

## **Asian Regional Forum, Seminar on Conventional Weapons Transfer 21-22 February 2001.**

Speech by Brigadier General (ret) Henny J. van der Graaf, Special Representative European Union/Project Manager EU ASAC (EU assistance in curbing Small Arms and Light Weapons in Cambodia).

Thank you for giving me the opportunity to present to you some views on the EU joint action on small arms and its application in Cambodia.

Last Monday I presented at the International Conference on Small arms Proliferation and Trade in the Asian Pacific, an extensive review of the European Union's assistance in curbing small arms and light weapons in Cambodia. As many of the international participants in this room were also present at that conference, I would like to restrict myself today to the main points of this assistance programme. However, you can read more details of the EU ASAC programme in the English version of Monday's paper, which I have circulated this morning.

Today I want to speak in particular about the topic of this conference: the problem of conventional arms transfers in the Asian Pacific region.

Before doing so let me first give you again the main points of the EU ASAC assistance programme. EU ASAC started its work in March 2000 with a budget of 500,000 EURO.

In contrast with other countries in transition from war to peace, I found in Cambodia a government already fully engaged in curbing small arms and light weapons. At my arrival I observed that already more than 70,000 weapons had been collected and that about 27,000 had been publicly destroyed.

Last November the Council of Ministers of the European Union decided, in light of the feasibility studies conducted by EU ASAC in 2000, to extend its assistance in curbing small arms and light weapons in Cambodia for another year, with an additional budget of 1,3 million Euro, and to continue with a comprehensive action programme.

The EU ASAC programme consists of a number of closely interrelated actions:

1/. First, EU ASAC is assisting the government in the elaboration of an arms **law**. In close cooperation with officials of the Ministry of the Interior and the Ministry of Defence, a draft arms law has been prepared. We hope that the council of ministers of RGC will approve a draft in April, which can be presented to the UN Conference as a model law.

2/. Another activity of EU ASAC is the assistance given to the Ministry of National Defence in elaborating a pilot project "Registration of **weapons** and safe storage". You can read the details of this pilot project in the paper I have circulated. The purpose of this pilot project is to produce a model "safe storage depot", together with an effective weapons registration system.

An adequate registration system of the weapons stored in military and police depots, and in the hands of the individual soldiers and policemen, is an essential pre-condition for any export control system. Without national and regional registration of the existing weapons and ammunition, export controls are bound to fail. This is particularly the case in the Cambodian situation, where huge quantities of weapons have already been turned in by either the former factions or by the civilian population. Our research in a number of provinces, revealed great numbers of weapons and ammunition stored in wooden sheds and barracks without any registration and safety regulations. Some have been stored by the army, others are piled up inside police stations. It is very easy for criminals to access these weapons and explosives, and to bring large quantities of these on the black market, without any chance that the theft will be noticed. The government, and in particular the Ministry of National Defence, is aware of this and is fully cooperating in the implementation of this pilot project, which will be the first step for a nation wide registration system.

3/. **All** those weapons should be destroyed, because they are surplus to requirements for legitimate defence. If they are not destroyed, these weapons may show up in the black market. EU ASAC is prepared to support the destruction of weapons, already collected in the provinces. Based on international experience, we recommend that weapons collected from the civilian population should be destroyed in public ceremonies close to the collection points.

The cheapest method is to burn these weapons in a "Flame of Peace" This has recently happened in Pursat Province. The European Union is prepared to finance additional weapon destruction ceremonies in other provinces as well. It should be done as quickly as possible to avoid allowing substantial numbers of these weapons to find their way into illegal trafficking circuits.

4/. Another key element of EU ASAC collaboration with the Royal Government of Cambodia, is **Voluntary Weapons Collection from the civilian population**. Two pilot projects have started this month, one in Bakan district in Pursat Province the other in Snuol district in Kracheh Province. The Royal Cambodian Government, EU ASAC, together with individual donors including Japan, the Netherlands and Germany, and international organisations like the United Nations World Food Programme, will be working together in these pilot projects, in which weapons will be returned in exchange for a development incentive such as the building of a school, medical facilities or rural roads. Again, you can read the details in the paper I have circulated.

We hope that the results of the two pilot projects will be presented at the UN Conference on small arms in July 2001, as a practical example of micro-disarmament. We believe that this evidence of a successful peace building collaboration between the Royal Government of Cambodia and the European Union - together with the presentation of the arms law - will have an important and positive impact on that Conference.

5/. EU ASAC is convinced that **the involvement of civil society is of paramount importance in curbing the illegal circulation of small arms and light weapons**. We are closely collaborating with a number of national civil organisations, both individually and through NGO consortia. In June 2000, EU ASAC co-funded the National Conference on Small Arms, organised by the Royal Government of Cambodia and the Working Group for Weapon Reduction. In November 2000, EU ASAC sponsored, together with the British Embassy, a National Seminar for the Royal Government of Cambodia on a **Code of Conduct for the military, police and gendarmerie**. After approval from the Government, the Code of Conduct will be printed in sufficient numbers so that every soldier and policeman can carry one in his pocket.

