



MANAGING LAND BORDERS AND THE TRAFFICKING OF SMALL ARMS AND LIGHT WEAPONS

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Executive Summary

Even if they have received little attention, border controls are nevertheless an important dimension of the international efforts to combat the uncontrolled proliferation of small arms and light weapons (SALW) and their ammunition. Indeed, even if their relevance sometimes seems to be challenged by some changes (such as new technologies and globalization), borders remain the most visible sign of the sovereignty of a State on its territory. Borders management are crucial to a State's involvement in the protection of its population against what it considers as threats: migration, international terrorism, and multiform trafficking (human beings, drug, raw materials or SALW).

The illicit trafficking of SALW across green borders is characterized by several specific dynamics which must be taken into account in the actions to prevent it. First, there is often a strong link between cross-border trafficking of SALW and other illicit activities of the transnational crime, such as drug trafficking or human trafficking. Individuals involved in various types of trafficking often use the same roads and itineraries. Secondly, the presence of trans-border communities maintaining ethnic and economic ties that overlap the border can support the trafficking of SALW and their ammunition. This "ant trade" is a third important aspect of the illicit trafficking of SALW across green borders: weapons and their ammunition pass from a country to another on a small scale but on a regular basis. Finally, in certain regions of the world, the border areas can become a shelter for criminal groups, rebels or traffickers. This phenomenon is facilitated by the remoteness of these areas; the difficulty to access them and the existence of ties with local populations. Hence, in order to establish an effective border management in the fight against the illicit trafficking of SALW across green borders, the understanding of these dynamics in terms of SALW demand, the intensity and the direction of trafficking between neighbouring countries proves really useful.

To ensure the effectiveness of border management as a relevant dimension of the fight against the illicit trafficking of SALW, several challenges

must be highlighted, and tackled on several levels (national, regional and international). First, the flow of illicit SALW must be considered full issue when conceiving and establishing an effective management of green borders. This issue must be integrated effectively in broader political initiatives on border controls and related issues (fight against transnational organized crime...). Second, controls at checkpoints must be completed in an optimal way by clarifying the role of the agencies involved in border management (border guards, customs...) and their human and technical needs according to realities on the ground. Controls at checkpoints must be reinforced by an attentive and coordinated monitoring along the border.

Measures also need to be taken upstream: national legislations, preliminary identification of the actors involved in trafficking by intelligence services, etc. Initiatives to harmonize national legislations in this field at a regional level constitute an opportunity towards the reduction of the legislative differences between States from which the traffickers benefit in their ant trade. A fourth challenge is with no doubt the issue of corruption which affects the effectiveness as well as the existence of border management. The strengthening of cooperation between agencies at an intra- and inter-level is also essential. Cooperation between populations in border areas and the political and administrative authorities can also contribute to a more effective border management. Finally, transfers of technology and training, tailored to the needs of each State, prove of great importance to improve their capacity to run control and monitoring activities at borders effectively.

Introduction

The crucial role played by efficient border controls in reducing the illicit trafficking of small arms and light weapons (SALW) and their ammunition was reaffirmed during preparatory meetings by the Chairperson of the Fourth Biennial Meeting of States (“BMS4”) on the United Nations Programme of Action on Small Arms and Light Weapons.¹ This issue has seldom been tackled in regulation or academic literature. Nonetheless, border controls are an indispensable part of international efforts to fight against the uncontrolled proliferation of SALW. This report seeks to provide an insight into the state of play regarding this issue, with particular emphasis on land borders.

First of all, the importance and characteristics of borders in the current system of international relations are examined. Borders remain central to understanding the sovereignty of a State, despite recent developments such as technological changes and globalisation, which appear to reduce the physical pertinence of these delimitation lines between countries. In a globalised economy, borders sometimes appear to lose a number of their functions. However, the security implications of migration, illicit trafficking and international terrorism remain at the top of the political agenda. The security discourse describes them as “cross-border” or “transnational” threats.² As such, effective and coordinated management of a State’s land borders constitutes a rampart against threats to its territory and people.

After having explained the different dimensions to and actors involved in border management, the second part of this report seeks to underline the different aspects of the illicit trafficking in SALW across land borders. The dynamics that come into play in border zones, in terms of arms demand and the scale and direction of illicit arms flows between

neighbouring countries, have an impact on the efficiency of the border management mechanisms. The challenges encountered by the actors involved in border management will then be highlighted in the context of the efforts carried out against illicit trafficking in SALW across land borders. Controls at border posts, intra-state and inter-state cooperation, the challenge of tackling corruption and technology and training-related problems will also be evaluated. Finally, the report looks at the appropriateness of examining the full implications of SALW as a border management theme and the role of complementary measures for facilitating border controls.

1. See the Fourth Biennial Meeting of States on the United Nations Programme of Action on Small Arms and Light Weapons site URL: <http://www.poa-iss.org/BMS4/> particularly the *Discussion paper on the prevention and combating of the illicit trade in small arms and light weapons across borders*, 19 May 2010, A/CONF.192/BMS/2010/WP.1 URL: http://www.poa-iss.org/bms4/Documents/A-CONF192-BMS-2010-WP1_E.pdf

2. HILLS Alice, “Border control services and security sector reform”, *Geneva Centre for the Democratic Control of Armed Forces Working Paper Series No. 37*, July 2002, p. 8.

A. Land borders

1. Specificities and characteristics

In today's world, borders may seem as if they are becoming less and more important at the same time. On one hand, economic evolution requires that States rethink their borders in terms of flexibility and cooperation. On the other hand, even in the context of customs and economic unions, borders remain the most visible characteristic of a State's sovereignty over its territory. In line with this, efficient border management can therefore be considered as a symbol of government involvement in the protection of its people.³ The function of a border in the definition of the State should not be underestimated. In certain regions of the world, borders are still subject to dispute or are in the process of being stabilised. A lack of clear delimitation and demarcation between two States is a potential source of tension, which can affect other countries in the region. In May 2009, for example, only 25% of land borders in Africa had sufficient demarcation lines.⁴ The African Union is aware of the importance of having stable borders for peace, security and cooperation in the continent and in June 2007 it launched the Border Programme, in an effort to define and demarcate the borders of its Member States by 2012.⁵ Established and re-

3. Europe is an example that illustrates this dynamic. Enhancing external border controls, together with developments in the political and security debate about the definition of external threats, illustrate the importance for States to be able to guarantee a level of security and well-being for their population. Migration has become a political priority and has led to a strengthening in EU external border control policies, in terms of monitoring and supporting the capacities of neighbouring countries, which are either sources of migrants or transit countries. As it seeks to control its own environment, the EU is subsequently beginning to deal with its security in neighbouring countries. The notion of "deterritorialisation" of border controls will be tackled in our report below.

4. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), *From Barriers to Bridges, German African Border Project (GABP) Supporting the African Union Border Programme*, May 2009. URL: <http://www.auswaertiges-amt.de/diplo/de/Aussenpolitik/RegionaleSchwerpunkte/Afrika/G8FriedenSicherheit/Konfliktursachen/GTZ-GABP-Broschuere.pdf>

5. *Declaration of the African Union Border Programme and its implementation modalities as adopted by the Conference of African Ministers in charge of border issues held in Addis Ababa (Ethiopia) on 7 June 2007*. URL: [http://www.africa-union.org/root/au/publications/PSC/Border%20Issues\(Fr.\).pdf](http://www.africa-union.org/root/au/publications/PSC/Border%20Issues(Fr.).pdf)

cognised borders therefore contribute to regional stability and facilitate long-term beneficial trade and the socio-economic development of neighbouring countries.⁶

Even though borders appear to have lost their relevance in an increasingly interconnected world, the way in which they are managed is still on the political agenda. Efficient management requires definition by the political authorities of what constitutes a threat to their security. They decide what should be subject to attention and what is not a priority for border control and monitoring and provide the resources for carrying out these tasks.⁷ Consequently, the resources provided for border management depend upon the level of determination and political priorities, which vary over time and from area to area.⁸ The way in which each State perceives its own border also has implications for the level of cooperation between States in the management of their common border. Indeed, as a border separates two political entities, its management is generally carried out by each State, acting on its own. Each State identifies and defines what should be done in terms of security on its side of the border and how this should be carried out according to a variety of different criteria. This leads to differentiated treatment of border considerations and to cooperation patterns that fluctuate according to national priorities and changes in the national security discourse. It should also be noted that any weakness on one side of a border can have repercussions on the ability of the other side of the border to carry out controls and maintain a degree of internal security. For example, the scope of US initiatives in the fight against the illicit trafficking of SALW at its border with Mexico seems to be hampered by political and administrative weaknesses of its neighbour.⁹ Efficient border management therefore requires a

6. "Delimitation is defined as the process of determining a border and demarcation as the process of fixing this border". See Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), ref. 4.

