The human dimension of the United Nations Programme of Action on Small Arms: the key role of Africa

Valerie Yankey-Wayne

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)[1] now stands as the central global agreement on the proliferation and misuse of small arms and light weapons (SALW).[2] Its ultimate goal is to create safer communities, free of small arms misuse. When it was agreed in 2001, critics concluded that the PoA had little to do with human insecurity: in the interest of compromise and consensus, commitments and norms relating to the human dimension of the impact of small arms had been either omitted or left frustratingly vague.

This human dimension of small arms control includes human rights, humanitarian and developmental issues, and crime prevention. And, despite its limitations, the PoA is quite comprehensive in scope. Its commitments in fact provide a framework for concerted and effective action to tackle the human insecurity engendered by SALW proliferation and misuse. The challenge we face is to make sure that this framework is translated into concrete action.

Africa is particularly well placed to demonstrate the indisputable presence of the human element in the PoA, both in its formulation and implementation. This paper examines the relevance of the political document to human insecurity by outlining how Africa's initiatives to address the human cost of SALW factored into the development of the PoA. It analyses some of the PoA's technical provisions and proposes a way forward for its translation into concrete action on the humanitarian impact of small arms.

How the human cost of unregulated small arms availability in Africa factored into the development of the PoA

The human cost of small arms prior to the PoA

SALW pose an enormous humanitarian challenge, particularly in sub-Saharan Africa, where they are most commonly used in conflict, crime and human rights abuses. The proliferation, availability and indiscriminate use of SALW has destabilized regions; fuelled and prolonged conflicts; factored into

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igniting new conflicts; rendered conflicts more deadly; exacerbated the displacement of families and communities; undermined the value and dignity of life; fostered a culture of violence; obstructed relief and humanitarian efforts; undermined the promise of governance; facilitated state collapse; and impeded both peace-building and social and economic development.[3]

Conflicts in Africa became more widespread through the 1990s, and changed in nature. By 2000, over half the countries in the region had been directly or indirectly affected by conflict, and most were factional wars. These have no defined front line and fighting is frequently opportunistic rather than strategic. In order to sustain conflict, these wars deliberately seek to involve, exploit and control a significant proportion of the civilian population.

Children, the most vulnerable among vulnerable groups, have been targeted, abused, maimed, exploited as soldiers, starved and exposed to extreme brutality. Girls and boys as young as seven have been forcibly recruited to become combatants or have become soldiers simply in order to survive. Families and communities have been displaced, fleeing conflicts in the region. And some humanitarian organizations have withdrawn from certain territories because of the danger posed by armed hostilities, depriving of aid those living in the greatest danger.[4]

The increased availability of small arms in Africa has also contributed to the emergence of a culture of violence in both post-conflict communities and relatively peaceful communities, undermining good governance and peace-building. Dramatic changes have occurred in traditional pastoral communities. Traditional intercommunal competitions over resources among pastoralists have turned into deadly confrontations—armed raids to re-stock livestock, to acquire livestock for dowry payments and to exact revenge.[5] See Box 1 for more on the cost of small arms.

Africa's lead in the development of the PoA

It is with these sobering facts in mind that Africa took the initiative in placing small arms on the regional and international agenda.

Africa's continental and subregional initiatives greatly contributed to negotiations in the development of the United Nations PoA.[11] In 1993, President Alpha Oumar Konare of Mali took the first notable

Box 1. The human cost of small arms prior to the PoA

- Almost four million people are estimated to have died in the Democratic Republic of the Congo (DRC) between 1998 and 2004.[6]
- Armed conflicts killed an estimated 2 million children, injured 6 million, traumatized over 10 million and left more than 1 million orphaned.[7]
- In South Africa in 2000, 699 children under 18 were killed by guns—an average of 2 youngsters a day.[8]
- Africa has the highest number of refugees: 3.6 million have fled their homes, and 3.3 million have sought asylum within Africa in 2001. Eight of the ten largest mass outflows in the world were from conflict regions in Africa.[9]
- 22 of the 32 countries classified as having "low human development" have suffered from conflict since 1990. Twenty of these countries are African.[10]

initiative to place the small arms problem directly on the United Nations agenda by requesting that the UN send an Advisory Mission on the control and collection of small arms in the Sahara–Sahel region. The Mission visited Mali and six other countries between 1994 and 1995. This initiative spurred the establishment of the UN Panel of Governmental Experts on Small Arms by the General Assembly in 1995, with reports produced by the Panel and a subsequent Group of Governmental Experts in 1997 and 1999, respectively.[12] The consensus report of the Group, endorsed by General Assembly resolution 54/54 V in December 1999, decided to convene a UN conference on small arms in 2001.[13]

Continental initiatives

Prior to the UN conference, several continent-wide, high-level meetings were held to identify the scope of small arms proliferation in the region and develop a comprehensive framework for an African common approach.

