments to do so, this means that the full public disclosure of the Consolidated Report is all the more important.

Yesterday, the European Parliament (EP) passed a resolution calling on the Council to ensure that the Consolidated Report is made public in full and discussed by the EP. It also called for an early adoption of a common control, list of MSP and dual-use equipment and services to which the Code criteria should apply, for the Code to be applied to licensed production, for

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<sup>2</sup> For further information, see the report "THE EU CODE OF CONDUCT ON THE ARMS TRADE: FINAL ANALYSIS", prepared by Amnesty International, BASIC, Christian Aid, Oxfam, Saferworld, World Development Movement in June 1998.

Member States to use multilateral consultations concerning approvals and denials of arms exports. The Resolution also urged the EU associated countries to implement the Code.

### **3 Transparency and Accountability**

According to the Code, the national reports, which are submitted, should be circulated amongst the Member States in confidence and discussed at a meeting under the Common Foreign and Security Policy (CFSP). The text also states that a Consolidated Report is to be produced and submitted to the Council of Ministers.

The lack of commitment to transparency in the Annual Review process is a major concern. UK Foreign Secretary Robin Cook has previously stated that: “An informed public debate is the best guarantee of responsible regulation of the arms trade“.

Transparency is indeed an important component of an effective arms control regime. If governments are to be held accountable for arms exports, then parliamentarians and the public have a right to know to what is being sold and to where. All EU citizens are entitled to the highest standards of information from their governments on the implementation of their arms export policies.

### **4 Strengthening the Code and losing its loopholes**

EU officials and ministers met in Brussels on 21 September to assess the Code’s first year. We welcome the recent news that the Consolidated Report will be made public. In the coming weeks and until the next COARM meeting in late November, EU NGOs will be urging EU governments to conduct a full and transparent review of the Code of Conduct in practice and to make a clear commitment to close those loopholes which threaten to undermine the effectiveness of the Code.

The Annual Review offers EU Member States the opportunity to put forward proposals for closing loopholes and strengthening the weaker elements of the Code’s operative provisions. During the Code’s first year, these weaknesses and loopholes have threatened to seriously undermine the working of the Code and have allowed unscrupulous arms manufacturers and traders to circumvent national and EU-wide controls. In a paper made public in September, NGO’s, including Amnesty International, have made the following key recommendations to the EU Member States:

#### ***Structure of the Annual Review Process***

The first Review is likely to establish precedents for the future and so it must be as comprehensive and transparent as possible. However the omens are not good: guidelines for the conduct of this review remain vague and the whole process seems shrouded in secrecy.

The Review will center, in large part, on the information submitted by the Member States in the national reports, which they are required to produce under the terms of the Code. However guidelines for the formulation and scope of these national reports is unclear. These reports must be as detailed as possible.

At a minimum, the Review must involve systematic and detailed information exchange of the following:

- \* Export licences granted and denied for all military, security and police (MSP) equipment<sup>3</sup>, arms and dual-use goods;
- \* Transfers of MSP equipment, arms and dual-use goods during the year under review;
- \* MSP training and personnel transfers sanctioned by national governments over this period;
- \* Bilateral consultations on export licenses denied;

In order for the review to be meaningful, it is important that the process moves beyond the required (and essential) information sharing, and also critically assesses the impact and effectiveness of the Code of Conduct over the past year. This includes the following:

- \* Review of the application of the Code of Conduct and implementation of the criteria;
- \* An assessment of the operation of the information exchange and consultation mechanisms;
- \* An identification of relevant issues, problems or mechanisms requiring further examination or coordinated action in the forthcoming year;

The results of these deliberations, along with the information produced in each national report, should then be included in the publication of a comprehensive consolidated report.

The latest draft of the Consolidated Report does not provide much information. E.g., regarding statistical data, it just details the total no. of licenses granted by each EU Member State, the number of denials and bilateral consultations. Ideally, the Report should include details on the no. of licenses granted and denied, as well as the reasons for so doing in accordance with the Code's criteria, a detailed list of the products, including the companies involved, the amount of each sale and the destinations.

**End Use Monitoring:** End use agreements should have the status of a legally binding contract. This should include a clause which would result in the breaking of the contract if the goods are found to be used for proscribed purposes (such as the violation of human rights) as set out in the agreement. A comprehensive system of follow up checks should also be provided for within the contract to ensure that exported goods are not misused by their stated end-user, or are not being diverted, or re-exported. The Defense "attaches" in the embassies of the EU Member States in the destination countries could very well deal with this task, e.g.

Current procedures for establishing and monitoring the end-use of arms and security equipment transfers from the EU are woefully inadequate. The use of false end-use certificates is not uncommon, and there is little, in current certification requirements, which would prevent irresponsible end-users from using arms for proscribed purposes.

The case of East Timor illustrates the failings of the present national and regional end use monitoring regimes.

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<sup>3</sup>Military, Security and Police (MSP) equipment, arms and dual use goods is an inclusive term covering a range of items such as attack helicopters, armored personnel carriers, small arms and light weapons, riot control equipment, chemical irritants, kinetic weapons, restraint technology, communications equipment.

### *Finnish bullets*

During a May 1999 research mission to Indonesia and East Timor, Amnesty International collected the casings of bullets which were found following a paramilitary militia attack in the Dili area on 17th April 1999. These bullet casings were later analyzed and found to have been manufactured by the Finnish company Patria Lapua Oy. The Finnish government has in the past admitted granting export licenses for ammunition to the Indonesian security forces. But how did such ammunition fall into the hands of paramilitary groups?

### *UK Hawk jets*

On 15th July 1999, the Chief of the Indonesia Armed Forces admitted that a British-made Hawk jet flew over Dili twice, despite assurances given over the years by the Indonesian authorities to the British Government that British supplied military equipment would not be used in East Timor. The use of the Hawk jets occurred in the context of a systematic campaign, in which there was clear support from the Indonesian authorities, to intimidate the people of East Timor. Further flights of Hawk jets over East Timor have subsequently been reported.

Previously in June 1999, Geoff Hoon, now a Foreign Office Minister, reportedly acknowledged in a parliamentary answer that “no formal mechanisms exist at present for systematically monitoring the use of British defense equipment once it has been exported“.

Spain sold over 4,000 pistols to Indonesia in 1997. The lack of proper end use controls does not allow to establish whether they have been used in the recent crisis in East Timor or whether they are being used by the TNI or the Indonesian police in other areas of Indonesia such as Irian Jaya or Aceh, where there is a pattern of serious human rights violations.

These cases illustrate the inadequacy of the end-use follow up mechanisms, which are in place in many EU Member States. Measures must be put into place immediately to ensure that weapons are never misused by the customers or diverted to other end-users.

***Licensed Production:*** Licensed production, the system where one company enables a company in another country to manufacture its products under license, is increasingly supplementing or even taking the place of direct exports of military, security and police equipment and weaponry. In many EU countries such licensed production agreements are inadequately controlled or not controlled at all. The effects of such paucity of control are deadly.

EU Member states should not allow the licensed production of MSP equipment where there is a risk that this equipment will be transferred to sensitive and proscribed end-users. Beyond this, the EU Member States should introduce US-style extra-territorial powers (which prohibit the re-export of US technology without US government consent) in order to discourage recipients from engaging in the unlicensed transfer of military, paramilitary and security technology imported from the EU.

Once again East Timor illustrates our concerns.

### *Licensed production of Belgian assault rifles*

Hundreds of unarmed women, men and children have reportedly been wounded or killed by pro-Indonesian paramilitary groups, the TNI and the Indonesian police in East Timor over the last few weeks. Amongst the weapons of choice, used by these forces to carry out grave human

rights abuses, are assault rifles. According to Janes Infantry Weapons 1999-2000 an Indonesian company, PT Pindad of Bandung has established a factory manufacturing SS1 5.56mm assault rifles, which are, licensed copies of the Belgian FN Herstal FNC rifle.

In view of the fact that such licensed production arrangements can often result in the establishment of new centers of production of MSP equipment over which the licensing government can have little or no control, these agreements must be subject to greater restrictions than are standard export agreements.

### ***Control List:***

Member States have yet to establish a common list of equipment to which the control regime would apply. The definition of such an agreed military, security and police control list is a vital element needed to turn the EU Code of Conduct into an effective operational system. Since June 1998, a technical group including representatives from all Member States has been working on the development of a common control list. By the end of the German Presidency in July 1999 the Member States had moved close to an agreement on a list which is split into two parts. One part will contain purely military items and will be very close to the Wassenaar Arrangement Military List, which has already been agreed by the Member States. The second part will contain equipment, which is used for internal security purposes. All of the equipment on both the military and non-military lists will be subject to the same denial notification and consultation mechanisms under the Code of Conduct. Whilst these initiatives are to be welcomed the delay in agreeing the comprehensive control list is deeply regrettable.

The control list must encompass the full range of military, security and police equipment, weaponry, training and personnel transfers. There must also be a prohibited weapons and equipment list. Such a list would cover those items for which manufacture, promotion, marketing, transfer and use would be prohibited. The list of such equipment would be updated frequently but would cover equipment solely used for executions or for carrying out torture or cruel, inhuman or degrading treatment (such as electroshock belts, leg irons and shackles) and weapons banned under international human rights or humanitarian law such as antipersonnel land mines (APMs) equipment solely used for executions or for carrying out torture or cruel, inhuman or degrading treatment (CID). Thus, EU Member States would be honoring their commitment to do their best to abolish the death penalty all over the world.