7. MARENIN, Otwin, "Challenges for integrated border management in the European Union", *Geneva Centre for the Democratic Control of Armed Forces Occasional Paper No. 17*, 2010, p. 30.

8. *Ibid.*, p. 30-31.

9. United States Government Accountability Office, "U.S. efforts to combat arms trafficking to Mexico face planning and cooperation challenges", *Report to Congressional Requesters*, June 2009. The GAO report reveals problems involving corruption, the lack of specific information and the language barrier.

minimum of cooperation between neighbouring States.

A border provides a practical *opportunity* for a State to help maintain its internal security by preventing external threats from affecting its territory and people. A border is subsequently a separation between States but also a process of control on behalf of their national security.¹⁰ Nonetheless, demands made by the current global economic system require a certain degree of border openness. Hence, borders should not just be exclusive (refusing entry to undesirable products and people); they should also be inclusive (facilitating the movement of individuals and goods). It is, therefore, important that States find a balance between the need for mobility and control – between “doors and walls”.¹¹ A completely closed border is not in fact the solution. On the contrary, it would be in danger of creating an environment that is propitious to illicit activities. The balance between “doors and walls” should therefore be respected, in order to facilitate development of legal economic activities in and beyond the border region and subsequently help reduce the conditions that generate illegal activities.¹²

A border can never be completely controlled: it can only be at best managed in accordance with geographical considerations, financial, technical and human resources and ethnic realities. The geography of border zones can make certain parts of a land border difficult to monitor. The environment – desert, forest or mountainous zones - can have a significant impact on the efficiency of the control and monitoring mechanisms in place¹³. Furthermore, the lack of road infrastructure and connections between different parts of the country, as well as the length of the border and ineffective inter-state liaisons, also represent additional border management obstacles¹⁴. In some regions, there

is also an added problem of complicated border outlines, which do not respect pre-existing ethnic and economic arrangements. People living in border regions often have their own dynamics for cooperation, which do not take into account the national constraints linked to the existence of a border¹⁵. Allegiances between cross-border communities sometimes supplant allegiances to the State. Cross-border communities that have misgivings about cooperation with State agents can subsequently compromise the efficiency of the State’s border activities.

2. Border control and monitoring

Border management has a twofold task: - to control and monitor in order to detect and screen undesirable individuals and goods that could be a risk to security and - to promote a balance between “doors and walls” (see above). Executing these tasks requires a range of different competencies. Officials working at the borders subsequently occupy a specific place in the state apparatus because they have to be able to fulfil a wide range of tasks from internal and external security tasks to revenue collection. As a result, when the issue of border management is being tackled, it is necessary to define what we are actually talking about. This is even more important given that each State has its own border management system, which involves different agencies with different mandates and priorities. One or several State agencies can therefore be involved in managing the different dimensions of the border security machinery. Two variables should be underlined: the distinction between customs agents and border guards and the border guards organisation model.

a. Division of tasks between customs agents and border guards

The division of the roles and mandates between customs agents and border guards is not always clear. In some countries, this distinction does not exist. This is often the case in developing countries, for which separate border agencies represent an enormous expense.¹⁶ The remit of customs officials and border guards at border posts

10. As showed below, this process of control is carried out at the border and beyond. Indeed, upstream and downstream measures executed by different State agencies can support the security and monitoring efforts made at the border itself.

11. MARENIN, Otwin, *loc. cit.*, p. 28.

12. SEESAC, *Cross border trafficking in South Eastern Europe: Assessing trafficking activities in the Southern Adriatic region*, 18 October 2003, p. 13-14.

13. FALL Hamédine, “Border Controls and Cross-border Crime in West Africa”, in AYISSI Anatole and SALL Ibrahima (ed.) *Combating the Proliferation of Small Arms and Light Weapons in West Africa: Handbook for the Training of Armed and Security forces*, UNIDIR/2003/13, 2003, p. 89.

14. *Ibid.*, p. 89-90.

15. MARENIN, Otwin, *loc. cit.*, p. 35.

16. *Ibid.*, p. 34.

is often poorly defined and subject to debate. It is, nevertheless, accepted that measures against the illicit trafficking in goods fall within the remit of the customs authorities and that border guards deal with travellers.¹⁷

The customs authorities are responsible for administering laws governing the import, export and transit of goods, as well as the verification of transport modalities for these goods. They therefore fulfil an important role in facilitating the mobility of goods and the means of transport entering or leaving a given territory. Nevertheless, their most visible and most developed function involves revenue collection in the sphere of duties and taxes.¹⁸ The customs authorities are also responsible for the detection and prevention of trafficking and can therefore be involved in border monitoring. Border guards or border police are officials in charge of carrying out controls at border posts and surveillance along the border. This involves checking individuals crossing borders to border posts and patrol work to prevent illegal border crossings.¹⁹

b. Border guards organisation model

The organisation of border guards varies from one country to the next. There are different models of border guards: those modelled on the police, military and paramilitary etc. Border guards can constitute an independent and specialist unit, alongside the police and armed forces. They can also be part of the police force. They perform a function comparable to that exercised by the police because by guaranteeing internal security, they ensure the protection of people on a given territory in application of the law. Some or all of the tasks carried out by border guards can also be directly and completely managed by members of the armed forces. In the majority of cases, technical and manpower cooperation is promoted. Geopolitical and geographic circumstances very

often influence the form and level of interaction between different agencies. In an environment that is difficult, sensitive or dangerous, the equipment, organisation of personnel and kind of discipline governing border guards can be based on military models. For example, the Israeli border police use advanced communication and night vision equipment, grenade launchers, ballistic helmets and armoured all-terrain 4x4 vehicles.²⁰ At a level of personnel, the involvement of the armed forces in border management activities can give rise to problems. The Serbian example illustrates that soldiers in charge of border surveillance activities on the border with Montenegro had not received training and did not have any specific strategy guideline for carrying out their role. There was also a lack of coordination in border post control activities and with the local police authorities.²¹ The relationship between border guards and the armed forces is therefore not devoid of ambiguity.

17. SEESAC, *loc. cit.*, p. 3.

18. Sometimes, for example, they also have an economic mission in combating unfair trade practices or giving assistance to industry in the form of tariff protection. COLE J.O. Nat, "Arms smuggling, a challenging issue for customs service in post-war Sierra Leone", in AYISSI Anatole and POULTON Robin Adward (ed.) *Bound to Cooperation: Conflict, Peace and People in Sierra Leone*, UNIDIR/2006/9, 2006, p. 67.

19. Border guards and the border police are often terms are used interchangeably.

3. Border management does not stop at the borders

20. HILLS Alice, *loc. cit.*, p. 14.

21. SEESAC, *loc. cit.*, p. 4.

Rebuilding post-conflict border management capacities

Periods of tension and conflict often involve the collapse of the State and the subsequent disintegration of its security sector. In times of war, as part of the logic of destroying the structures of the State, border management infrastructure is ransacked and customs officers and border guards are often the first to come under attack. In the immediate post-war period, both human and technical resources have to be reconstructed. Controls at and of borders must be established as soon as possible after the end of hostilities and should, ideally, be included in the peace agreements preceding deployment of peacekeeping missions.¹ Moreover, the swift re-establishment of customs services can, for example, help towards redeveloping a country's source of revenue² Borders that are managed badly or not managed at all, effectively contribute to persisting and de-stabilising dynamics, which can, for example, include the uncontrolled movement of SALW. This situation can impede international efforts at keeping and consolidating peace.³

Efforts made in the field of border management and export control must be immediately resumed so that the peacekeeping process can be established and maintained.⁴ Mandates for UN peacekeeping operations, however, currently appear, for the most part, to underestimate the need to tackle all the different dimensions of border management, in a way that is both rapid and efficient. The majority of peacekeeping operation mandates (apart from a few exceptions, such as those in Kosovo, East Timor and to a lesser extent, in Sierra Leone) only cover basic border control activities.⁵ It would, however, appear that broader activities in the domain of border management are often carried out outside the UN framework. Several regional, international and State sponsored programmes have therefore been set up with the goal of improving economic and security border aspects.⁶

In Security Sector Reform (SSR) programmes, the role of border guards has very often been left out or relegated to a secondary level.⁷ Programmes mainly focus on the transformation of the police and armed forces, which are considered, respectively, as the pillars guaranteeing a country's internal and external security.