- Organization of African Unity (OAU, now African Union) Council of Ministers, Sixty-eighth Ordinary Session, Ouagadougou, Burkina Faso, June 1998. Decision CM/Dec. 432 (LXVIII) stressed the role that the OAU should play in coordinating efforts to address the small arms problem in Africa and requested the OAU Secretary-General to prepare a comprehensive report on the issue.
- Assembly of Heads of State and Government, OAU Thirty-fifth Ordinary Session, Algiers, Algeria, July 1999. Decision AHG/Dec. 137 (LXX) called for an African approach to the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons.
- Council of Ministers meeting on decision AHG/Dec. 137 (LXX), OAU Seventy-first Ordinary Session, Addis Ababa, Ethiopia, March 2000: decision CM/Dec. 501 (LXXI).
- First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, Ethiopia, May 2000.
- International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, Ethiopia, June 2000.
- Council of Ministers meeting on decision AHG/Dec. 137 (LXX), OAU Seventy-second Ordinary Session, Lome, Togo, July 2000: decision CM/Dec. 527 (LXXII).

The above meetings and consultations culminated in an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which became known as the Bamako Declaration, adopted in December 2000.[14] This called for a coordinated African solution to the arms trafficking problem and established agreed principles directly relevant to the 2001 UN Small Arms Conference.

Subregional initiatives

Sub-Saharan Africa in particular took the lead in intensifying regional initiatives, which ultimately fed into the international small arms process. In Mali, as part of the resolution to the civil unrest that had started in 1990, a Flame of Peace—a symbolic destruction of all collected weapons—was burned in Timbuktu in 1996.[15] Mali founded a model of the security-first approach to development efforts. It

established the weapons for development programme, which helps not only to reduce the number of weapons in circulation, but also to bring communities together to provide both security and development for the affected community.[16]

Further initiatives taken at the subregional level testify to the serious concern regarding small arms and their consequences for human insecurity.

- Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of Light Weapons, October 1998.
- Southern Africa Regional Action Programme on Light Arms and Illicit Arms Trafficking, 1998.
- Decisions taken by the Council of the Southern African Development Community (SADC) on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes, August 1999.
- Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, March 2000, and its Coordinated Agenda for Action and Implementation Plan.
- Efforts by members of the Economic Community of Central African States (ECCAS), within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa, on the proliferation and illicit circulation of small arms and light weapons in Central Africa, 2000.

The human dimension of the political document

African delegates took full advantage of the United Nations conference to make their commitments known and promote and defend the African Common Position.[17] As a result of African efforts, some of Africa's priorities on the humanitarian dimension of the problem are reflected in the PoA, albeit weakly. These include references to the impact on children; the need for weapon collections; post-conflict disarmament and demobilization and reintegration efforts; and the development and implementation of public awareness programmes on the problem of small arms. The PoA also includes almost all the issues specified in the 1997 and 1999 UN expert reports. It is therefore of relatively comprehensive scope, and contains substantial agreed norms, standards and programmes.

Section I: preamble

The preamble recites the intended use or purpose of an instrument. It gives it "life, meaning and vitality".[18] As such, the language of the preamble provides antecedent basis for subsequent usage or for implementation. And the preamble of the PoA comprehensively states the intended use of the Programme, setting out the values and aspirations of the states that have committed themselves to the document.