Regarding this, we welcome the recent initiative of the UK government, according to which the UK intends to ban torture equipment. We hope that this is also extended to death penalty equipment and the other EU Member States adopt this measure.

### ***Brokering:***

A major weakness in the EU Code is the omission of any reference to controls on the activities of EU arms brokers and shipping agents. These are companies or individuals who organize or are involved in the transfer of arms from third countries to their customers, without the weapons touching EU soil. Although some states such as the USA, Sweden and Germany have regulations which control the activities of arms brokers, the vast majority of EU states do not, leaving the brokers free to ply their trade virtually as they please. In the past such brokers have organized the supply of electroshock batons to torturing states and have arranged the provision of arms to Rwandese forces committing genocide.

More recently EU brokers have been linked with arms shipments to Eritrea, where civilians have become increasingly caught up in the escalating hostilities with Ethiopia.

All MSP equipment categories must be brought into the brokering control system. The brokering of torture, CID and death penalty equipment, and antipersonnel landmines, should also be banned. EU controls should apply to all EU passport holders where ever they live, and to any company or individual resident or registered in the EU. All EU member states should require nationals who are arms brokering agents to register as such and to publish their audited accounts relating to arms trading. Agents who break laws regulating arms exports or deliberately supply misleading information about their arms transactions should be prosecuted and banned from any further arms brokering.

***Consultation and no undercutting mechanism:***

The tired old argument used against tougher national export controls has often been “well, if we don’t sell, someone else will“. The crux of the EU Code, therefore, is what happens if one EU Member State wants to take up an export which another Member State has refused. Unfortunately the EU Code only requires the undercutting country to consult with the country, which originally denied the license, and not with all the other EU Member States. This will inevitably lead to a lack of consistency in the implementation of the Code. It will be impossible for Member States to develop a common picture of export policy, as countries will be able to undercut each other virtually in secret.

Member States should adopt a “no-undercutting without serious and in-depth consultation“ rule. This must include 30 day advance notification of an intention to undercut a denial issued by another Member State, during which time the undercutting Member State should engage in serious and effective multilateral consultation with ALL other Member States.

***Prior Parliamentary Scrutiny:*** EU governments should produce a register of all licenses applied for, in advance of those licenses being granted. This should be made available to national parliaments. At the least Member States should allow a Parliamentary Committee to scrutinize sensitive export applications before the licensing decision is taken.

Several EU Member States exporting arms have established structures allowing parliamentary control of this trade. Thus, for example, in Sweden, a committee consisting of representatives of all political parties currently represented in Parliament meets with government officials every month and is provided with information on export licences. It can ask questions and raise objections to individual exports before they are authorised. The opinion of this council is advisory and the government reports to it the next month about the decisions taken concerning exports. On the other hand, US legislation obliges the Administration to report to Congress any export licences: companies intending to export arms for an amount above 14 millions US dollars have to notify Congress at least 14 days in advance. This legal requirement does not seem to have had any detrimental effect on US companies when competing in the global arms market.

The secrecy surrounding arms exports cannot be justified by alleging commercial confidentiality or administrative costs, if there is a clear risk that the exports may be used to carry out indiscriminate or arbitrary killings, torture, taking of hostages, mutilation, or otherwise committing of serious human rights violations; or if there is risk that they undermine essential principles of international law. In this case, we are not dealing with ordinary civilian



or consumer products, but with the export of materials and services designed to kill or injure which, therefore, can be easily misused. The NGO's working to promote further control of small arms consider that before a contract is made there should be enough information about the receiver of the transfer so that a proper evaluation of the impact of the transfer in terms of human rights, the population of the receiving country and its development. There should be an assessment on the human rights impact of each proposed transfer. This assessment must include reports on the patterns of use of similar equipment of military, security and police transfers, especially in those cases involving sensitive destinations and sensitive kinds of equipment, be they expensive or high-tech or not. Any proposed transfer should be referred to the national parliament of each Member State for its binding approval or refusal. The European Parliament should be given the possibility to debate the annual report of the arms exports of all the 15 Member States provided for in the Code of Conduct on arms transfers adopted by the European Union in 1998.

Out of the available data, the governments of the EU Member States appear to be more interested in economic arguments than in the possible consequences on the human rights of the population of the countries receiving the military, security and police transfers. It is worth reflecting on who is protected with this alleged "commercial confidentiality". The arms industry has a wide range of sources at its disposal: specialised magazines such as *Jane's Defence Weekly*, *Military Technology*, etc. and several private bulletins of the industry. The industry itself and the national governments are usually aware of which companies have obtained particular contracts, even when they are supposed to be confidential. As a result of such "confidentiality" clauses, only MPs and the public opinion are "protected" from having access to this information. In any case, it is odd that the level of transparency of some companies be higher than that of the government, since many of them report in their annual yearbooks ongoing negotiations with specific countries mentioning the products they offer. Countries such as the USA provide this information without its appearing to have a negative impact on the commercial operations of its companies. In Finland, e.g., any arms exports licenses exceeding the sum of half a million Finnish marks are made public. Despite the lack of a formal parliamentary mechanism of accountability and scrutiny, the Finnish government immediately provides information on arms exports to MPs upon request. The individual application for an export license from a company is public once the application has come to the Ministry of Defence and they are included in the government's database. As soon as a decision is taken, all details about export licences are made public.

## **5 How to encourage other countries to adopt the EU Code**

Several countries, including EFTA and EU Associated Countries as well as Canada, have pledged to observe the Code's criteria. We welcome this development and hope that they enact adequate legislation to reflect this commitment and implement the EU Code. Discussions should be started with these countries as to how they be brought into the information exchange, consultation and review mechanisms of the EU Code. A possible step forward would be the adoption of the EU Code by OSCE Member States, especially since a Code similar to that of the EU is being, once again, currently discussed by USA. This could be a major step forward towards compliance with Article 26 of the UN Charter, thus complying with Article 26 of the UN Charter, which calls for "the establishment of a system of regulation of arms". Last year in Rome, we saw the adoption of the International Criminal Court's Statute, something that human rights activists have long called for and which was prevented by the Cold War. Despite its shortcomings, it a step forward and we hope that a similar process will take place in the coming years as far as the arms trade is concerned.

## 6 Conclusion

One year ago as the EU Code of Conduct came into being in Brussels, the world looked on in horror as the consequences of previous European arms exports to Suharto's repressive regime in Indonesia were being played out on the streets of Jakarta. One year on, EU ministers and officials meet in Brussels to discuss European arms control measures. And now once again the legacy of European arms transfers to Indonesia is being felt, this time by the people of East Timor. Now as hundreds of East Timorese lie dead or wounded and hundreds of thousands flee, we see how European weapons have been put to the service of human rights violators. It is time to say enough is enough.

A transparent Review of the EU Code including publication of the Consolidated Report will be essential to reassure EU parliaments and the public that their governments are ceasing directly to furnish regimes such as Indonesia with the tools of repression. Despite the existence of the EU Code, transfers of arms involving EU companies and individuals to human rights abusers and countries suffering conflict still cannot be ruled out. Urgent action to close the loopholes around licensed production, end-use monitoring and arms brokering will be essential if the Code's aims of "high common standards" are truly to be met.

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Mr. Jan Wahlberg, UNDP, Albania

### ***Weapons for Development: The economic, social and political context***

As many of you will know, Albania has had a very rough transition period. Political instability finally culminated in widespread rioting, looting and destruction of public buildings including the looting of weapons and ammunition from military depots. After considerable pressure from the international community President Sali Berisha resigned and new general elections were held in June 1997.

The reason for the looting of military depots in March 1997 is not entirely clear. There are quite a number of theories ranging from the conspiratorial to plain mob-psychosis. What is more clear is that normal law abiding people were reluctant to give up their weapons after the crisis. This was to a large extent due to the very confrontational party politics, which created a very real sense of insecurity. Political instability also suggested economic uncertainty and the weapons clearly represented monetary value. Certainly the district of Gramsh and, particularly the outlying communes, are poor and have few economic opportunities. Unfortunately the political climate in Albania has continued to be extremely confrontational, and in addition the situation in Kosovo added to the feeling of insecurity.

People are of course not inherently violent in Albania but they do have a Mediterranean temperament, which does flare fairly easily and with weapons readily available the temptation to settle scores this way is always present. However, there has been strong pressure from the international community for Albania to radically improve the law and order situation in the country and one of the obstacles cited has been the prevalence of arms among the civilian population. This message is slowly reaching everyone and the climate for accepting a return of

weapons has improved. A slowly improving political climate as well as a general recognition that arms cause trouble are now contributing to an improved climate.

### **The Incentive Question**

One could rightly ask why we need to provide incentives for law-abiding people to return weapons they stole from army depots. Shouldn't a general amnesty be enough? I guess the obvious answer is that an amnesty should be enough. However, the reality in Albania compelled us to look at alternative collection methods. The Government initially had two strategies. One was a forced house to house search by a specifically established para-military force and a price-tag for this operation was put at USD 10million. The second strategy was a straight-forward buy-back programme. During our negotiations with the Government we rejected both these options. A forced collection programme was clearly not something the United Nations wanted to be associated with and a buy-back programme would, in our opinion, have been morally unacceptable by rewarding individuals who knowingly had committed a criminal offence, i.e. stealing state property, while law-abiding citizens would have received nothing. Not only would this option be morally questionable but also it would in all likelihood have created a secondary market for weapons and it would have sent the wrong signals to the population.