Integrating border management practices in SSR programmes must, however, be done systematically, in order to fully contribute to the reconstruction of an efficient security sector. The actors involved in border management must be able to benefit from the process of decentralisation, democratisation, demilitarization and professionalisation of the security sector.⁸ Several reasons for this integration can be highlighted. Firstly, as border guards regularly interact with the police and armed forces, their reform must be done in tandem with reforms in the traditional security pillars. Secondly, professionalisation of border guards, combined with improvements to working conditions, salaries and their social status, can help to improve their efficiency and profile within society. Finally, implementation of democratic mechanisms for monitoring their activities can help reduce corruption.⁹

1. ANDREWS N. Katherine, HUNT L. Brandon, and DURCH J. William, "Post-Conflict Borders and UN Peace Operations: A phased approach to post-conflict border security", *Report from the project on the rule of law in post-conflict settings future of peace operations program*, Stimson Center Report No. 62, August 2007, p. 31-32.

2. *Ibid.*, p. 10.

3. WALSH A. Kathleen, "Post-Conflict Borders and UN Peace Operations: Border Security, trade controls, and UN Peace Operations", *Report from the project on the rule of law in post-conflict settings future of peace operations program*, Stimson Center Report No. 62, August 2007, p. 2-3.

4. ANDREWS N. Katherine, HUNT L. Brandon, and DURCH J. William, *loc. cit.*, p. 31-32.

5. Peacekeeping operations typically include a more limited form of border management (assistance and surveillance of ceasefires, the movements of refugees and internally displaced persons and humanitarian operations, as well as the surveillance of arms trafficking and the trade in products subject to embargo). Other peace consolidation activities based on the construction of State capacity can also be included in this restrictive mandate. WALSH A. Kathleen, *loc. cit.*, p. 10-11.

6. In 2007, more than 140 initiatives provided technical and financial assistance for customs operations and trade practices, in addition to training and information exchange capabilities in the areas of exports and border post controls ... *Ibid.*, p. 4-6.

7. For example, SSR in the DRC remains only partial because civil and military intelligence and the services in charge of border control are not involved. SEBAHARA Pamphile, "The Security Systems Reform (SSR) in Africa: What's at Stake", GRIP analysis note, 17 December 2008, Brussels.

8. For an explanation of the four dimensions, please refer to AEPLI, Pierre, "Border management in transitional democracies", Aditya Batara G. & Beni Sukadis (ed.), *Border Management Reform in Transition Democracies*, DCAF & LESPERSSI, 2007.

9. WALSH A. Kathleen, *loc. cit.*, p. 17.

States have the opportunity to implement a series of upstream controls (granting licences for merchandise, passports, information sharing) and those downstream (information sharing with other countries) of their border control and surveillance activities, for backing them up. Border control and monitoring mechanisms are very often just a means of identifying a number of threats before or after crossing a border, among other tools. A process of “sub-contracting” border controls to another country can also support border management. The border deterritorialisation process led by the European Union is illustrative of the ability of a political entity to carry out controls outside its territory in an effort to support its policies (improved maritime border surveillance, the fight against illegal immigration etc.).²² This determination to manage security risks “at the source” is reflected in the majority of aid programmes with neighbouring countries: the European Union has therefore held negotiations with a number of countries including Libya, Morocco and Tunisia, in an effort to improve their controls of migrants attempting to enter the EU. In the same perspective, the US offers aid, advice and equipment to Mexico to be used at its border with Guatemala.²³

Although the current security priority in certain regions of the world involves the issue of illegal immigration, an analysis of the means and resources used to tackle this “threat” reveals the capacity of States to respond to and impose a series of measures inside and outside their territory, when they deem it necessary.²⁴

B. Combating cross-border

22. MARENIN, Otwin, *loc. cit.*, p. 44.

23. *Ibid.*, p. 44-45.

24. A change in the priorities of European countries towards a stricter and more assiduous response to illicit arms trafficking is very likely to be translated into the implementation of measures in this area.

trafficking in SALW

1. Understanding illicit cross-border Trafficking in SALW

Several specific aspects in the illicit trafficking of SALW across land borders can be highlighted: firstly, the link between arms trafficking and transnational organised crime; secondly, the role of cross-border communities; thirdly, border zones as safe havens for arms traffickers and, finally, the phenomenon of “ant trade”.

a. The illicit trafficking in SALW across land borders and illicit transnational activities

Links between the illicit trafficking in SALW and transnational organised crime have often been highlighted in studies on trafficking activities²⁵: criminal groups use arms and are often involved in trafficking them. Arms trafficking is therefore part of the “trafficking networks” based on the interconnection of several illicit activities: drugs trafficking, the trafficking in human beings, arms and raw materials and money laundering.²⁶ Border management failure can subsequently create an environment conducive to the trade in “drugs for precious minerals or arms” and vice versa. In the illicit trafficking of SALW to Mexico, certain brokers directly trade firearms that have illegally come from the US, for drugs.²⁷ A similar case in point was highlighted in reports by UN expert groups on arms embargoes in Somalia: in wartime, the members of armed groups are sometimes a vector for transporting weapons across borders to sell them in exchange for food or other commodities.²⁸

25. UNODC, *Thematic discussion on linkages between terrorism, organised crime, trafficking in drugs and natural resources*, 14 July 2005.

26. FALL Hamédine, *op. cit.*, p. 92.

27. GOODMAN Colby & MARIZCO Michel, “U.S. Firearms Trafficking to Mexico: New Insights Provide Key Trends and Challenges to a Troubling Phenomenon”, *Woodrow Wilson International Center for Scholars and University of San Diego, “U.S. and Mexico’s Security Cooperation”*, June 2010, draft working paper.

28. UNSC (2008), Report of the Monitoring Group on Somalia submitted in accordance with resolution 1766 (2007), S/2008/274 of 24 April, and MARKS Joshua, “Border in name only: Arms trafficking and armed groups at the DRC-Sudan Border”, *Small Arms Survey HSBA Working Paper No.4*, May 2007, p. 25 and MCLEAN Andy, MARIANI Bernardo and VATANKA Alex,

Individuals involved in arms trafficking often use the same routes and itineraries as those used to transport other illicit goods across borders. The Balkans is a particularly revealing example on that matter. Although the flow and scale of arms trafficking has largely declined over the last fifteen years, superseded by the trafficking in drugs, human beings and consumer goods, the routes previously used for arms trafficking are still being used. These routes effectively remain lucrative and accessible, given the persisting weaknesses in the States of the region.²⁹ A similar observation can be made with regard to the trafficking routes between Latin America and the US.³⁰

b. Cross-border communities

Another factor facilitating trafficking across borders is the presence of cross-border communities, particularly in Africa where the borders were outlined in the 19th century, without taking into account ethnic considerations. In many cases, ethnic or economic ties existed before the borders were imposed and the local communities have often developed formal and informal cooperation in a variety of areas, irrespective of the restrictions linked to the existence of a political border.³¹ Moreover, when times are hard, small-scale trafficking is seen as a means of survival for the local community. As an integral part of informal cross-border economies, small-scale trafficking can become normalised.³² This helps to explain the reluctance displayed by local communities with regard to cooperating with the authorities in fighting against cross-border traf-

Enhancing EU Action to Prevent Illicit Small Arms Trafficking, Background Paper Prepared for the Project European Action on Small Arms and Light Weapons and Explosive Remnants of War, 2004, p. 1. For a study on organised crime in West African please refer to UNODC, *Transnational Organised Crime in the West African Region*, Vienna, January 2005. URL: http://www.unodc.org/pdf/transnational_crime_west-africa-05.pdf and UNODC, *loc. cit.*, p. 14.