Contrary to those who argue that the PoA does not explicitly refer to some humanitarian issues, and that therefore there is no call for states to take action on humanitarian concerns, the preamble of the PoA makes strong reference to the human dimension associated with SALW illicit trafficking, proliferation and misuse. It is a strong expression of Member States' commitment to address the human security element of small arms problems. Therefore, while not a source of obligation, the preamble can and should be used more positively to guide the interpretation of the PoA's subsequent provisions.[19]

Sections II and III: PoA provisions

The Programme of Action includes some 41 paragraphs of specific agreed action to be taken by Member States at the national, regional and international levels against the illicit trade in small arms. It includes, among others, controls and measures on the following activities: small arms transfers, including end-use licensing; brokering; enforcement of United Nations Security Council arms embargoes; marking, record-keeping and tracing of SALW; security and management of weapon stockpiles; and information exchange and transparency. Some of these provisions may seem so technical that they have no relevance to the human dimension of the problem. But a closer examination shows how they contribute to the human cost.

Over 150 refugees were killed in an attack on the Gatumba transit camp in Burundi on 13 August 2004. Ammunition cartridges recovered at the scene of the massacre had been stamped with codes identifying their manufacturer or country of manufacture as well as their year of production. Had enforced international standards of marking, record-keeping and tracing of small arms been in place, it would have been possible to identify the point at which these weapons were diverted into the hands of the armed groups that perpetrated the massacre. Drawing up and implementing such standards will prevent future diversions.

According to a recent report by Amnesty International, large quantities of weapons and ammunition are flowing from unsecured military stockpiles in the Balkans and Eastern Europe into Africa's conflict-ridden Great Lakes region, despite evidence of their use in gross human rights violations. This has continued regardless of a United Nations arms embargo and a peace process initiated in 2002.[20] The Ituri district of the Democratic Republic of the Congo has seen at least 55,000 violent deaths, an uncounted number of deaths from disease and half a million people displaced.[21] Insecure weapon stockpiles as well as states' neglect of their obligations under existing international humanitarian law and human rights law during arms transfers facilitate arms reaching armed groups and militias.

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According to the report of the UN Panel of Experts on Sierra Leone in 2000, illegal arms brokering resulted in the transfer of 68 tons of weapons from Burkina Faso to Liberia in 1999. From Liberia, the weapons were transferred to the Revolutionary United Front armed group, in violation of a 1997 UN arms embargo.[22] A Gibraltar-based company had arranged to transfer these Ukrainian weapons to Burkina Faso, and a UK company delivered the arms to Burkina Faso on its behalf. The end-user certificate, signed by the authorities in Burkina Faso, had stated that the Burkina Faso defence forces were to be the sole users of these weapons, and the deal was legal. Nonetheless, according to the Panel of Experts, the weapons were transferred to Liberia within days of their arrival in Burkina Faso. Without an international instrument on arms brokering and extraterritorial brokering controls, unscrupulous international brokers will continue to take advantage of loopholes in national and international controls to facilitate arms transfers to conflict regions.

The PoA recognizes that governments bear the primary responsibility for controlling SALW and preventing and combating illicit trafficking, but equally it recognizes that governments cannot solve these crises alone. The humanitarian aspect of small arms misuse impacts upon society at all levels: individual, community, national, regional and international. The PoA encourages regional and subregional initiatives to be consistent with PoA commitments, and encourages and facilitates involvement of regional and international organizations and civil society. Thus, when individual state capacity is challenged in finding solutions to the negative impact small arms inflict, the PoA seeks to ensure that the vibrancy of other supporting sectors and actors complements and reinforces government efforts.

Implementation of the Programme of Action

How effectively have states managed to address the human dimension of the small arms problem in implementing the PoA? What challenges have they encountered?

Within the last couple of years, the number of conflicts in Africa has decreased, as has the number of conventional arms sales, including small arms.[23] On a less positive note, but nonetheless signifying a certain level of international action, the number of sanctions and UN embargoes has increased. There are more democracies, more truth and reconciliation programmes,[24] and more disarmament, demobilization and reintegration (DDR) programmes in all the post-conflict communities and in fragile regions such as Somalia and Sudan.[25]

Countries in Africa are playing an increasingly important role in efforts to address the humanitarian aspect of small arms control through their commitment to regional and international initiatives. To date, of the three legally binding regional instruments on SALW, two are in Africa; namely, the SADC Firearms Protocol and the Nairobi Protocol. (The third is the Organization of American States' Firearms Convention of 1997.)[26] West Africa is in the process of transforming its ECOWAS Moratorium into a binding convention. A number of other regional and national initiatives are also under way to harmonize and strengthen small arms possession and transfer legislation, stockpile management and community awareness programmes.[27]