But given the Albanian situation, its past history and the very real poverty that exists in the country as well as a general distrust of the state and central authority, it was felt that a programme which offers collective benefits in return for collective responsibility (i.e. the return of weapons and ammunition) could be justified. It was also important that such a programme be administered at least initially, by an international organisation to give it credibility and transparency in the eyes of the local population.

### **The Development Programme**

Once we had decided to support development projects in return of the weapons the big question was: Is this a disarmament programme with a development incentive or a development programme with a disarmament component. Both are in our opinion possible options but in our case there were two factors, which guided our approach. First we simply did not have enough funds, nor the time to engage in a full-scale area development programme and secondly we had right from the beginning approached the whole issue as a disarmament problem, an effort to demilitarise the population. But if you do offer development incentives, i.e. road repair, school rehabilitation, water supply programmes etc., you cannot do only the left side of the road or half a window in the school building. Whatever is agreed on must make sense from a development point of view.

Not only that, but the communities you are working with must understand this aspect and the public awareness component of our project has been a very critical element. And I am sure must be a critical element in any similar project. Some of the problems we run into were the setting of priorities. Since we of course only had limited resources allocated for the development programme there was some disappointment among the commune leaders who had hoped that our intervention would solve all their problems. And quite a number of local leaders saw the programme as a possible source of added income. In fact some local leaders felt that they were doing us a favour by participating in the programme and therefore felt that we were obliged to respond to any request they made.

For us transparency was critical and we made every effort to follow internationally accepted procedures such as pre-qualifying local contractors, tendering and bidding processes through

our local contracts committee. This of course created inevitable delays and in fact the lag time between the collection and the start of the agreed upon development project was a cause for concern for many commune leaders who weren't sure about our sincerity. In the end I believe that we were able to convince everyone that we would deliver on our promises. But it goes to show that building trust with the communities is an important, if not a critical part of the work, and again, I want to repeat the importance of a public awareness programme that really reaches out to the grass roots level.

Ideally a programme like ours should not be working in isolation from other development efforts. We have suggested to the Government that rather than expecting the donor community to put up additional funds for specific micro-disarmament programmes, it might be a good idea, particularly in Albania, to link normal investment programmes such as the World Bank, EU, bi-laterals etc, even investment programmes funded by the state budget with a weapons return "clause". This, however, has not yet found very fertile ground in the Government.

Finally a quick word on contractors. The "development incentive" is not only the road or the school etc. It is also providing work for local contractors and particularly unemployed youth, although it may only be temporary relief.

## **Security**

One critical element of the project is the question of security. One of the lessons learnt in Gramsh, is that you cannot work unless there is close collaboration both with the local Police and with the Army. The relationship with the local Police was in our case particularly critical. We realised that people in outlying areas needed to feel that the Police would be able to provide support if needed. Consequently our project provided three cars to the local police and our biggest "development" effort was to establish a basic telecommunications network between all communes and Gramsh Municipality.

Again in the case of Albania, the relationship with the Albanian Ministry of Defence was very important. Not only were the collected weapons legally state property but we also wanted to strongly urge destruction of at least some of the weapons, both for symbolic but also for practical reasons. In the event, the EU approved Euros 500,000 for project activities to be released in slices upon verification that a certain number of weapons had in fact been destroyed. Unfortunately the numbers mentioned were far in excess of what we had estimated as a "best case scenario", and we are now in the process of renegotiating with the EU.

## **Conclusions**

Success of the Gramsh project is difficult to measure properly. We did receive a reasonable amount of guns and ammunition, but we have no idea how much is left. The crime rate has gone down considerably, but for how long?

It is quite possible that Albania is a unique case given the manner in which the population obtained the arms. There were no freedom fighters or guerrillas, just the ordinary people who for some reason were totally frustrated with the state. We had therefore no Commander or leader to negotiate with. Nor did we have any idea of how many weapons were actually circulating among the civilians. Nevertheless, I strongly believe that we have been successful, not only in collecting x number of weapons, but perhaps more importantly in educating the people on the dangers a militarised civilian population introduces into the normal development process of a country, and particularly a country with a history as dramatic as Albania'. In addition, I believe that our programme has contributed to a increased sense of community

spirit, and an understanding among the local politicians that there are important issues affecting communities, which are non-partisan, and which therefore can be tackled jointly without fear of losing ones political identity.

We certainly hope to expand the Gramsh project to other areas of Albania but we have a desperate lack of resources. We have started a small resource mobilisation campaign and hopefully this will bear fruit so that we can continue to build on the positive results of Gramsh.

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Mr. Przemyslaw Wyganowski, Ministry of Foreign Affairs, Poland

### ***DEVELOPING EU ARMS CONTROL CO-OPERATION WITH CENTRAL AND EASTERN EUROPE***

I would like to thank the organisers on behalf of my government and in my own name for inviting representatives of Poland to take part in this conference. I work as a chief expert for the Foreign Ministry's Export Policy Department, which is responsible for non-proliferation and export control policy. What I would like to say today was prepared on the basis of my personal experience and should not be quoted as an official position of the Polish Government.

The Polish Government is carefully following the development of the EU Code of Conduct on Arms Exports. This is a step in the right direction, which may improve the security of our continent.

Poland is interested in the development of initiatives aimed at the resolve the problem of small arms. The fact that they have been the main weapons of armed conflicts over the past decade is reason enough to restrict their improper use.

Over the past ten years, Poland has gained considerable experience in export controls. An efficient export control system is being improved the whole time. Recently the Government regulation has been adopted regarding the limitation of arms foreign trade, which entirely regulates the arms sanction policy. Herewith, a full list of countries subject to prohibition and limitation has been made public. The regulation has included all the countries on the EU embargo list.

#### **Why is Central and Eastern Europe a region of concern for small arms?**

We do not consider it proper to treat this region as an inseparable whole. It is a fact that ten years ago the starting point was similar, but in 1999 one should distinguish at least several sub-regions in this part of Europe which are joined by a communist past but differ in many other ways. It would be difficult to toss Central European NATO members and strife-ridden Balkan countries into the same basket. We believe it justified to abandon, within the context of today's discussion, the concept of Central-Eastern Europe.

The fall of communism brought about the collapse of both the domestic and foreign markets of the defence industries. It left behind warehouses bulging at the seams with weaponry. The armed forces were drastically cut back. As a result, the problem of declining defence production has taken on a social, economic and political dimension. What is more, some post-

communist countries succumbed to armed conflicts whose guerrilla nature considerably affected the illegal small-arms trade.

Post-communist countries afflicted by deep economic, political and social crises were initially incapable of counteracting those developments with the proper measures. They lacked money, qualified staff, proper institutions and legal bases. There was also a lack of possibilities and of desire to co-operate within the region.

### **What steps have been taken in Poland to control the supply and limit demand for small arms?**

Poland has decided to combat negative developments by building structures that have been tried and tested in the West. In dialogue with former COCOM members in the early 1990s, the legal and institutional foundations were laid for an export-control system. At the present stage, the system is being prepared to face new challenges and deal with new threats. In 2000 we plan to radically amend existing regulations. Thus far, the following measures have been taken:

**Limited number of enterprises** - The excessively liberal market of arms trade enterprises was tightened and their number was reduced from more than 400 to about 100 by introducing the obligation of applying for new licences. It should be noted, however, that the number of enterprises is a secondary consideration. Our aim has been to eliminate from the arms trade above all small, often one-man firms which could create various dangerous situations, if only because of their inexperience.

**Improved documentation** - New elements are constantly being added to the end-user certificate. At present, not only a non-re-exportation clause is required, but in individual cases also post-shipment, and on-site verification clauses. Additional safeguards are also being considered. In future, we wish to have a unified certificate form, which the recipient will have to complete. The documents are verified by properly trained embassy staff. Each transfer will continue to be licensed on a case-by-case basis.

**Improved co-ordination** - The Council of Ministries Sub-Committee for Arms Trade, which has co-ordinated the activities of ministries since coming into existence in the early 1990s, is due to be revamped. As a result, it will expand its area of competence and function with greater efficiency.

**Increased supervision and prevention** -, inter-ministerial *ad hoc* body inspecting enterprises licensed to carry on the arms trade this year obtained permanent status. Its intensive activities are first and foremost of a preventive nature.

**Automation of licensing** - In co-operation with the United States the PELTS (Polish Electronic License Tracking System) has been introduced whose ultimate purpose will be to link up all the ministries involved in licensing. At present, the introduction of a new version of the TRACKER programme is being considered. In future, after it is fully developed, this network will make swift reaction possible and will also include the enforcement sector (customs offices).

**Increased co-operation with enterprises** - The government is conducting training sessions for entrepreneurs to expand their knowledge of legal regulations as well as their sense of responsibility. Enterprises will soon begin interdicting computerised Export Management Systems to manage their export activities.

**Other measures** - Additional production, storage and export safeguards have been introduced with regards to certain types of light weapon of particular interest to terrorists.

This year, the already limited access to firearms on the civilian market has been additionally tightened. Only 0.2 percent of all applicants receive gun permits.