29. SEESAC, *loc. cit.*, p. 6.

30. “Drug trafficking routes [between the United States and Mexico] almost overlap the gun trafficking routes perfectly. It is a similar system and the close overlap is because of the same actors and the same connections”. Inter-Parliamentary Seminar on the topic “Parliamentary Action on Small Arms – the illicit transfer of small arms to Latin America”, that was held on the 27th of April in the US Congress in Washington D.C., USA, p. 6.

http://www.parliamentaryforum.org/joomla/images/stories/minutes_seminar_in_us_congress_on_salw_2010.pdf

31. MARENIN, Otwin, *loc. cit.*, p. 35.

32. SEESAC, *loc. cit.*, p. 6.

ficking activities.³³ Sometimes, a degree of tolerance practised by the agents patrolling the borders and the local authorities, reinforces the climate of normalisation. As an example, the nomadic and herding communities in the border regions of Kenya, Sudan and Uganda, participate in the illicit movement of arms. The Toposa community in the Sudan, the Karamojong and the Turkana take part in the triangular arms and cattle market between the three countries.³⁴ Another example shows how rebels in Chad used to oversee arms and ammunition depots in caves around the Tibesti region at the border between Nigeria, Chad and Niger. These weapons were generally transported by camel to border towns in Niger and Nigeria and illegally sold to Nigerians and other potential buyers. The activities of traffickers and the Chad rebels were facilitated by the complicity of “tribal brothers” from the other side of the two borders (Kingum, Betti, Zinder, Diffa, Sibdou and Kazawe, in the Republic of Niger and Mallam Fatori, Maigatari and Nguru in Nigeria).³⁵

c. Border areas, a safe haven for criminals, rebel groups and traffickers

Certain border regions can become safe havens for criminals and high-crime areas, where transfers by traffickers and criminals are possibly facilitated by the ethnic complicity of border region communities. A study on criminality in West Africa highlights the connection between the border zones dominated by tensions, zones of trafficking and illicit movement of weapons and zones of proliferation of serious crime.³⁶ The trafficking routes circumvent crossing posts and go through parts of the territory where solidarity between local communities prevails (see examples used in the previous paragraph).

33. Adejo, P.Y., “Crime and the cross-border movement of weapons: the case of Nigeria” in *AYISSI Anatole et SALL Ibrahima (ed.) Combating the Proliferation of Small Arms and Light Weapons in West Africa: Handbook for the Training of Armed and Security forces*, UNIDIR/2003/13, 2003, p. 98.

34. The Small Arms Survey 2006: Unfinished Business. “A Constant Threat: Armed Groups in West Africa”. Geneva: Small Arms Survey, p. 282. Brussels, GRIP, the French translation is available at: http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2006/French%202006/CH11%20Uganda_FR.pdf

35. Adejo, P.Y., *op. cit.*, p. 101.

36. FALL Hamédine, *op. cit.*, p. 91.

d. Small-scale trafficking and the ant trade

Finally, a number of studies have illustrated that the trafficking of SALW and ammunition across land can take the shape of small-scale trafficking (also known as the “ant trade”). Whether this involves the phenomenon of “straw purchasers” between the US and Mexico or micro-trafficking involving States with weak government institutions, such as the Sudan and the Democratic Republic of Congo,³⁷ small-scale trafficking across land borders turns out to be a relatively widespread phenomenon.

The ant trade is defined as a process in which weapons are legally bought in one country and illegally brought into another country in small batches, sometimes one at a time.³⁸ Given that they are light, small and easy to transport, SALW and their ammunition are easy to smuggle across borders. Concealment, mislabeling and falsified documents are the most common strategies used. For example, weapons that are hidden inside metal goods or large cargoes are difficult to detect, unless controls are meticulously carried out with state-of-the-art equipment.³⁹ The ant trade is made easier by differences between national legislations in neighbouring countries governing the purchase and possession of firearms. Normally, this kind of trafficking benefits from less robust controls in countries where firearms are purchased than the countries of destination.

Trafficking between the US and Mexico illustrates this dynamic. Trafficking is mainly concentrated along the 3000 km border. Most of the arms illegally entering Mexico come from gunsmiths, pawn shops or gun shows in the southern States of the US (California, Texas, Arizona and New Mexico). US residents – known as “straw purchasers” – legally buy arms from an official dealer. Nevertheless, when they make this purchase, they conceal the real destination of these weapons. These weapons are actually being bought

37. The flow of arms from the Sudan to the DRC constitutes micro-trafficking of small cargoes of less than 50 weapons MARKS Joshua, *loc. cit.*, p. 11 et p. 20.

38. Small Arms Survey: Counting the human cost, “Les liens entre le marché légal et les circuits illicites: les transferts d’armes légères dans le monde”, *Small Arms Survey*. 2002. Geneva. Brussels, GRIP for the French translation, p. 135.

39. BOURNE Mike, BERKOL Ilhan, “Deadly diversions: Illicit transfers of ammunition for Small arms and light weapons” in PÉZARD Stéphanie ANDERS Holger (ed.) *Targeting Ammunition: A primer*, SAS, Geneva, p. 110.

for arms traffickers or even directly for the drug cartels in Mexico.⁴⁰ The arms are then generally transferred to brokers – smugglers, petty criminals or members of a cartel – who get them across the border or get someone else to do this. These intermediaries can repeat this process hundreds of times a year. These weapons are often moved along the US highways or enter Mexico by border posts in private or commercial vehicles. Once these arms are in Mexico, they often end up in the hands of their real buyers, the members of the cartels.⁴¹ The straw purchasers phenomenon is very difficult to identify. Indeed, straw purchasers meet criteria for acquiring arms and have no legal record. It is therefore difficult for the dealer to distinguish the real reasons for the purchase.⁴²

Therefore, in order to develop efficient land border management capable of halting the trafficking in SALW, one must take into account the dynamics at play in the border zones, in terms of arms demand, the flow and the direction of the trafficking between the two neighbouring countries.⁴³

2. Stakes at play for efficient border management

The different aspects of illicit trafficking in SALW across land borders, as underlined above, should be taken into consideration in the elaboration and development of border management mechanisms. Furthermore, to ensure some effectiveness in the fight against the illicit trafficking of SALW, several specific issues should be taken into account. The first involves the appropriateness of tackling the full implications of cross-border SALW trafficking, when conceptualising efficient border management and putting it into practice. Secondly, as previously illustrated, border posts provide a key location for checking people, the goods they are transporting and their means of transport. Thirdly, border management can be strengthened and supported by the implementation of complementary control mechanisms. Another challenge involves tackling the corruption of border security officials. Other essential aspects include intra-state and inter-state

cooperation, technology transfers and training adapted to the needs of the countries.

a. Tackling the full implications of SALW

The first challenge for tackling the uncontrolled movement of SALW across land borders involves recognising that these weapons represent a real challenge to border management. This, therefore, requires specific analyses and appropriated responses in order to tackling the full implications of SALW within the framework of border control. Although constituting a real challenge to border control, SALW should however not be tackled separately from other border issues; it should be taken into account in wider border management initiatives, in particular in regard with the links between the different types of cross-border illicit activities (trafficking in goods, drugs and human beings...).

Within security sector reform (SSR) and disarmament, demobilisation and reintegration (DDR) programmes, examination of the links between the role of border control agencies, the movement of arms and the mobility of ex-combatants over land borders can help towards developing efficient programmes. This can, for example, help towards managing the phenomenon of ex-combatants crossing borders to sell their arms (which have not been collected) on the markets in neighbouring countries.⁴⁴

b. Efficiency of crossing post controls

In order to confront arms trafficking that benefits from the specificities of border zones, border controls must focus on three dimensions: the individuals crossing the border, their goods or merchandise and mode of transport. Border guards play an important role at border posts in carrying out checks on individuals (the person with their possessions, on foot or in a car, or an employee transporting goods for a company from one country to another). Controls carried out on individuals involve checking the authenticity of a variety of documents (passports, etc.). The physical and administrative control of goods, cargoes and modes of transport is mainly carried out by customs officials. It is generally within the customs authorities' remit to inspect cargoes and to detect

40. GOODMAN Colby & MARIZCO Michel, *loc. cit.*

41. United States Government Accountability Office, *loc. cit.*, p. 22-23.

42. *Ibid.*, p. 21.