Since November 2004, there has been growing support for an international Arms Trade Treaty (ATT), which would ensure that states adhere to existing human rights and humanitarian law during arms transfers. Among the 39 states that have expressed support for an ATT or expressed interest in developing a legally binding instrument on small arms transfers are 9 African states.[28]

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But much remains to be done. Small arms availability continues to fuel and to prolong conflicts in Africa, as well as to contribute to increased criminal activity. Out-migration, epidemics and humanitarian catastrophes are ever more frequent. Arms proliferation still poses a great threat to regions suffering latent conflict. Northern parts of Ghana and Nigeria as well as the Niger delta of Nigeria continue to experience civil unrest, violence and strikes. There are secessionist tensions in the Caprivi Strip—a narrow strip of land in the far northeast of Namibia, and Angola's Cabinda enclave is often dubbed "Angola's forgotten war". Eighteen years of fighting in northern Uganda are yet to find a meaningful resolution and people continue to be terrorized by the rebel Lord's Resistance Army. Mediation and peace talks on the Darfur region of Sudan and in Somalia have yet to prove successful. In West Africa, unresolved tensions in Côte d'Ivoire still pose a threat to the country and to its neighbours. Security remains fragile in most post-conflict regions, for example in Burundi, Liberia, Rwanda and Sierra Leone.

Box 2. The continuing human cost of small arms

- Thousands of children and women are still in active combat. This includes an estimated 12,500 girls fighting in armed groups in DRC.[29]
- Despite a global drop in the refugee population at the end of 2004, two of the three regions to have recorded increases are in African conflict zones: Central Africa and the Great Lakes region, and East and Horn of Africa.[30]

The PoA stands as the central global agreement on the proliferation and misuse of small arms and light weapons. Despite having some of the most progressive provisions relating to the human dimension of small arms, however, the vagueness and ambiguity of some of the PoA's provisions has hindered the addition of instruments, guidelines and resources that would ensure meaningful and sustainable programmes targeting the human dimension of the problem.

Implementation is faltering in domains such as stockpile management, record-keeping, public awareness and DDR programmes, as well as national regulation. States need guidelines and best practices for their specific, regional security and social needs. In the case of arms transfers, including registration, licensing, end-use certification and brokering, supportive international instruments are needed to close gaps within the international transfer regimes and minimize the loopholes that currently allow the diversion of arms from the legal to the illegal market, and then on to conflict-prone regions and human rights abusers. This would also halt routine violation of UN arms embargoes. An instrument on arms transfers could follow the new international marking and tracing instrument as a model of a parallel international instrument supporting the implementation of the human dimension of the PoA.[31]

Conclusions and recommendations

The African story demonstrates the indisputable human dimension to small arms control. And this story is no different from the problems associated with small arms availability in crime- and conflict-ridden communities in North America or Latin America and the Caribbean, the Asia Pacific region or the Middle East.

While the humanitarian aspect of the small arms problem is mentioned in the preamble of the PoA, and implied and dealt with indirectly by some measures, the PoA does not directly or comprehensively spell out strategies for addressing the human dimension of the problem, and this leaves room for weak interpretation and ineffective subsequent implementation.

The human dimension of the PoA needs to be taken beyond mere rhetoric and translated into concrete action in terms of guidelines, supporting documentation and instrumentation. As states meet to review the implementation of the PoA in 2006, they have obligations to each other and to their citizens, under international humanitarian and human rights law, to give thorough consideration to the continuous human suffering across the globe as a result of the increased availability and misuse of small arms. The PoA, and the victims of small arms problems, will only benefit if states keep these responsibilities in mind in the run-up to and during the Review Conference.

States' responsibility to protect human rights

This responsibility embraces three specific duties of states: here they are described in relation to SALW issues, and followed by relevant recommendations for the PoA.[32]

- *The responsibility to prevent:* to prohibit arms transfers to states, communities and non-state actors where there is a reasonable risk that the weapons would be used in violation of international human rights and international humanitarian law.
- *The responsibility to react:* to respond to situations of compelling human need with appropriate measures, which may include strengthening regional and global instruments, including sanctions, or coercive measures like humanitarian intervention.

- *The responsibility to rebuild:* to provide, particularly for post-conflict regions, full assistance with recovery, reconstruction, rehabilitation and reconciliation; addressing both the root and direct causes of issues that exacerbate the proliferation and misuse of small arms, including armed conflict, the security needs of affected communities, crime, underdevelopment and other man-made crises putting communities at risk.