Enforcement has been strengthened through the creation of a customs police on duty throughout the entire country.

### **How can EU and partner countries jointly assess arms export control policy in practice?**

Poland sees the need to co-operate with the EU in controlling arms exports. So far, such co-operation has been negligible. It has been largely limited to a cursory and sporadic exchange of experiences.

Bilateral dialogue has been far more satisfactory, hence improved co-operation between the Union and associate countries should start at that level.

We appreciate the fact that the Union has invited us to join common declarations regarding new sanctions, arms export control and disarmament initiatives. We are afraid; however, that the lack of follow-up means the Union lacks a concrete vision of co-operation. The manner of invitation is also quite surprising. We are given several hours to decide whether to join in, although the Union has known for years how difficult it is for Poland to fulfil that requirement, since Polish law requires the fulfilment of the proper internal procedures.

Common declarations on the Code of Conduct on Arms Exports, the Joint Action on Small Arms and the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms have not led to any concrete endeavours. The recent presentation of a joint EU-Canadian proposal on small arms on the OSCE forum was a good example thereof. Not only did we receive no proposal to help formulate its text, no-one even saw fit to inform Poland that such a document was being drafted. Meanwhile, in spring of this year, Poland together with Canada the Czech Republic and Hungary submitted to the EAPC forum a document on small arms which has now become the basis for that organisation's discussion in that area.

The joint assessment of arms export control policy should begin with an assessment of the existing situation.

### **How can operational and resource constraints be identified and addressed?**

In view of new challenges, including but not limited to globalisation of markets, production and trade as well as the growing availability of commercial high-tech goods, it is particularly difficult to cope with them on the level of national export control systems. We have limited financial and human resources in:

- research and assessment of evaluation of proposals to change control lists,
- theoretical projects and practical organisational changes aiming to address some new challenges like intangible technologies, catch-all/catch-more mechanism,
- processing a growing volume of data, information and documents,
- co-operation with industry and trade companies in organising internal Export Management Systems,
- increasing the scope and efficiency of enforcement activities (particularly customs officers),
- verification activities in countries where there are no diplomatic missions,
- intelligence activities aimed at illegal traders/brokers in many export markets.

*Wide co-operation and support from the EU is possible in those fields. In particular, we would expect:*

- consultation, on bilateral and multilateral levels, amongst experts on assessment of proposals to change control lists and on addressing new challenges connected with the development of new technologies;
- assistance in developing computer systems and the training of specialists in this field;
- co-operation in the implementation of internal programmes of Export Management Systems within enterprises;
- co-operation in enforcement - training, exchange of information, building appropriate hardware;
- appropriate agencies' co-operation and exchange of information in verification activities concerning the control of brokers, and the combating of illegal arms traders in countries where there are no diplomatic missions.

**What mechanism should exist to ensure minimum standards of transparency and accountability?**

Poland represents a level of transparency and accountability in arms transfers similar to that of EU countries. We are members of the same control regimes, international organisations and mechanisms. Unfortunately, the same cannot be said of certain CIS or Balkan countries.

Poland is open to discussions on increased transparency. We support selected proposals presented during the Wassenaar Arrangement meetings. We should like the UN register of conventional-arms transfers to become a global mechanism.

We feel, however, that interested states from amongst the associate countries should not concentrate first of all on new mechanisms of multilateral notification. That would become an unnecessary repetition of discussions already under way in other forum.

Instead, it would be worthwhile to introduce amongst like-minded countries, opportunities for consultations on request, and intensive bilateral information sharing within a mechanism jointly developed with the EU.

Of great significance for transparency and accountability could be the harmonisation of licensing procedures, documentation formats, particularly end-user assurances, and the format of information on exporters, importers, brokers, carriers and illegal activities.

**What sort of dialogue structures should be established to enable the involvement of associate countries in discussing the implementation of EU arms initiatives?**

It seems that existing dialogue structures have not exhausted the possibilities of co-operation. But we do not wish to impose new tasks on existing structures such as COARM, because it is difficult to determine whether all member and associate countries have matured to such dialogue at this stage.

Instead, we propose the creation amongst like-minded states of a new dialogue forum in which the introduction of permanent channels of co-operation would be discussed. The forum would group countries that are prepared for and interested in such dialogue. It would be open in character and could eventually encompass all EU and associate countries. It would seem that the first meetings should take place at the level of licensing officers who would identify jointly soluble problems. It is important for such meetings to be cyclical and to be held much more frequently than the meetings taking place so far as part of the EU political dialogue with associate countries.



### **How should arms-export controls be addressed within the enlargement discussions?**

We cannot allow export controls to become yet another argument opposed to the EU enlargement. All associate countries have got export control systems, but demanding that they produce better results in coping with the grey-area arms trade than those achieved by wealthy member-countries would be unjustified.

The rapid enlargement of the European Union will help improve arms-export control. New countries will be fully admitted to common activities in that area, whilst investments and economic development will radically limit negative phenomena which in that part of Europe have traditionally nurtured the illegal arms trade. Conflicts generating a demand for illegal weapons will also be extinguished.

That has been confirmed by the experience of Nato's enlargement. Fears that enlargement would weaken the Alliance have turned out to be unfounded. The fear that a cascading phenomenon would emerge has also come to naught. Enlargement not only failed to trigger such a development in the small-arms field, but actually made it impossible for a certain time to come.

### **How can civil-society groups in the region be encouraged to engage with their government on controlling the arms trade?**

In democratic society, the activities of non-governmental organisations assure that all the government's activities are in the public interest.

In Poland non-governmental organisations are interested to only a limited degree in controlling exports. The arms trade still does not generate broader interest. The main areas of activity are human rights, development co-operation, aid to refugees and support for the development of a civil society. At the moment, it is the government that is seeking partners for dialogue from amongst those organisations. Nevertheless, the involvement of NGOs in co-operation in export controls should be allowed to develop naturally. If the government were to initiate the emergence of such organisations, that would strike a blow at their most important feature -- their independence.

The lack of independent Polish organisations involved in monitoring the legal and illegal arms market is compensated for by frequent contacts with international organisations. Co-operation of these organisations and Polish scientists, intellectuals and practitioners appears to be leading to the establishment of the proper structures in Poland. The essential thing is that these should be groups closely tied to local communities. Only such groups can come up with solutions that take domestic conditions into account.

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Ms Dominique Bakker, Ministry for Foreign Affairs, the Netherlands

## ***THE WEST AFRICA MORATORIUM***

Thank you. I would like to start my remarks by thanking the Citizen's Security Council, International Alert and Saferworld for having organised this Conference. Looking at the participant's list yesterday, I was struck by the wide variety of experts present at this meeting. The organizers have succeeded in bringing together representatives from NGOs, Ministries of Foreign Affairs, Red Cross Organizations, UN agencies and even the European Parliament.

Yesterday's deliberations have made clear that the valuable expertise and knowledge these participants have brought to Helsinki allow for a very enriching and dynamic debate. Not only does this enable us to discuss different themes, it also enables us to exchange views and experiences from across the world. We can hear first hand from motives and considerations, successes and setbacks in Central and Eastern Europe, the Balkans, West Africa and Southern Africa.

Now, having stressed the importance of our various backgrounds, you must ask yourselves why a representative of the Government of the Netherlands, a country miles and miles away from West-Africa, should be making remarks on the ECOWAS moratorium. To tell you the truth, I have been asking myself that same question. But I believe I can give you the answer too. I am here to give you the view of the "outsider".

How do outsiders view the West Africa moratorium? How can they assist in meeting its goals and objectives? And what can they learn from West African experiences? Without wanting to raise the impression that I believe to be representing all of their views, I would briefly like to discuss four groups of outsiders.

- 1) arms exporting countries;
- 2) the donor community;
- 3) civil society;
- 4) other regions in Africa and beyond.

But before I do this, I would like to stress one important point about the West Africa moratorium, a point that should always be in the back of our minds in our dealings with it. Establishing the moratorium was a unique and courageous thing to do. In many ways it was a groundbreaking initiative. If this initiative succeeds, it will serve as an example around the world. But if this initiative fails, it could seriously damage the prospects for similar initiatives in the future. It is the responsibility of all of us, both insiders and outsiders, to see to it that this does not happen.

### **1 Arms exporting countries**

Returning to the four groups of outsiders, I would like to start with the arms exporting countries. What should be their position vis-a-vis a self imposed moratorium on the import of small arms? I believe the answer to this question is an easy one and comes down one single notion: respect. If a group of countries has the courage to join forces in order to collectively curb the recurring curbs of violence in their region, their decision should be respected by potential exporters.

The Wassenaar Arrangement, a political forum that unites over thirty major arms exporters and producers of conventional arms - including all European Union member states - has recently demonstrated a great sense of responsibility. At last year's Plenary Session, it declared to abide by the self imposed moratorium and thus refrain from small arms exports to ECOWAS countries. It also declared its intention to promote interaction between ECOWAS and Wassenaar Arrangement countries and its willingness to enter into an information exchange with PCASED. In my view, this is an encouraging development, that should be followed by other arms exporting countries.