43. MARKS Joshua, *loc. cit.*

44. *Ibidem*

breaches of license agreements or attempts to export merchandise without a licence.⁴⁵ Nonetheless, it should be noted that inspection focuses on documents rather than checking the compliance of merchandise with documents. Furthermore, physically checking merchandise by the customs is only done in very few cases or at the specific request of the authorities.⁴⁶ This is not surprising given that the emphasis is increasingly being placed on tax-related priorities and trade facilitation within the national customs services, to the detriment of more security-related concerns. It should also be noted that the vast majority of customs' resources are more geared to inspecting incoming rather than outgoing flows of goods.⁴⁷ The political authorities and customs agencies should tackle these different aspects, in an effort to prevent any weakening of controls of goods at borders.

Specific resources are also required for detecting weapons possessed by an individual or concealed in the cargo of a vehicle: human resources (such as sufficient numbers of qualified personnel with specific training) but also technical resources (such as databases for information sharing on individuals and confiscated weapons (traceability), equipment for detecting and physically examining merchandise and goods). Vehicle number plate readers, metal detectors, X-ray systems for non-intrusive inspections, mobile detection operations and the use of canine units could be considered, depending on the realities on the ground.⁴⁸ Moreover, monitoring borders between crossing points can also benefit from technological resources: long-range radar, movement detectors and air patrols.⁴⁹

c. Complementary measures to controls at crossing points

In order to alleviate the workload carried out at the borders, it is important to work upstream. Firstly, it is the responsibility of the political authorities to strengthen legislation on the export,

45. Small Arms Survey, "Devils in Diversity: Export Controls for Military Small Arms", *Small Arms Survey: Shadows of War*, 2009. Geneva: Graduate Institute of International Studies, p. 86.

46. BERKOL Ilhan, "Firearms: UN protocol in European regulation", *Report by the GRIP*, 2006, special edition, p. 14.

47. GRIFFITHS Hugh and WILKINSON Adrian, *Guns, Plans and Ships: Identification and Disruption of Clandestine Arms Transfers*, SEESAC, Belgrade, August 2007, p. 33.

48. GOODMAN Colby & MARIZCO Michel, *loc. cit.*

49. MARENIN, Otwin, *loc. cit.*, p. 34.

import and transit of arms but also on the purchase and possession of the latter. As illustrated above, the phenomenon of small-scale trafficking is facilitated by differences in the legislation of neighbouring countries.⁵⁰ Improving national measures or harmonising legislations at a regional level can help reduce this kind of trafficking. Enhancing the capacities of the intelligence services can also help provide clearer identification of the actors involved in trafficking, sensitive zones and the dynamics impacting on the SALW trafficking across land borders. This also applies to the police services when operating against the networks or carrying out prevention and public awareness-raising initiatives. Disarmament initiatives can also be useful for reducing the circulation of weapons within and between countries. Finally, the lack of cooperation between the authorities and local communities can affect the efficiency of border management. Confidence-building among the local communities in the State authorities (which can lead to enhanced collaboration) must be done through increased contact and communication between the different local actors and a fight against corruption that demonstrates the determination of the political authorities.⁵¹ Investments in human resources and infrastructures in the border areas can translate a clear commitment from political authorities towards the local communities. Roads and crossing points established with the agreement of the cross-border population together with a balanced distribution of resources in border regions can support efforts to channel and normalise the licit flows of goods between countries.

d. The corruption challenge

One of the biggest problems encountered is corruption as it affects both the efficiency and the significance of border management. Furthermore, this phenomenon can also have repercussions on the capacity of other State agencies to carry out their work (the police, justice sector etc.).⁵² Border agents are particularly affected by this phenomenon because they constitute the first interface encountered by transnational organised crime. Problems related to infrastructure, weak State institutions,

50. GOODMAN Colby & MARIZCO Michel, *loc. cit.*

51. SEESAC, *loc. cit.*, p. 5.

52. UNODC, *loc. cit.*, p. 2-3 et MARENIN, Otwin, *loc. cit.*, p. 32.

Export control and related border security program (EXBS)

This programme was set up by the US Department of State at the beginning of the 1990s and aims to combat the proliferation of weapons of mass destruction (WMD) and certain conventional arms¹. The programme's geographical focus is on States that are likely to be the source or point of transit (North Africa, Middle East, the former USSR, Balkans and Central Asia...) for these kinds of material.² Washington's justification for its involvement in this domain is that a threat against another country is a threat against the US. The practical implementation of this programme is by way of enhanced measures for export controls and border control systems, as well as through an exchange of best practices in these two domains, by promoting bilateral and regional cooperation.

Initiatives are being taken on several fronts: improving national regulation on export controls and export and import licences, providing detection equipment and training, as well as organising cooperation between the different agencies. X-ray equipment for screening merchandise, non-intrusive inspection techniques, border monitoring sensors and vehicles, together with communication materials have been transferred to different partners. More particularly, at the level of strengthening land border controls, certain initiatives in the Balkans, Central Asia and Afghanistan have involved providing equipment for setting up mobile border teams, the deployment of modular buildings along the border between border crossing points, Border monitoring sensors, scannings devices, forklifts and cranes. Training, seminars and technical exchanges have also been provided to law enforcement and border control agencies, as well as vehicle inspection training to border guards and customs officials. EXBS is thereby working with the local authorities to modernise border crossing points and surveillance along the borders.

Despite the fact that the primary aim is to combat the proliferation of WMD, especially in support of UN Security Council Resolution 1540, this programme has also borne fruit in the fight against the different kinds of illicit trafficking and smuggling, including those involving arms and ammunition. In August 2009, the customs services in Kosovo intercepted contraband ammunition. They stopped a suspect car at the Vermica border post on the border with Albania. According to the US Department of State, by using EXBS inspection techniques and a fiberscope supplied by the program, inspection of the vehicle uncovered 45 batches of ammunition concealed in a hidden compartment under the back seat. The customs agents subsequently handed over the driver and passenger of the vehicle to the Kosovo border police.³

1. Further information can be found at the Export Control Cooperation page on the US Department of State site. URL: <http://www.State.gov/t/isn/ecc/index.htm>

2. US Department of State, EXBS Brochure. URL: <http://www.State.gov/documents/organization/120098.pdf>

3. US Department of State, EXBS PowerPoint. URL: <http://www.State.gov/documents/organization/126248.pdf>

social and geographical isolation and low salaries often contribute to the discouragement and frustration of border agents.⁵³ What is asked of these agents, in terms of collaboration with illegal activities, is often minimal and can be limited to "looking the other way or being somewhere else" when a suspicious vehicle or cargo goes across the border.⁵⁴ The difficult living and working conditions of border agents provide fertile ground for the development of cross-border crime, which takes advantage of the weaknesses in the situation.

53. FALL Hamédine, *op. cit.*, p. 89.

54. HILLS Alice, *loc. cit.*, p. 17.

e. Importance of increased cooperation within the State

Coordination among units of local government is essential for reducing the tension between contradictory local political agendas. Moreover, coordination between the different State agencies (police, judiciary, customs, border guards and intelligence services etc) can be improved by creating official communication and information exchange channels. The degree of cooperation between these actors is very often a question of political will. Indeed, reform or reinforcement of border management capacity is often done in parallel to reforms being carried out in other State sectors.

Bureaucratic inertia, different priorities and a lack of political will can hinder the progress in one sector and impact on activities in other sectors.