Recommendation 1: the responsibility to prevent

Prevention of the humanitarian disaster caused by the proliferation in and misuse of SALW is linked to increasing the responsibility of states and individuals involved in small arms transfers. The PoA should be strengthened with supporting guidelines or instruments that include states' obligations under existing humanitarian and human rights law during arms transfers. This includes, inter alia, the four Geneva Conventions and the two Additional Protocols, the Convention on the Prevention and Punishment of the Crime of Genocide, Article 3 of the Code of Conduct for Law Enforcement Officials (on the use of force), Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and Article 38 of the Convention on the Rights of the Child.[33] This should ensure that weapons are not diverted to support illegal activities or to perpetrate war crimes and genocide.[34]

States' obligation under existing humanitarian law and human rights law to regulate civilian possession of SALW should be reconsidered. When considering the use of small arms by individuals, there is a range of legislative measures that can be applied to regulate the types of gun available and the use of small arms: for states, particularly those emerging from conflict, immediate measures must also be taken to ensure that adequate regulations and administrative procedures are in place to exercise effective control over the legal possession of small arms.

Recommendation 2: the responsibility to react

At the World Summit in September 2005, the international community accepted responsibility for taking collective action to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.[35] It also urged the development of proposals for enhanced, rapidly deployable capacities to reinforce peacekeeping operations in crises.[36] Since small arms are one of the primary tools of such crises, for example the Rwandan genocide of 1994,[37] these proposals could be developed at the 2006 Review Conference.

On the national level, states are strongly encouraged to make violations of arms embargoes a criminal offence under national law. Logistical or financial support for the violation of arms embargoes, such as the illicit trade in natural resources, should also be prohibited.

On the national level, states are strongly encouraged to make violations of arms embargoes a criminal offence under national law. Logistical or financial support for the violation of arms embargoes, such as the illicit trade in natural resources, should also be prohibited. In support of national efforts, the United Nations should establish a dedicated and properly resourced Sanctions Unit to effectively monitor and enforce UN arms embargoes.[38] One way of deterring violators of arms embargoes is to treat them as international criminals and have the particular individuals involved brought before the International Criminal Court or national courts and charged with crimes against humanity. In this case, extra-territorial jurisdiction could also be applied. Penalizing violators of these sanctions can go a long way in stemming the proliferation of arms to conflict-prone regions.

Recommendation 3: the responsibility to rebuild

States' responsibility to rebuild entails a genuine commitment to helping to build and maintain a society free of small arms misuse by promoting conditions of public safety, durable peace, good governance and sustainable development. This responsibility will involve the commitment of sufficient funds and resources with strong community focus and local participation to address, particularly, socio-economic factors underlying violence.

Since situations of insecurity and widespread violence negatively affect development and assistance programmes, programmes that integrate security concerns may be useful not only for conflict regions, but for relatively stable communities as well. Small arms control programming should also consider the diverse roles of men, women, boys and girls and how their different experiences of security can directly impact upon SALW control measures and mechanisms.[39]

States and donors should adopt an integrated approach to security and development, ensuring that development assistance—particularly to post-conflict regions—is consistent with the security needs of the affected community.[40] Appropriate provisions should also be made for sustainable peace-building initiatives, and border management programming, judicial reform, community policing and security sector reform. This includes provisions that address the perceived insecurity that increases and maintains the demand for guns.

Ensuring that the human dimension of small arms is effectively addressed during implementation of the PoA remains a challenge. Reaching consensus concerning additional international instruments on arms transfers and guidelines or best practices on regulating possession and stockpiling, etc. is challenging. It requires common action and positive commitment in terms of resources and political will. It is a matter of figuring out how to protect the citizens of the world from human suffering as a result of the availability and misuse of small arms, and respecting the basic rights of all people.