## **2 Donor community**

The donor community has its own role to play with regard to the ECOWAS moratorium. It can assist with the implementation of the moratorium by funding monitoring activities, stimulating participation of civil society and helping to keep alive the national debate in all ECOWAS countries. Fortunately many donors, among others Belgium, the UK, France, Sweden, the Netherlands and in particular Norway, have already contributed to the moratorium in one way or another. The EU-Troika will meet with representatives from ECOWAS on the 28th of October to discuss the current state of play of the moratorium and the needs and objectives to be met in the near future.

For the time being at least, it seems fair to say that the donor community is willing to do its share in making the moratorium a success. However, this willingness will only last, if ECOWAS countries will continue to take the moratorium seriously and to do everything in their power to ensure its effective implementation.

## **3 Civil society**

The moratorium will only be successful, if it is carried and supported by the entire community. The weight of its impact does not only depend upon politicians - Heads of State issuing important declarations - but on society as a whole. Potential exporters, importers, dealers and users of small arms have to be convinced of the need for a moratorium. They have to be prepared to help the process along.

Civil society groups can play a crucial role in creating and maintaining this grassroot support. But their role is wider than this. They can help develop policy options to improve the internal security situation. In addition, they can assist in the development of co-ordinating mechanisms to improve cross border co-operation.

Governments in the region should acknowledge the important contribution civil society can make and work with civil society in a joint effort to achieve tangible results. The donor community, in its turn, should be open to requests aimed at facilitating the dialogue between governments and civil society. In this regard, I would like to draw your attention to a valuable project of UNIDIR, that works precisely towards this objective.

## **4 Other regions**

Can the West African Moratorium be viewed as a model for efforts to control small arms in other regions? Can other regions copy this mechanism?

This is a tricky question, that cannot be answered by a simple yes or no. Yes, certainly, there is much to be learnt from recent developments in West Africa. And yes, certain elements

definitely lend themselves to be copied to other regions - if, and this is very important, there is enough political will to do so.

One theme I find particularly interesting in the framework of the ECOWAS moratorium is the development of a regional register on small arms. The concept of regional registers has been subject of discussion for many years, not only in the West African context, but in regions across the world. Now, let's talk about regional registers for a moment. In my view, a regional register should, ideally, not only cover international transfers but also information on national holdings and procurement. The advantages of regional registers are manifold:

- Firstly, they force states to take stock of their national supplies. This may seem unnecessary; surely, states know what is out there in terms of quantity and kind? But I believe reality in many cases is different. Stocks will often be administered at a decentralized level and there may not even be a central body keeping track of things.
- Furthermore, the exchange of information on national stocks can be considered an important confidence and security building measure. If countries have insight in what their neighbours perceive as a minimum required to defend their national security interests, this may ultimately bring down the overall level of stocks in the region.
- Lastly, the exchange of information on transfers of small arms may serve as an early warning mechanism. If tensions are building up in a certain region or subregion, the flow of small arms could be an indicator that something is going on.

If the ECOWAS countries manage to put in place a regional register on small arms, this will be another groundbreaking initiative. One that may serve as an example across the globe. One region, that could particularly benefit from this example is the Balkans.

It has to be borne in mind, however, that no region is alike. Mechanisms cannot be copied without having been adapted to local circumstances. Many UN members go out of their way to stress this point time and time again. When we were discussing the text of the Presidential Statement on Small Arms in the Security Council two weeks ago, a number of Council Members would not rest until the following phrase was included in a paragraph on regional cooperation:

"The Council recognises that while regions may sometimes benefit from the experience of others, one region's experience cannot be extended to others without taking into account their different characteristics."

This cautious approach, however, does not prevent regions from learning from the West African experience. I think you can therefore be assured the world will be closely following events in ECOWAS for a long time to come.

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Mr. Etienne Hennop, Institute for Security Studies, South Africa

## ***SMALL ARM PROLIFERATION IN SOUTHERN AFRICA***<sup>4</sup>

An Overview

### **History of Small Arms in Southern Africa**

“The problem with small arms proliferation today is neither formulated in production and sale of weapons nor in the quantity or quality of existing stocks. Neither does it arise as a result in changing patterns of users, nor of use. And, although greatly influenced by it, it is not only a product of the new international context. It is in the mix of all of the above that the problem can be better understood. It is the unique alchemy of all these elements fused together that is lethal to civil society today.”<sup>5</sup>

### **Introduction**

The availability and influx of small arms in Southern Africa has a long history, and is still ongoing in the region. As stated here before, these arms do not in themselves cause conflicts and criminal activities in which they are used, but the wide availability, accumulation and proliferation of light weapons may escalate conflicts, undermine peace agreements, intensify violence and impact on crime, impede economic and social development, and hinder the development of social stability, democracy and good governance.

### **The proliferation of small arms in Southern Africa**

The erasing of the Cold War was responsible for dividing, and the fall of extreme ideologies which has satisfy the continuation of politics by other means, at times allowing for repressed military solutions to flourish, as in the case of Angola, and at times deciding long-standing disputes to be settled peacefully, as in the resolution of conflict in Mozambique.

On the nature and extent of the international small arms and light weapons proliferation as they impact on Southern Africa, we know from studies undertaken by United Nations bodies and some academic work as well as some work undertaken by NGO's in the past ten years that large amounts of weapons were transferred both covertly and overtly to Africa between 1970 and 1990. The amounts as such cannot be safely estimated since covert operations are not often recorded, and overt transfers at that time were not properly recorded particularly if they were the result of conventional arms deals in which small arms were added as a bonus to a sale.

### **The Amounts and the Flows**

In the case of Mozambique, although the peace process was successful, weapons collected and not destroyed have spawned a number of illicit operations regionally which ultimately increased levels of internal violence and criminal activity in Swaziland, Zimbabwe, and South

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<sup>4</sup> Some of the inputs to this article are excerpts of a forthcoming ISS publication by Virginia Gamba, Head Arms Management Programme at the ISS. The publication to appear in October 1999 is entitled “Small Arms in Southern Africa: Reflection on the Extent of the Problem and its Potential” ISS Monograph series, South Africa.

<sup>5</sup> This contribution is based on Volume I of the Society under Siege Book Series developed by the Arms Management Programme at the ISS. V. Gamba (editor) Society under Siege: Crime, Violence and Illegal weapons. Volume I of the TCP series, Institute for Security Studies, South Africa (1997)

Africa. A similar process has been fundamentally to blame for the commencement of violent military activity in Angola. It is not surprising that it is strongly recommended that the improvement of peace operations themselves include the destruction of weapons collected so that these mistakes will not be repeated in future. More specifically, what could be done to improve these mechanisms within existing UN operations? It is to start missions with a clear understanding of what disarmament means for a particular operation, as distinct from demobilisation; to have a clear position on the destruction of weapons; to cover the financial costs of effective disarmament; and to address the existence of weapons caches”.

In Mozambique alone the estimates of weapons imported during the civil war range from 0,5 million to six million. During the United Nations peacekeeping operation (ONUMOZ 1993-1995), nearly 190,000 weapons were collected. However most were not destroyed and soon were again on the streets of Maputo or being moved into neighbouring states to fuel crime or civil conflict.

In Angola it is virtually impossible to estimate the number of weapons in circulation and use after two decades of war. Nevertheless there are some figures to go by, for example, it was reported that in 1992 700,000 weapons were distributed to civilians by the government following the renewal of fierce fighting, but during the demobilisation component of the most recent United Nations peacekeeping operation (UNAVEMIII), only 34,425 weapons were collected, many of which were old and unserviceable. This, combined with the low number of police and soldiers who have been demobilised, indicated that most weapons and soldiers were kept out of the now broken peace process. Furthermore, besides the arms stockpiled during the seventies and eighties, Angola continued to receive weapons on a regular basis since 1992. Though sanctions tried to cut off UNITA's supplies were introduced on 1 October 1997, Dr. Savimbi has been able to find alternative routes of supply and suppliers to keep this civil war going, still for a long time to come. Without a doubt, the continued availability of small arms in the Angolan conflict has now led to a renewal of civil war in that country.

Small arms currently in use in the ongoing civil conflicts in the Southern African region (Angola, DRC) do not just originate from the existing pool of arms that is circulating in the region from conflict area to conflict area, but new arms are constantly being added to the existing pool of arms in the region.

### **Who is responsible for the circulation and the supply of these small arms into the region?**

As has been said here before, at the end of the cold war in Europe huge amounts of surplus stocks of small arms were released onto the black market. Countries in the Eastern Block with these huge stockpiles of arms sold them to generate funds to aid and assist struggling or crippling national budgets.

International Arm Brokers or organised crime syndicates with connection to arms manufactures are still in the order of the day in the Southern African Region. They are Brokers or syndicates who had access to arms caches or stockpiles, or who brokered legal arms deals but then diverted these legally optioned arms to criminal organisations, to rebel groups, or to governments with poor human rights record. These Brokers would supply arms to a rebel group today, and tomorrow supply arms to the government that is fighting that same rebel group. They don't care where these arms end up or what suffering it may cause among the civilian population of a country. A lot of these deals are not paid for in hard currency but in diamonds or diamond concessions, endangered species products and hard woods.

There is no current legislation in Southern Africa that addresses the problem of brokering, South Africa is in a process of addressing this problem in a new proposed Firearm and Ammunition legislation that will hopefully be passed in parliament very soon.

### **Producer, Transit, End User Countries**

Looking at the movement of these small arms from conflict area to conflict area, countries can be put into different categories of importance in the movement of these small arms.