It should also be noted that intra-state cooperation is often hampered by the lack of a clear distinction between the different agencies involved in border management.⁵⁵ Developing a clear definition of the role, mandate and competencies of the customs authorities (goods) and border guards (individuals) would be a significant step towards improving the profile and effectiveness of border management mechanisms (see above).

f. Importance of international cooperation and assistance

The importance of inter-state cooperation through the sharing of information, the setting up of common risk analysis capacities and joint patrols has been previously underlined in this report. One of the frequent problems encountered on the ground is the lack of synchronisation between patrols on the different sides of the border. For example, patrols on both sides of the border take place at the same time, which means that at certain times, there is no surveillance being carried out. The traffickers are well equipped in mobile telephones and other gadgets and know the terrain well, as well as the weaknesses of the surveillance system. This allows them to take full advantage of these “empty spaces” created by the lack of patrol coordination.⁵⁶ The lack of synchronisation can become a problem, especially because operational methods vary from one side of the border to the other. Cross-border cooperation is necessary for promoting knowledge of the other and improving inter-operational coordination.

Collaboration can, more generally, take place at several levels. At a bilateral level, the setting up of bi-national committees to discuss cooperation regarding different security subjects (border security, transnational crime, etc.) can develop into practical initiatives, such as creating joint patrols. At a regional level, initiatives in the area of border management and the illicit trafficking in SALW have been carried out by several regional organisations (see box text, “OSCE and border management” and the annex, “European Union

and its periphery”). Regional fora can also help to create spaces for discussion and exchange, as well as opportunities for harmonising national arms legislation (possession, purchase, export) and on other related issues. At all these levels, fostering collaboration between all the actors involved in the different countries and shifting towards harmonisation of legislation and practices (for example, developing practical guidelines) can help to enhance efforts made in the fight against the illicit trafficking of SALW.

g. Technology and training appropriate to the specific needs of the different States

Technology has become an indispensable factor of border management in terms of information gathering and sharing about individuals and goods, communication, risk analysis and detection operations. Controls at borders are now made up as much by technological barriers and the use of databases, as the physical checking itself.⁵⁷ Nonetheless, technology transfers should be adapted to the absorption capacity of the actors involved in border management. The level of training and existing infrastructure should also be taken into account.⁵⁸ A phased-in transfer strategy, accompanied by a technology training process, should be promoted.

Training that is appropriate to the needs of border guards is also essential for building capacities and competencies that continue after training has been completed. In this perspective, “training trainers” is an effective tool. It helps to take into account local specificities such as the political and economic factors of the context, as well as maintain training upgraded on the long term. The US Department of State EXBS program, for example, begins with a standard training model and then adjusts its contents according to the country and the region where the training takes place, by using the appropriate data and language of the country and region in question.⁵⁹

It should also be noted that there are programmes for providing “training to trainers” at the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LIREC). This centre has, for example,

55. *Ibid.*, p. 1.

56. *Ibid.*, p. 2.

57. MARENIN, Otwin, *loc. cit.*, p. 51.

58. WALSH A. Kathleen, *loc. cit.*, p. 18.

59. *Ibid.*, p. 15-16.

OSCE and border management

The 24 November 2000¹ OSCE document on SALW provides a framework and basis for cooperation in order to strengthen the capacities of agencies working at the borders. It urges States to strengthen their customs and border security mechanisms. Providing advice and assistance in support of the fight against the cross-border trafficking of SALW is also underlined. Several initiatives with the specific aims of fighting arms trafficking at the borders have consequently been developed. We can mention the efforts made at the border between Uzbekistan and Afghanistan. Exchanges of expertise, techniques and procedures for border guards and customs agents, have been organised on a variety of issues, such as arms trafficking or the use of forged travel documents. Other programmes included inspection training seminars, as well as training on the tracing and seizure of illegally transferred SALW in the region. Theoretical and practical training in the area of information gathering, risk assessment and the control of exported goods have also been provided.²

Border management is an important OSCE activity. The concept of “open and secure borders”, which appeared in the OSCE Strategy³ in December 2003, aims to tackle threats to security and stability in the 21st century and highlights the organisation’s determination to find a balance between “doors and walls”. In this perspective, the OSCE adopted a “Border Security and Management Concept” in 2005, which constitutes a political framework for cooperation between participating States on border-related challenges. The concept therefore has a dual objective: to facilitate the legal mobility of persons and goods and to improve border security as a way of promoting regional stability and fighting against the trafficking of drugs, weapons and human beings. The 2005 Concept underlines that one of the main cooperation goals is to reduce and prevent the threats of terrorism and transnational organised crime participating in arms trafficking.

To achieve this aim, hands-on initiatives were set up in a variety of different regions. A college for training personnel involved in border management from partner and participating States was established in May 2009, in Dushambe, Tadjikistan. This college is an unique facility for training and knowledge sharing on border issues and promotes the exchange of good practices on regional and international standards for border management. Specific training on problems related to SALW would help to develop the work already in place.

The assistance provided by the OSCE seeks to be both practical and specific to different border situations.⁴ It includes support for implementing national strategic plans, assistance for countries to put security and border management reforms into place, theoretical and practical training for customs agents and border guards, detection, patrols and surveillance exercises and logistical support.⁵ The regular organisation of seminars and meetings in a given country or between neighbouring countries also provides room for dialogue and information and experience sharing in order to build mutual trust. The OSCE has therefore grasped the importance of improving cooperation between the different actors involved in border management at intra-state and inter-state levels. Better-targeted and coordinated cooperation between the OSCE and other international organisations is also highlighted in the December 2005 Concept.⁶

1. OSCE Document on Small Arms and Light Weapons, adopted at the 308th Plenary Meeting of the OSCE Forum for Security Co-operation on 24 November 2000, FSC.DOC/1/00.

2. OSCE, *Combating arms trafficking at the border*, 11 November 2002. URL: <http://www.osce.org/item/111.html> and OSCE Press release, *OSCE Centre trains Uzbek border guards and custom officials on intercepting illegal guns, spotting false travel documents*, 25 October 2004, URL: <http://www.osce.org/item/8683.html>

3. OSCE, *Border Security and Management Concept*, Framework for Co-operation by the OSCE Participating States, MC.DOC/2/05, 6 December 2005.

4. In Georgia, skills required for tackling high altitude weather conditions were taught during OSCE seminars. See “Mission in Georgia”, *Magazine of the OSCE*, July 2006, p. 13. URL: <http://www.osce.org/item/19837.html>

5. OSCE, *Tough training in a rugged environment for Tajik special forces border patrols*, 22 October 2009. URL: <http://www.osce.org/item/40908.html> For an explication of the different initiatives *Newsletters of the Border Security and Management National Focal Point Network*, 1 March 2009. URL: <http://www.osce.org/cpc/publications.html?lsi=true&limit=10&grp=451>

6. Marianne Berecz “Open, safe and secure: managing borders in OSCE area”, *Magazine of the OSCE*, July 2006. URL: <http://www.osce.org/item/19837.html>

extended its public security trainers' programme to border surveillance and customs investigations. Several courses and seminars, coordinated by the Regional Public Security Training Centre, on investigation techniques, regional information sharing and joint practices have been organised in several countries in the region for all the different actors involved in the fight against the illicit trafficking of SALW across borders (customs, border guards, the armed forces and intelligence agencies etc.) In 2007, around 1100 civil servants from seven States in the region received training on this issue.⁶⁰

60. United Nations Secretary General's report on, "Consolidating Peace through disarmament measures, Assistance to States for curbing the illicit circulation of small arms and light weapons and collecting them. The illicit trade in small arms and light weapons in all its aspects" A/63/261, 11 August 2008, § 32 and "*TREINASP focuses on the prevention of illicit firearms trafficking at border areas*" <http://www.treinasp.org/SecPRESSCENTRE/fmPressCentreDetail.aspx?PrI=316&Src=WS>

Conclusion

Despite the fact that until now, there has been a lack of attention focusing on this question, land border management is an indispensable factor in international efforts to fight against the uncontrolled proliferation of small arms and light weapons and their ammunition. Even though their relevance sometimes appears to be subject to question, given certain developments such as technological changes and the globalisation, borders still remain the most visible feature of State sovereignty over a territory, and their management a symbol of the State's involvement in the protection of its people against threats defined as such: illegal immigration, international terrorism and multifarious trafficking (human beings, drugs, raw materials and SALW).