Notes

1. Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Adopted 20 July 2001. Reproduced in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,* New York, 9–20 July 2001, UN document A/CONF.192/15, pp. 7–17. See also <disarmament2.un.org/cab/poa.html>.
2. The United Nations Firearms Protocol, which is the only global legal instrument to regulate the illicit manufacturing and trafficking of small arms, is limited to handguns, pistols, sub-machine guns and light missiles. See note 11 for full reference details.
3. In the post-PoA period there has been more documentation of these effects. For example, see *Small Arms Survey 2003: Development Denied,* Oxford, Oxford University Press, chapter 4, Table 4.1.
4. Country Reports on Human Rights Practices - 2001, Uganda, Released by the Bureau of Democracy, Human Rights, and Labor, March 4, 2002, US Department of State, <www.state.gov/g/drl/rls/hrrpt/2001/af/8409.htm>.
5. Kenya, 2003, *Kenya Country Report to the UN Biennial Conference on the Implementation of the UN Programme of Action,* Nairobi, pp. 4–6, at <disarmament.un.org/cab/nationalreports/2002/Kenya.pdf>.
6. B. Coghlan, R. Brennan et al, 2004, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey,* Burnet Institute and International Rescue Committee, at <www.theirc.org/resources/DRC_MortalitySurvey2004_RB_8Dec04.pdf>.
7. United Nations Third Committee Press Release GA/SHC/3588, 11 October 2000, at <www.un.org/News/Press/docs/2000/20001011.gashc3588.doc.html>.
8. Crime Information Analysis Centre, South African Police Services, 10 April 2002, cited on the Gun Free South Africa web site, at <www.gca.org.za/facts/statistics.htm>.

9. Namely Angola, Burundi, Central African Republic, DRC, Liberia, Rwanda, Somalia and Sudan. The two other countries were Afghanistan and The former Yugoslav Republic of Macedonia. UNHCR, 2002, *Statistical Yearbook 2001,* Geneva.
10. UNDP, 2005, *Human Development Report 2005: International Cooperation at a Crossroads,* New York, p. 363, at <hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf>.
11. Other subregional initiatives aimed to control arms trafficking were also adopted before the 2001 conference, see the article by Elli Kytömäki in this issue of *Disarmament Forum*. Importantly, a parallel international process was adopted in 2001: the UN Firearms Protocol (or the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime), adopted in UN General Assembly resolution 55/255 of 31 May 2001, UN document A/RES/55/255, 8 June 2001, at <www.undcp.org/pdf/crime/a_res_55/255e.pdf>.
12. See *Report of the Panel of Governmental Experts on Small Arms,* in UN document A/52/298, 27 August 1997; *Report of the Group of Governmental Experts on Small Arms*, UN document A/54/258, 19 August 1999. African representation within the two groups was as follows:

    1997 Group of Governmental Experts: Dr Mahmoud Karem, Deputy Assistant Foreign Minister for Disarmament, Ministry of Foreign Affairs, Cairo, Egypt; Bennie J. Lombard, Conventional Non-proliferation and Arms Export Control, Department of Foreign Affairs, Pretoria, South Africa; Lieutenant Colonel Blaise Sangare, Ministry of Foreign Affairs, Bamako, Mali.

    1999 Group of Governmental Experts: Lieutenant Colonel Rabah Bekhti, Ministry of Defence, Algiers, Algeria; Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, New York; Alaa Issa (third session), First Secretary, Cabinet of the Foreign Minister, Ministry of Foreign Affairs, Cairo, Egypt; Mahmoud Karem (first and second sessions), Deputy Assistant Foreign Minister for Disarmament Affairs, Ministry of Foreign Affairs, Cairo, Egypt; Bennie J. Lombard, Deputy Director, Directorate, Non-proliferation and Disarmament, Department of Foreign Affairs, Pretoria, South Africa.
13. UN General Assembly resolution 54/54 V of 15 December 1999, UN document A/RES/54/54, 10 January 2000. The Preparatory Committee for the 2001 conference was chaired by Ambassador Carlos dos Santos, Permanent Representative of the Republic of Mozambique to the United Nations, New York.
14. Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 1 December 2000, at <www.globalpolicy.org/security/smallarms/regional/bamako.htm>.
15. A Flame of Peace was also burned in Niger in September 1999 to symbolize the formal end of the armed rebellion and the commitment to reconciliation and peace.
16. See R. Poulton and I. ag Youssouf, 1998, *A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking,* Geneva, UNIDIR.
17. Forty-one of the 52 member states of the African Union participated in the 2001 United Nations Small Arms Conference and 32 states presented statements.
18. Terminology borrowed from Intellectual Property and Technology patent claim preamble law cases.
19. See PoA preamble, paragraphs 2–6.
20. Amnesty International, 2005, *Democratic Republic of Congo: Arming the East,* AI index AFR 62/006/2005, at <web.amnesty.org/library/index/engafr620062005>.
21. C. Bernath and N. Pearson, 2003, *MONUC: Mandate to Succeed,* Refugees International, at <www.refugeesinternational.org/files/3025_file_MONUC_Mandate_to_Succeed_v3.pdf>.
22. *Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000), paragraph 19, in relation to Sierra Leone,* in UN document S/2000/1195, 20 December 2000.
23. For the fall in the conventional arms trade, see Richard F. Grimmett, 2002, *Conventional Arms Transfers to Developing Nations, 1994–2001,* Congressional Research Service, at <fpc.state.gov/documents/organization/12632.pdf>.
24. Human Security Centre, The University of British Columbia, 2005, *Human Security Report 2005: War and Peace in the 21st Century*, New York and Oxford, Oxford University Press.
25. Currently, seven countries are under UN arms embargoes—Somalia, Liberia, Rwanda, Sierra Leone, Iraq, the Democratic Republic of the Congo and Côte d'Ivoire—along with the organizations Al-Qaeda, Taliban and the Janjaweed militia in Darfur, Sudan.
26. The SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials, 2001, at <www.grip.org/bdg/g2010.html>; Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, 2004; Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, at <www.oas.org/juridico/english/treaties/a-63.html>.
27. See Conference Report of the Second Continental Conference of African, Governmental Experts on the Illicit Trade in Small Arms and Light Weapons, 14–16 December 2005, Windhoek, Namibia; Also see National Reports