South Africa is for example a producing, transit and end user country of illicit firearms. In South Africa we produce firearms and small arms that would move from the licit market to the illicit market very quickly. We are users of these type of illicit small arms in criminal activities like cash-in-transit robberies, and some of these small arms will move through South African territory to a conflict area somewhere else in the region. Mozambique is a producer country because of the huge amount of small arms in arms caches that finds its way into neighbouring countries and to conflict areas, transit country as arms brokers would use the country to load arms and then move them into the conflict areas, and also an end user country as the arms are used in violent crimes. Malawi will be a transit country, same would be Botswana, a country like Namibia would have been just a transit country until a few months ago, but this has changed now with the conflict in the Caprivi Strip to an end user country as well. Zambia is a transit country as a lot of arms move through Zambia to either Angola and to the DRC. The DRC and Angola are end users at this stage, but if peace comes to these two conflict areas they would become producer countries, as these arms would be moved on to the next conflict area like Somalia, Sudan and Ethiopia and to criminals in the south.

The South African Police are fearing the day that peace will come to Angola as they predict that this will lead to an influx of firearms into South Africa for criminal activities.

A new comer to this stage is Lesotho, it can be identified as a producer and user country, small arms have disappeared from Army Bases after the intervention by SADC (Southern Africa Development Community) forces following the revolt or uprising by army officers inside the Lesotho Defence Force. These arms are being used now by criminals, both inside South Africa and Lesotho.

### **What has been done in the region to make an impact on this illicit circulation of small arms?**

- The problem of small arm proliferation in Southern Africa and in the rest of Africa is being acknowledged by Governments and steps are being taken and implemented initiatives to tackle this problem.
- The production of the EU-SADC Action Programme on Light Arms and Illicit Trafficking.
- The OAU Secretariat is to organise a continental experts preparatory conference on this matter, prior to the international conference scheduled for the year 2001, and will seek the support of the relevant UN agencies and other actors so as to evolve an African common approach.
- The OAU in July 1999 renewed its commitment to limit small arms proliferation in Africa.
- The Southern African Regional Police Chiefs Co-operation Organisation issued a declaration on small arms in July 1999.
- At the Council of Ministers of SADC a Committee on small arms was established to address this problem on a SADC level, and that SARPPCO will be the implementing agency of the SADC policies on small arms.

## **Practical Initiatives**

- SARPCCO operations, (Commissioner Msutu will elaborate)
- Operations Rachel in Mozambique, which were born out from a common goal and problem, identified in two countries that needed to fight the high levels of violent crimes involving firearms.
- In four distinct recovery operations conducted between South Africa and Mozambique over the last years; a total of 11,891 firearms, 106 pistols, 6351 anti-personal mines, 88 landmines, 1260 hand grenades, 424 hand grenade detonators, 7015 mortars, 263 launchers, 8138 projectiles, 1242 boosters, 33 cannons, 3,192,337 rounds of ammunition, and 5912 magazines were seized and destroyed. Given the differences between the weapons accounted for and those not, it is not difficult to assume that some of the unaccounted-for weapons have made their way to fuel -for example- the Angolan civil war.
- There have subsequently been a few smaller destruction operations between Police Officials from the two countries. The problem now facing these Officials is that in the previous operations, the South African Police and Government have carried the financial brunt of these operations. The remaining parts of Mozambique in the north where we believe there are more arms caches, is too far north of the South African border for the South Africans for them to pay for any future operations. There has been some donor assistance to this valuable cause, but more is needed.
- It is worth mentioning that after these operations there was a decline in seizure of AK-47 rifles inside South Africa, and an increase in seizure of South African manufactured assault rifles.
- The point of ammunition control has been mentioned here a few times yesterday, from personal experience as a former police officer investigating illicit firearm syndicates and other related firearm matters, I do believe that if ammunition is controlled you will control the use and availability of firearms in areas where violent crimes is the order of the day.
- Again in the new proposed Firearm and Ammunition act in South Africa we proposed the limitation of ammunition that any licence's owner may have in his possession.

## **What is needed in the region?**

- Harmonising of legislation in the region is needed.
- Strengthening laws and regulations to combat illicit trafficking.
- Promoting the removal of arms from society and destruction of surplus stocks.
- Enhancing transparency, information exchange and consultation on arms in Southern Africa.
- Ways must be found in which the culture of violence produced by an increased availability of arms could be reduced.
- Better-trained and equipped police services are needed; one problem in the region and especially in South Africa is the long uncontrolled borders. In some instances you would have two Police officials responsible for the patrol and control of more than 50 Km of border. This makes the control and investigations of firearm and other types of smuggling activities very difficult and nearly impossible to control.



- But at least something has been done, governments are uniting in their fight against this problem, Police services that were enemies previously are working together in the destruction of arms,
- In some countries, like South Africa, legislation will hopefully target and control arms brokers that is at this stage going unpunished for illicit movement of arms in the region.

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Ms. Katharine McKenzie, Researcher, Gun Free South Africa

## **MAXIMISING THE ROLE OF CIVIL SOCIETY IN WEAPONS DESTRUCTION IN SOUTHERN AFRICA**

In southern Africa, like other regions in the developing world, civil society must address issues of both supply and demand for weapons, and the dynamic interaction between these.

Characterised by conflict and post-conflict societies, southern Africa is frequently described as awash with weapons. While many of these are illegal weapons, the vast arsenal of legal weapons, especially in South Africa also constitutes a threat with legal, licensed guns in civilian hands presently standing at 4,18 million – one gun for every ten people.

The South African government's new domestic gun control law (presently a work in progress) aims to reduce this number, as government is of the view that stolen handguns are the main source of illegal weapons in South Africa.

Demand for guns in South Africa is frequently attributed to the country's high crime levels, yet an analysis of gun acquisition patterns reveals a correlation between identity issues and gun acquisition.

In this regard the white community in South Africa is one of the most armed in the world. Apartheid laws regulated whites-only access to guns deepening this community's "insecurity dilemma" – as opposition to apartheid intensified so the white community armed itself with this reaching an all-time high in the 1990s as South Africa's transition to democracy began.

The 1990s saw a surge in licence applications prompted by a myriad of factors. Guns are now a desirable commodity among many communities, reflecting also a militarised masculinity that cuts across class, race and age groups.

The insertion of South Africa's often unhealthy identity politics into South Africa's robust gun-culture necessitates a multi-faceted approach to reducing weapons levels in South Africa and the southern African region.

In addition to stemming the supply of legal and illegal weapons we need to look at the social factors which feed demand. This paper will not dwell on all of these, but it is important to

remember that poverty continues to grow in southern Africa. In some countries, rigid structural adjustment programmes have increased unemployment and in others, debt repayments consume up to a third of the national budget. Further, in some parts of the region one in five adults has HIV/Aids. Development must be supported and democracy deepened if we are to build a sustainable peace and reduce the proliferation of small arms in this region, which includes some of the world's poorest countries.

I do not however wish to create the impression that poverty and unemployment necessarily create demand for firearms and a culture of violence. Tanzania, though poverty-stricken remains a safe and peaceful country in spite of the odds against it. Tanzania is one of the world's poorest country's – the third biggest in the Southern African Development Community (SADC), it shares borders with both the Democratic Republic of the Congo and Burundi and GNP per capita is under \$229 per annum.

In contrast South Africa, the regional hegemony and SADC's wealthiest member is a brutalised society with an entrenched culture of violence and a robust gun culture. The new firearms control bill, soon to be tabled before Parliament will not eradicate South Africa's gun culture and the demand for guns. This poses a challenge for civil society.

NGOs like Gun Free South Africa are developing a holistic approach to dealing with the problem. While lobbying, advocacy and research in support of government's efforts to manage the supply of guns are an important facet; initiatives to confront the culture of violence in southern African communities are multiplying.

With an average of 30 people dying of gunshot wounds each day in South Africa, our gun cultures constitutes a significant social problem. Grassroots interventions, led by communities, have started to make a difference. Here I want to tell you something of the important Gun Free Zones initiative.

Gun free zones provide communities an opportunity to assert the desire of the unarmed majority to work, learn, worship or socialise in a peaceful environment. They send out a message that carrying a firearm is not socially acceptable, just as lighting up a cigarette in a public place is frowned on.

Gun Free Zones raise public awareness and change behaviour by encouraging debate and identifying alternatives to guns. In South Africa a growing number of institutions have declared themselves gun free. These range from large local government administration buildings and provincial legislatures to NGOs and businesses including the offices of South Africa's largest multi-national, the Anglo American Corporation.

The tangible safety accompanying gun free zones has encouraged communities to declare whole areas "gun-free".

In Mapela, a community of 40 000 in South Africa's poor Northern Province, a committee of residents consisting of teachers and unemployed people approached the areas traditional leader who gave her blessing to the creation of a cluster of gun free zones. The first gun free zone sign was erected on the door of the tribal hall and thereafter schools, clinics, shops and shebeens signed an agreement declaring themselves gun free institutions.

Gun free zones are easy to organise and flexible, providing communities with an access point to pursue peace. Although pioneered by civil society, South Africa's government is

increasingly supportive of the concept. Many government departments have been declared gun free and a spate of shootings in schools has raised debate about the need to declare all schools gun free zones.