The illicit trafficking in SALW across land borders is characterised by its own dynamics, which must be taken into account when responding to this issue. Firstly, there is very often linkages between SALW trafficking and other aspects of transnational crime, such as drug trafficking or the trafficking in raw materials and human beings. The individuals involved in these different kinds of trafficking often use the same supply routes. Secondly, the presence of cross-border communities with ethnic and economic links overlapping borders, can prove conducive to small-scale trafficking in SALW and their ammunition. The ant trade is another important aspect of the illicit trafficking in SALW across land borders: the arms move from one country to another in small quantities but on a regular basis. Finally, in certain regions of the world, border zones can become safe havens for criminal groups and traffickers. Isolation and difficult access to these regions as well as the existence of ties between the trafficking networks and the local communities can contribute to this situation. Efficient land border management, which helps stem the illicit traffic in SALW, first of all requires an understanding of the dynamics at play in the border zones, in terms of the arms demand, the flow and the direction of the trafficking between neighbouring countries.

To ensure efficiency in the fight against the illegal trafficking in SALW within the context of border controls, several specific issues must

be tackled at several different levels (national, regional and international). First, one must consider the full implications of the illicit circulation of SALW when devising and putting into practice efficient border management. In effect, as shown above, cross-border SALW trafficking has its own dynamics and must be efficiently integrated into broader border control policies. Secondly, at the borders themselves, controls must be carried out in an optimum way, starting by clarifying the role of each agency (border guards, customs agents etc.) and by taking into account the human and technical requirements depending on the situation on the ground. This must also include coordinated and regular surveillance between crossing posts.

These dimensions of border management must be backed up by upstream measures: national legislation, prior identification of traffickers by the intelligence services, etc. Legislation harmonisation initiatives at regional level in this area provide an opportunity for reducing the legislative differences between States that are exploited by the arms traffickers. Corruption is also an important challenge affecting the efficiency of border management. Furthermore, implementing and/or fostering cooperation between agencies within a State, as well as between two or several States, is essential. Confidence building and communication between the border communities and the political and administrative authorities can also help improve the efficiency of border management mechanisms. Finally, the transfer of technology and training adapted to the realities of each situation are also of great importance.

Annexes

The European Union and its periphery

The activities of the European Union (EU) at its periphery, in terms of assistance provided to border management, illustrate the need for an efficient and coherent management system, which works towards promoting the security and prosperity of the beneficiary States and the EU itself. This can be seen through the different initiatives that the EU has promoted in neighbouring countries, in terms of strengthening their border management capacities. The EU Border Assistance Mission in Moldova and Ukraine (EUBAM) and the Border Management Programme for Central Asia (BOMCA) are characteristic of the EU's capacity to assist its neighbours in improving border management standards and subsequently, help towards improving its own security.

EUBAM was set up in December 2005, following the joint request from Moldova and Ukraine and the signing of a memorandum of understanding. The programme is currently part of the European Neighbourhood Policy. In December 2009, EUBAM was extended until November 2010. The mission's objective is two-fold. Firstly, it helps the two countries improve surveillance and control of their border by bringing them closer to European standards.⁶¹ In this perspective, one dimension of the programme is to help "fight against the trafficking in human beings, contraband goods, arms trafficking and corruption".⁶² The mission also seeks to provide technical support, facilitate cooperation and harmonise standards, as well as help build confidence between the two countries and their border management agencies. Secondly, EUBAM aims to help States facilitate trade and the freedom of movement of individuals.

61. Communication from the Commission to the European Parliament and Council, *Taking Stock of the European Neighbourhood Policy*. URL: http://ec.europa.eu/world/enp/pdf/progress2010/com10_207_fr.pdf

62. Especially in the Transnistria region where arms trafficking was suspected. KRIVOSHEEV Denis, Marzouk Mia and Hvidemose Dorte, "Public Security Needs and Perceptions in Ukraine EU's SSR Aid Programming for Ukraine", *IFP Security Cluster*, March 2009, p. 27. URL: [http://www.eubam.org/files/100-199/191/Ukraine_Final%20\(2\).pdf](http://www.eubam.org/files/100-199/191/Ukraine_Final%20(2).pdf)

Ultimately, EUBAM provides assistance and advice to Ukrainian and Moldovan custom services and border guards and helps them develop greater professionalism,⁶³ while guaranteeing a balance between "doors and walls". The mission's work focuses on several aspects for consolidating the capacities of the different actors. Firstly, technical assistance is provided as a means of tackling the shortcomings in infrastructure, skills and equipment. The annual EUBAM report for 2008-2009, however, underlines that more investment is needed in terms of X-ray machines, weigh bridges (for weighing vehicles), information technology and communication equipment for using national databases and the Internet.⁶⁴ Secondly, EUBAM provides comprehensive training programmes to its partners through study visits to EU Member States, skills transfers at the workplace and training seminars led by experts at the local and central levels.⁶⁵ These seminars focus on a variety of subjects: human resources management, conflict resolution and intercultural competence, communication,⁶⁶ trade facilitation, regional and international standards, ethical norms, learning techniques and teaching, detection of falsified documents, vehicle inspection techniques, mobile units, classification of goods, investigation techniques, using equipment, anti-corruption measures and transnational organised crime etc.⁶⁷

Thirdly, in the area of cooperation between the national agencies in charge of border issues and cooperation between the agencies of the two countries, EUBAM has been regularly involved in the encouragement, assistance and monitoring of cross-border operations carried out since 2006.⁶⁸ Joint activities with EUBAM include joint patrols,

63. *Ibid.*

64. EUBAM, *Annual Report: December 2008-December 2009*, URL: <http://www.eubam.org/files/300-399/323/EUBAM%20AR%202009%20EN.pdf>

65. In 2008-2009 around 1400 agents received training from EUBAM. EUBAM, *Annual Report: December 2008-December 2009*.

66. Public relations training has, for example, helped improve the relationship between the border management agency's public relations services and the press services, as well as provide them with tools for raising public awareness on their work. KRIVOSHEEV Denis, Marzouk Mia and Hvidemose Dorte, *loc. cit.*, p. 25.

67. EUBAM, *Annual Report: December 2008-December 2009*.

68. Please refer to the Annual Report on the issue of joint patrols.

joint control operations at crossing points and joint public awareness activities,⁶⁹ etc.

Finally, particular emphasis is put on the importance of developing risk analysis and information sharing capacities. Electronic data processing must be prioritised as a means of risk identification and assessment and for developing initiatives against these risks.⁷⁰ In the domain of information exchange, we can mention several agreements between Ukrainian and Moldovan border management agencies, EUBAM training provision on the use of computer programmes, as well as the publication of a “Combined Monthly Assessment Report on Border Security on Moldova-Ukraine State Border” prepared by EUBAM and partner agencies on the ground, which helps to improve the analytical overview of border questions and alert on emerging trends.⁷¹

The annual 2008-2009 report also underlines the mission’s crime prevention dimension. To this effect, it reaffirms the importance of working closely with partners in the areas of cross-border crime prevention, such as the trafficking in people, drugs and goods, customs fraud and arms proliferation. Two working groups have been set up in these areas. It should be noted that one of the reasons underpinning EU involvement in the region, is to attempt to help find a peaceful settlement to the conflict in Transnistria and fight against organised crime in the region. EUBAM has helped to both develop agency capacities in the domains of detection and inspection and create greater transparency with regard to the nature and scale of the licit and illicit circulation of goods and people across borders in the region. This has helped to better define the outline of the problem involving illicit trafficking and to respond to certain allegations regarding the scale of arms trafficking via Transnistria.⁷²

In 2002, the EU also initiated the Border Mana-

69. Söderköping Process, *International conference on integrated border management to be held in Kyiv*, 14 April 2010 URL: <http://soderkoping.org.ua/page27502.html>

70. EUBAM, *Annual Report: December 2008-December 2009*.

71. EUBAM PRESS PACK, *KEY results*.

72. “Regardless of whether arms smuggling was indeed a problem, and whether EUBAM’s presence helped curb it, there is agreement on both sides of the border that EUBAM’s work has had a positive effect. In establishing clarity around this issue, EUBAM has contributed to establishing the preconditions for a more positive relationship between Tiraspol and Chişinău”. KRIVOSHEEV Denis, Marzouk Mia and Hvidemose Dorte, *loc. cit.*, p. 28.