submitted by African States to the UN Secretary-General on the implementation of the PoA since 2002, at <disarmament.un.org/cab/salw-nationalreports.html>.

28. Officials from Benin, Ghana, Guinea, Kenya, Mali, Senegal, Sierra Leone, Tanzania and Uganda each expressed their government's support at the 2005 Biennial Meeting of States on the PoA in New York, July 2005.
29. Save the Children, 2005, *Forgotten Casualties of War: Girls in Arms Conflict,* at <www.savethechildren.org.uk/scuk_cache/scuk/cache/cmsattach/2800_Forgottencasualties33395.pdf>.
30. The other was the Asia and Pacific region. UNHCR, 2005, *2004 Global Refugee Trends,* 17 June, Geneva, at <www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=42b283744>.
31. For more information on the marking and tracing instrument, see the article by P. Batchelor and G. McDonald in this issue of *Disarmament Forum,* and United Nations Department for Disarmament Affairs web site <disarmament.un.org/cab/salw-oewg.html>.
32. Adapted from The International Commission on Intervention and State Sovereignty, 2001, *The Responsibility To Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, International Development Research Centre, at <www.iciss.ca/pdf/Commission-Report.pdf>.
33. The text of these instruments can be found at <www.unhchr.ch/html/intlinst.htm>.
34. See conclusions of the International Workshop on Global Principles for Arms Transfers, Dar Es Salaam, 21–22 February 2005, organized by the Government of Tanzania with the support of the Governments of Finland and the United Kingdom, at <www.saferafrica.org/DocumentsCentre/Conferences/SaferAfrica/Continental/TanzaniaFeb2005/FinalReportTZFeb2005.pdf>.
35. UN General Assembly resolution 60/1 of 16 September 2005, *2005 World Summit Outcome,* UN document A/RES/60/1, 24 October 2005, paragraphs 138 and 139. Follow the link from <www.un.org/summit2005/documents.html>.
36. Ibid., paragraph 92.
37. Although many of the murders in Rwanda were committed with machetes, the victims were often corralled with small arms before being massacred. See, for example, Human Rights Watch, 1999, *Leave None To Tell The Story: Genocide in Rwanda*, at <www.hrw.org/reports/1999/Rwanda>.
38. For example, the Sanctions Committee has been particularly weak in monitoring the air and land freight traffic of arms to embargoed regions.
39. See N. Johnston, W. Godnick et al, 2005, *Putting a Human Face to the Problem of Small Arms Proliferation: Gender Implications for the Effective Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects,* International Alert, at <www.international-alert.org/pdfs/gender_and_programme_of_action.pdf>.
40. UNDP, 2005, *Securing Development: UNDP's Support for Addressing Small Arms Issues,* New York, at <www.undp.org/bcpr/smallarms/docs/publication_07_05.pdf>.