South Africa's new Minister of Education, Kader Asmal has noted that many learning sites including schools, "technikons", universities and colleges are plagued by a threat of constant violence. Steve Tshwete, South Africa's Minister of Safety and Security recently told Parliament that South Africa's new firearms control law will include provision for the declaration of gun free zones and he intends establishing these in a number of public places.

Gun Free South Africa together with the Centre for the Study of Violence and Reconciliation is also participating in an important pilot project in 40 Gauteng schools. The project provides a range of services and support to these schools, which have a history of violence. The initiative is developing violence prevention training programmes aimed at teachers and pupils, and includes programmes for governing bodies and other parties associated with the schools.

In the southern African region more broadly NGOs continue to play an important role in raising public consciousness about weapons proliferation.

In Namibia the National Society for Human Rights has monitored the implementation of Namibia's new Arms and Ammunition Act, which is bringing order to a historically chaotic firearm licensing system. In Zambia the Crime Prevention Foundation lobbies government to better implement its quite tough Firearms Act and trains members of the public in violence prevention and the police in the minimum use of force.

In Mozambique churches and veterans organisations participate in weapons buy-back schemes and assist government in locating arms caches for destruction. The Christian Council of Mozambique's, "tools for arms" project encourages communities to move away from violence and exchanges arms for items of use to communities such as tools, food and agricultural equipment. This is seen as a way of creating a culture of peace by replacing weapons with another means of livelihood. The church in Mozambique is concerned that the northern parts of the country and the areas where Renamo was most active have not been targeted by the joint SA-Mozambique police operations and they are mobilising resources to work in these areas.

Similarly the Peace Promotion Programme (Propaz) which represents disabled and women veterans organisations is engaged in a range of grassroots peace-building and conflict-management initiatives. Reintegrating veterans back into society is an important part of their work, but the organisation also assists in identifying remaining arms caches and facilitating contact between communities and police in the identifying these.

In Tanzania active NGOs, churches, environmental and human rights activists vocally opposed their government's recent moves liberalise the sale of firearms. They continue to monitor development with vigilance. And in Botswana, where there is a ban on the issuing of hand gun licenses, the Botswana Centre for Human Rights is keen to initiate public debate on the necessity of the country's considerable military spending.

Lesotho's new Network for Conflict Management has stepped into the lacunae that arose after last year's election fiasco and SADC military intervention. The network is particularly concerned about the recovery of weapons stolen from the arsenals of the security services in this period.

Supporting initiatives such as these assists to maximise the role of civil society in reducing arms flows and building peace. But in a region like southern Africa where the flow of weapons in one country affects its neighbours, the issues impacting on small arms are in a constant state of flux. In this context NGOs and organs of civil society can benefit from strengthening networks across the region. This would also assist in engaging with SADC.

The southern African region is entering a new era of regional integration as SADC assumes more importance. In this regard the SADC Trade Protocol to be implemented next year heralds the first step toward the creation of a free trade area. SADC's increased importance is in keeping with the Mbeki Presidency and its emphasis on Africa's renaissance. Civil society in southern Africa needs to keep up with these regional developments and begin engaging SADC. In this respect, we have much to learn from the EU experience, where NGOs have diligently monitored and lobbied the EU effectively using the supra-national structure as a way of influencing individual governments. At present civil society organisations in the region are developing informal networks and hopefully this will take us close to establishing a co-ordinated regional approach.

## ***RESULTS FROM THE GROUP WORK***

### Working Group 1 **Strengthening the EU Code**

#### Transparency

- Welcome imminent publication of the Consolidated Report; the Code should be amended to make the public release of future Reports a requirement.
- All Member States should publish their own national reports and present them to parliaments for debate.
- National reports should meet minimum standards, e.g. level of UN Register info plus details of small arms. The ideal standard should be the Finnish model where arms licenses are put on the Internet as soon as they are granted.
- EU Member States should develop a system of prior parliamentary scrutiny over arms exports – as per the Swedish model.
- The responsibilities of governments in terms of transparency should be set out in legislation so that current and subsequent governments would be bound by these requirements.

#### Implementing Codes to prevent small arms flows to regions of tension

- The Code of Conduct should be made legally binding, for example by making it a common position.
- National legislation should incorporate the Code guidelines where it is weaker than the Code.
- The Member States should elaborate on those guidelines of the Code, which are not fully developed; they should at least contain a level of detail commensurate with those set out in the human rights guidelines.

#### Additional Mechanisms: Timetable for EU Member States

- Agree and adopt a comprehensive control list including prohibited items by the end of the Finnish Presidency.
- The Member States should immediately initiate discussions on common rigorous systems of end-use monitoring and controlling licensed production.

- By the end of the Portuguese Presidency, the Member States should have made significant progress on the development of 2 of the 5 criteria, especially international humanitarian law.
- By the end of the French Presidency, all governments should have published detailed national reports on their arms exports and they should have agreed a common system of controlling arms brokering agents.
- The Member States should use existing dialogue structures, to more effectively involve EU associate Countries in the Operative Provisions and implementation of the Code of Conduct on the context of EU enlargement.

## Working Group 2

### **Key challenges for small arms control in Central and Eastern countries**

During panel discussion it has been agreed that there are important differences between post-communist countries also in term of small arms. Most of the problems occur in the CIS states (especially in Russia, which is a major supplier of this kind of weaponry) and Balkan countries (for instance Albania). On the other hand there are countries (like Poland) that could actively contribute to international efforts aimed at the solving of small arms problem.

Armed conflicts and a heritage of communism have important influence on supplies and demand of small arms in some countries of the region. The most important challenges are connected with the post-conflict reconstruction. Since the joined efforts would have a crucial impact on the positive development in that field it has been agreed that international co-operation between like-minded countries would become a key challenge.

Participants have agreed that EU and associate states would work together on:

- improvement of national systems (including export controls) – it has been agreed that in some fields the Associates have gained experience useful for EU members development,
- strengthening the NGOs role in post-communist countries in relation to arms control,
- establishment of appropriate dialogue with Russia in terms of small arms,
- establishment a dialogue with Eastern European (CIS states),
- post-conflict areas reconstruction connected with illegal arms collection and destruction and the solving of surplus weapon problem,
- identification of new challenges.

The EU assistance is still needed. The EU could assist with appropriate training, technical expertise and information sharing leading to improvement of national systems and international co-operation. The meetings of experts, NGOs workers and representatives of different social groups involved in or affected by the small arms problems are necessary. Panel participants have agreed that such meetings on different level should be organised more frequently in Associate Countries and other post-communist states to allow more local people involved in small arms issue meet representative of the EU to discuss problems and exchange experiences.

### Working group 3

#### **Implementing the West Africa Moratorium**

##### Question 1:

*What is the perception of the moratorium among interested parties, including West African governments and civil society?*

- Interested parties recognise ECOWAS moratoriums as an innovative approach for addressing arms issues in the region
- The moratorium creates “political space” for broader activities, not only on arms flows but also regional co-operation, regional integration, etc.
- More clarity is still needed on the moratorium and on its implementation (e.g. exemptions, discussions on a code of conduct, etc.)
- It is recognised that the moratorium is evolving, and will be tested, as requests are responded to
- It must be noted that it was interesting that countries, which have received requests for arms to West Africa, have requested clarification on transfers. Showing that the moratorium is recognised as a control mechanism and is working, or seen to have the potential to work.
- The moratorium has 2 years to go, and one should be thinking about how activities taken now will impact on the decision about how to go forward with arms control in the region (i.e. what will come after the moratorium).

##### Question 2:

*What needs must be addressed so that the ECOWAS states can fully implement the moratorium?*

- In some instances, the lack of functioning national commissions indicates a lack of political will or of knowledge within countries
- The ECOWAS secretariat needs to buy into the moratorium and needs to start being able to manage the moratorium
- Need for greater sub-regional ownership of the moratorium
- EU States should be encouraged to continue to raise export requests with ECOWAS
- The process of monitoring the implementation by ECOWAS members as an indication of political will (e.g. matching statements on moratorium to governmental action to implement/ abide by moratorium)
- The need for the creation of greater transparency on the moratorium process
- In order to succeed, the moratorium needs to be taken seriously by regional ECOWAS members, civil society and the international community.

Question 3:

*What experience can West African governments and civil society draw from Southern African efforts to control small arms?*

- It must be noted that South Africa and Nigeria are the largest economies, but play different roles in their regions
- A gun culture is not as pervasive among West African countries as it is in South Africa; however, there are some cultural norms associated with weapons possession, especially among men
- It appears that there is less police co-operation in West Africa than there is in Southern Africa, although ad-hoc co-operation exists
- It appears to be the opportunity for discussing a legal agreement in the region, and a long-term process. Ad-hoc processes should continue and be fostered
- Countries (e.g. Cote d'Ivoire, Nigeria and Ghana) are facing an increase in armed crime, which may provide an opportunity for police action and co-operation
- It must be recognised that legislation and regulation have little chance of success without implementation and enforcement.