gement Programme for Central Asia (BOMCA)⁷³ in an effort to tackle the enormous border-related challenges in Central Asia. The logic underpinning this cooperation is similar to that for the EUBAM: well-managed borders help promote legitimate trade and transit, as well as the development of security, stability and prosperity in the region and, by extension, for the EU. This initiative is expected to help these five States, “tackle threats to transnational security (organised crime, the trafficking of drugs, arms and people) and to stabilise the trade corridors in order to revitalise the economies in the region”.⁷⁴ The strategy consists of improving infrastructure, local capacities and skills and encouraging far-reaching institutional reforms. The approach advocated by the EU is based on information sharing, increased cooperation (between countries in the region and between donors), a training process (including training-of-trainers), raising awareness amongst personnel about European good practices in border management and the provision of equipment.⁷⁵

73. For Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, please refer to the official programme site URL: <http://bomca.eu-bomca.kg/> and the European Commission, *External Cooperation Programme, Border Management in Central Asia (BOMCA)* URL: http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/border-management-fight-against-drugs/bomca_en.htm

74. European Commission, *Fact Sheets: EU supports well-managed borders in Central Asia*, April 2009.

URL: http://ec.europa.eu/external_relations/central_asia/docs/factsheet_border_management_en.pdf

75. *Ibidem*.

The UN, the fight against the illicit trade in arms and border management

Questions regarding appropriate and efficient border control and the importance of States cooperating with each other in terms of training and information sharing were mentioned in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and during previous biennial meetings between the States on implementing these measures.

At the regional level, the Programme of Action encourages the setting up, where appropriate, of “subregional or regional mechanisms, in particular trans-border customs cooperation and networks for **information-sharing** among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders”.⁷⁶ At the global level, links between the illicit trade in small arms and **transnational organised crime** are highlighted in several recommendations that, “encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organised crime”.⁷⁷ As we indicated above, a comprehensive and integrated approach including all the different dimensions of the issue of the illicit trafficking of SALW across land borders must be prioritised. This includes strengthening the mechanisms in fighting transnational organised crime, which takes advantages of weaknesses in State institutions and among their agents.

With regard to application, cooperation and international assistance, the Programme of Action underlines that, “States should, as appropriate, enhance cooperation, the exchange of experience

and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade”.⁷⁸ Information exchange is also an important tool in cooperation between agents involved in the fight against the illicit trafficking of SALW - including the customs services and border guards – at both intra-state and inter-state levels. Appropriate training for the actors involved in the fight against the illicit trafficking of SALW can be guaranteed by way of international and regional assistance and cooperation.

The three biennial meetings that followed the July 2001 Conference provided an opportunity for briefly exploring the question of the role played by border management agents in the fight against the illicit trafficking of SALW. The first biennial meeting appears to particularly focus on the question of borders. The report of this first meeting underlines the importance of improving capacities and institutions, including the customs and border security services in the countries that suffer most from a cruel lack of resources and infrastructure. The main problems involve, “insufficiently equipped border patrol units for cross-boundary surveillance, inadequately staffed customs, police and law enforcement agencies, poorly paid services for the high-risk operations of identifying and apprehending illicit weapon owners and corrupt practices of winking at pilferage from unrecorded arms inventories...”.⁷⁹ This comment illustrates the important role played by border surveillance and the current obstacles to the efficient border management. The report from the first biennial meeting of States on the Programme of Action also indicates that, “more focused assistance would facilitate ongoing collective initiatives on three interrelated issues: –**Security sector reform**; – Closing loopholes in cross-boundary cooperation for extradition and trial of illicit arms traffickers; –**Exchange of national experience in the coordination of police, revenue services, border patrols and**

76. United Nations, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*. Document A/CONF.192/15, 20 July 2001, II § 27. URL :

<http://www.grip.org/bdg/pdf/g1877.pdf>

77. *Ibid.*, II § 38. We also note another recommendation: “Encourage States and the Worlds Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws”, *ibid.*, II § 37.

78. *Ibid.*, III § 7.

79. United Nations, Report from the First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. A/CONF.192/BMS/2003/1, 18 July 2003, § 50. URL: <http://www.grip.org/bdg/pdf/g4018.pdf>

intelligence in apprehending transnational activities in illicit arms trafficking".⁸⁰

With regard to security reform, the first biennial meeting emphasises that improvements in border management must be accompanied by efficient DDR programmes. Indeed, "there is a growing awareness among both affected countries and donor Governments that future programmes for weapons collection would achieve more lasting results by covering a subregion rather than a single country. **Cross-boundary movement of weapons over largely unpatrolled and permeable borders is particularly rampant in Africa**, where the use of small arms near border areas leads to wider tensions among neighbouring countries and communities".⁸¹ In this perspective, "**information-sharing with regard to existing national inventories could possibly offer a way of tackling cross-boundary trafficking in weapons illicitly procured through pilferage of inadequately guarded stocks**. For regions still locked in tense and hostile relationships, however, such a collective sharing of security information is not yet an immediate possibility".⁸²

In 2008, during the Third Biennial Meeting of States, the latter, "recognizing that the provision of **international cooperation and assistance**, including assistance for national capacity-building, is an overarching theme, essential to the full and effective implementation of the Programme of Action, highlighted the following measures: (a) States should enhance information exchange on national experiences and lessons learned in the implementation of the Programme of Action; (b) **States are encouraged to enhance practical cooperation among stockpile management, law enforcement, judicial, and border and customs control agencies with a view to combating the illicit trade in small arms and light weapons across borders, as well as related criminal activities** (terrorism, organised crime, trafficking in drugs and precious minerals)".⁸³

80. *Ibid.*, § 54.

81. *Ibid.*, § 46.

82. *Ibid.*, § 48.

83. United Nations, Report from the Third Biennial Meeting of States to Consider Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. A/CONF.192/BMS/2008/3, 20 August 2008, I§7. <http://www.poa-iss.org/bms4/Documents/BMS3Outcome-F.pdf>

The importance of a strategy that includes all kinds of illicit trafficking is subsequently emphasised. As previously indicated, understanding the dynamics involved in transnational criminal activities can help to shed light on the routes used and the actors involved in the illicit trafficking of SALW across borders. It should also be indicated that several working papers issued by the Third Biennial Meeting of States underlined the importance of improving "land border surveillance capacities",⁸⁴ "security mechanisms for border controls to avoid diversion of arms"⁸⁵ and "the transborder customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies".⁸⁶ We would also like to point out that the working paper submitted by Indonesia on behalf of Member States of the Non-Aligned Movement on Enhancing international assistance in the implementation of the Programme of Action on light weapons, provides some interesting clarifications regarding the procurement of equipment such as "mobile X-ray gates, body scanners, advanced radar systems for border control and protective means like bullet-proof jackets, etc."⁸⁷

The Programme of Action encourages States to establish and enhance cooperation between the border security agencies in the area of information and experiences sharing with regard to controlling the entry into and exit from the different territories.

Finally, we would like to note that Article 11 on security and prevention measures in the United Nations Firearms Protocol also refers to the necessity of increasing border controls, "in an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures...to increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and

84. United Nations, *Discussion paper on international cooperation, assistance and national capacity-building resource implications of States' commitments under the Programme of Action and International Tracing Instrument*. A/CONF.192/BMS/2008/WP.1, 3 June 2008.

85. *Ibidem*.

86. United Nations, *Working Paper submitted by Indonesia (on behalf of Member States of the Non-Aligned Movement) Enhancing International Assistance in the Implementation of the Programme of Action*, A/CONF.192/BMS/2008/WP.8, 18 July 2008.

87. *Ibidem*.

of police and customs transborder cooperation”.⁸⁸ The United Nations Convention on Transnational Organised Crime also underlines the importance of providing training and technical assistance for personnel in terms of knowledge and capacity regarding the “routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures; monitoring of the movement of contraband; **detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes**”.⁸⁹

88. United Nations, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Conventions against Transnational Organized Crime*. Document A/RES/55/255, 8 June 2001 URL: <http://www.grip.org/bdg/pdf/g1879.pdf>

89. United Nations, *United Nations Convention on Transnational Organized Crime*, Article 29. URL: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-f.pdf>