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## ***CONCLUDING SESSION***

### **Comments, concrete outcome, new ideas**

- The seminar on small arms helped to understand the complexity of the problem, more effective and more consistent policy on small arms needed, more international coordination in the ministries and above everything, more international cooperation on the matter.
- Issue of small arms is a global problem, not concerns only countries-in-war.
- Information is not shared enough, particularly in export side.
- Where is the presence of the politicians? Politicians needed in seminars like this.
- Small arms are not land mines. Not such a trendy issue. What could be done to raise the awareness? Land-mine campaign could work as a learning process for proliferation of small arms.
- Run public awareness campaign concerning problem of small arms. Training your own public. Gain new info, learn and teach.
- EU joint action program is a disappointment. More concrete findings wanted.
- What are the political difficulties to forward the Codes of Conduct?
- NGOs' need to put pressure on governments for the year 2001.
- Conference on small arms to be held in Central or Eastern Europe.



- Endorsement of the principles of the joint action on small arms.
- Found a lot new countries with partnerships: USA, Asia. Project funding in new states found: Albania, Cambodia, Georgia, and Southern Africa.
- Pay closer attention to arm brokers in the future. Need to control the activities of the arm dealers.
- Building constituencies of small arms. Support civil society organisations in Africa against the proliferation of small arms. Help the African states for implementing the moment on small arms.
- Working for reduction of arms in Africa is dangerous. How the NGOs could work peacefully on small arms without any fear in Africa?
- Initiatives for action and dialogue needed. EU is not yet ready. Developing the trust is a challenge. Need to bring new people in. Pool the collective knowledge. To picture what is happening. Multiple actors needed: NGO coalitions, different partnerships, police, academics, regional governments.

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Programme

**Friday 8 October 1999**

0900 - 0930 Opening and Welcome:

*Ms Sirpa Pietikäinen,  
MP, Chairperson of KATU*

*Ms Kirsti Lintonen,  
Under-Secretary of State of the Ministry of Foreign Affairs of Finland*

0930 - 1130 Introductory Session

**Chair: KATU**

**1) The issue of small arms**

- How is the problem of small arms manifest in different regions?
- Which aspects of the problem are common to all regions?
- Why are West Africa, Eastern Europe and South Africa important foci for action to control light weapons proliferation?

*Dr Owen Greene  
Senior Lecturer, University of Bradford, Trustee of Saferworld, UK*

*Ms Eugenia Piza-Lopez  
Head of Policy and Advocacy, International Alert, UK*

## **2) The European Union and small arms**

- What progress has the EU made towards tackling the problem of small arms?
- What should the priorities be for practical action by the EU to ensure effective implementation of the EU initiatives?
- Where can the EU learn from other national, regional and international initiatives?
- Implementation of the recommendations by the UN Expert Panel on Small Arms in the EU?
- What are the priorities for implementing the EU Joint Action on Small Arms? What progress has been made to date?
- What significance will the EU Joint Action have for regional EU small arms initiatives?

*Mr Pasi Patokallio,  
Ambassador of Finland to Israel, Member of the UN Expert Panel on Small Arms*

*Mr Heinrich Haupt,  
Ministry of Foreign Affairs, Germany*

*Mr Paul Eavis,  
Director, Saferworld, UK*

Discussion/points of clarification

1130 - 1200 Coffee

1200 - 1330 Strengthening the EU Code of Conduct

**Chair:** Saferworld

- What impact has the Code had on the export of small arms to human rights abusers and regions of tension?
- What aspects of the EU Code should be included in the annual review process?
- Who should be involved in the annual review process ?
- How has the consultation mechanism provided by the Code worked in practice? How can it be improved ?
- What are the priority additional measures that are required to create an effective EU system for controlling arms transfers?
- How can more countries outside the EU be encouraged to adopt the principles of the Code?

*Ms Heidi Schroderus-Fox,  
Councillor, Ministry of Foreign Affairs, Chair of Co-Arm Working Group, Finland*

*Mr Alberto Estevez,  
MSP Coordinator, Amnesty International, Spain*

*Ms Heidi Hautala,  
MEP, Finland*

Discussion/points of clarification

1330 - 1430 Lunch

1430 – 1530 What has already been done: Experiences from Gramsh pilot project

**Chair:** KATU

*Mr Jan Wahlberg, UNDP Resident Representative and UN Resident Coordinator, Albania*

Discussion/points of clarification

1530 – 1600 Tea

1600 - 1730 Developing EU arms control co-operation with Central and Eastern Europe and Engaging with Russia with arms initiatives

**Chair:** KATU

- Why is Central and Eastern Europe a region of concern for small arms? What steps have been taken to control the supply and limit the demand for small arms in Central and Eastern Europe?
- How can EU and partner countries jointly assess arms export control policy in practice?
- How can operational and resource constraints be identified and addressed?
- What mechanisms should exist to ensure minimum standards of transparency and accountability?
- What sort of dialogue structures should be established to enable the involvement of associate countries in discussing the implementation of EU arms initiatives?
- How should arms export controls be addressed within the enlargement discussions?
- How can civil society groups in the region be encouraged to engage with their governments on controlling the arms trade?

*Mr Paul Beijer,  
Ministry for Foreign Affairs, Sweden*

*Mr Przemyslaw Wyganowski,  
Ministry of Foreign Affairs, Poland*

*Ms Dominique Bakker,  
Ministry of Foreign Affairs, the Netherlands*

Discussion/points of clarification

1930 - Dinner at Restaurant Lappi (Lapland)

## **Saturday 9 October 1999**

### 0930 - 1100 The West Africa moratorium

#### **Chair:** International Alert

- What are the key challenges for regional governments to implement the moratorium?
- What additional measures are required to ensure the effective implementation of the moratorium?
- How can NGOs work more effectively to tackle the problems associated with small arms in the region?
- How should the EU respond effectively to recent developments in the region for tackling small arms?
- Can the West Africa moratorium be viewed as a model for efforts to control small arms in other regions?

*Mr Ivor Fung,  
UN Regional Centre for Peace and Disarmament in Africa*

*Mr Mamadou Kanté,  
Conseiller Militaire à l'État-major Particulier du Président de la République, Mali*

*Ms Dominique Bakker,  
Ministry of Foreign Affairs, the Netherlands*

*Mr Conmany Wesseh,  
Centre for Democratic Empowerment, Liberia (tbc)*

1100 - 1130 Coffee

### 1130 - 1300 Implementing the EU-Southern African Action Programme

#### **Chair:** Saferworld

- What are the regional priorities for action that need to be addressed to tackle the illicit trafficking in small arms in Southern Africa ?
- How can the EU support Southern African Development Community (SADC) and Southern African Regional Police Chiefs Co-ordinating Organisation (SARPCCO) efforts to tackle illicit trafficking in arms?
- What are the priority areas for the development of weapons control and collection initiatives ?
- How can the success of the Operations Rachel be extended to other parts of the Southern African region ?
- How can the role of civil society be maximised to reduce levels of weapons in Southern African societies ?

*Mr Etienne Hennop,  
Institute for Security Studies, South Africa*

*Senior Assistant Commissioner Frank Msutu,  
Head of Interpol Sub-Regional Bureau, Zimbabwe*

*Mr Euan Wallace,  
Foreign and Commonwealth Office, UK*

*Ms Katharine McKenzie,  
Researcher, Gun Free South Africa*

Discussion/points of clarification

1300 - 1400 Lunch

1400 - 1600 Parallel workshops on:

- Assessing the impact of Codes of Conduct
- Key challenges for small arms control in Central and Eastern European countries and in Russia
- Implementing the West African Moratorium
- Controlling small arms proliferation in Southern Africa

1600 - 1630 Tea

1630 - 1830 Concluding Session: Feedback from workshops and agenda for action

**Chair:** KATU

- Are there issues and objectives that are common to tackling small arms proliferation in and from Central and Eastern Europe, West Africa and Southern Africa?
- Are there common strategies for addressing the problem of small arms in the three regions?
- What specific actions have been identified which would improve the EU's effectiveness in tackling the small arms problem?
- What guidelines should exist for EU engagement with Central and Eastern Europe, West Africa and Southern Africa on small arms issues?
- How should the EU and governments in affected regions interact to further weapons control?

1930 - Reception at the Ministry of Foreign Affairs hosted by Mr. Kari Kahiluoto, Director, Division for Arms Control, Non-Proliferation and Disarmament

## **WORKSHOP INFORMATION**

### Day One

#### **Assessing the impact of Codes of Conduct**

1. What is the role of transparency in ensuring effective implementation of Codes of Conduct?
2. How relevant are Codes of Conduct to controlling the proliferation of small arms in affected regions?
3. What additional initiatives and mechanisms are required to effectively control flows of small arms into affected regions?

### **Key challenges for small arms control in Central and Eastern European countries**

1. Which particular aspects of small arms control are most pressing in Central and Eastern Europe?
2. What steps can the EU take to help control supplies of light weapons from, and reduce demand for light weapons in, Central and Eastern Europe?
3. What role can be envisaged for civil society in monitoring implementation of government commitments to controlling all types of arms?

### Day Two

#### **Implementing the West African Moratorium**

1. What is the perception of the moratorium amongst i) West African governments; ii) West African civil society?
2. What needs must be addressed so that the ECOWAS states can fully implement the moratorium?
3. What experience can West African governments and civil society draw from Southern African efforts to control small arms?

#### **Controlling small arms proliferation in Southern Africa**

1. What are the obstacles to effective action to tackle small arms in Southern Africa?
2. How could the involvement of EU and partner countries in Southern Africa be channeled in order to better control supplies of and reduce demand for small arms?
3. What experience can West African governments and civil society draw from Southern African efforts to control small arms?