I would like to repeat that the Royal Government of Cambodia has taken a unique approach in curbing small arms and light weapons in Cambodia. To

my knowledge it is the only country in the world, which is implementing a coordinated approach towards development and security. Improvement of security, rural development, confidence building and law and order improvement through legislation are all included in one comprehensive package of measures. This approach deserves discussion in a forum like this for possible application in other countries of the region.

**Now I would like to turn to the role the new arms law can play in the elaboration of more effective conventional weapons transfer regulations.**

In chapter two of the draft arms law, provisions are outlined for the import, export, production and transport of arms and ammunition. In article 14, it is said that the approval of import or production for national defence purposes shall be given by the Ministry of National Defence and approval of import or production for internal security shall be given by the Ministry of Interior.

The draft law says that government approval for export shall be initiated by the Ministry of National Defence and Ministry of Interior through an inter-ministerial consultation process and shall be co-ordinated with the Ministries of Justice, Trade and Commerce, and Foreign Affairs. The draft law also stipulates that international cooperation should be sought to ensure compatibility with relevant regional and international treaties, agreements and conventions.

So far so good! The Ministry of National Defence and about 70 civil society organisations have already commented on the existing draft law. However, among the comments tabled, is a document which has the features of a new draft. We hope that the original draft law will remain the basic document for amendments. The Royal Government of Cambodia, civil society and the European Union have invested substantial resources, and time and money, in the preparation of this draft which has been translated by a team of lawyers and linguists into three languages (Khmer, French and English).

I believe that the upcoming UN conference on Small Arms in New York, offers an excellent opportunity for the Royal Government of Cambodia to present the final draft, as an example of an arms law which could be applicable to other countries in transition from war to peace.

If that is our target, we shall have to accelerate the review process. The Council of Ministers should receive the final draft for approval at the latest

in April 2001. EU ASAC is prepared to support this time scheme technically and financially. We suggest a round table to be organized by the RGC at the end of March, to be financed by EU ASAC. This round-table will adopt the final text to be submitted to the Council of Ministers.

I would like to emphasize that the registration of official weapons, and the passing of coherent legislation, are important elements in the process of devising adequate arms transfer controls. One should, however, keep in mind the other side of the coin: the way rules and procedures will be implemented in the field. Without effective border controls and without an effective law and order mechanism in the country, weapon transfer control is bound to fail. Cross-border collaboration with neighbouring countries is also an essential part of control. In particular most, if not all the weapons and explosives, are of a second hand nature. They are stored all over the country, as unregistered stocks held in military barracks and police stations. They are therefore much more difficult to control than newly produced weapons.

**One other positive Cambodian initiative has been the creation in June 2000, of a National Commission for the Reform and Management of Weapons and Explosives.** This mechanism for coordinating the activities of the many Ministries and Departments involved, we warmly recommend to other countries. National Commissions could collaborate together, across frontiers and on a regional basis, and be a focal point for the exchange of information and common actions. Last but not least such national commissions could be a platform for common action in curbing small arms and light weapons in the Asian Pacific region.

Let me conclude by applauding the priority attention the Royal Government of Cambodia is giving to the problem of the illegal circulation and possession of small arms in the country. The same counts for the officials with whom we work closely together. As I said last Monday, it is the Royal Government of Cambodia, which has set this process in motion. The European Union is happy to continue to work together with the Royal Government of Cambodia in curbing the illicit circulation and use of small arms and light weapons in the country, and outside its borders.

# **The International Conference on Small arms Proliferation and Trade in the Asian Pacific**

The EU joint action on Small arms and its application in Cambodia

by

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In December 1998 the EU member states agreed a joint action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons. The Cambodian government was one of the first countries to declare its willingness to engage with the EU in a comprehensive programme in curbing small arms and light weapons in Cambodia. In March last year The Council of Ministers of the European Union appointed me as EU special representative and project manager and I took office in April 2000.

In contrast with other countries in transition from war to peace, I found a government already fully engaged in curbing small arms and light weapons. At my arrival I observed that already more than 70,000 weapons have been collected and that about 27,000 had been publicly destroyed.

21 June 2000, a *National Commission For Reform and Management of V/eapons and Explosives* has been established under the chairmanship of H.E. Sar Kheng. Also a working structure between EU ASAC and the government has been set-up. This working structure named: "groupe de travail" consists of a high official from the Ministry of the Interior, the Ministry of Defence and the special legal adviser to the deputy prime minister. This group meets regularly with me to prepare the ground for further action.

Last November the Council of Ministers of the European Union decided, in light of the feasibility studies conducted by EU ASAC in 2000, to extend its assistance in curbing small arms and light weapons in Cambodia with another year with an additional budget of 1,3 million Euro and to continue with a comprehensive action programme.

The EU ASAC programme consists of a number of closely interrelated actions:

First, EU ASAC should continue in assisting the government in the elaboration of an arms law. Last year in close cooperation with officials of the Ministry of the Interior and the Ministry of Defence a draft arms law has been prepared. Comments have been solicited from about 70 civil society organisations, headed by the working group for weapon reduction and the Cambodian Institute for Development and Human Rights. Also the Ministry of Defence and the Ministry of the Interior commented on the draft law.

relationship between the security forces and the population. Public awareness raising about the dangers of small arms is another element of the pilot project. Two national civil society organisations are working with EU ASAC on this: the Cambodian Institute for Human rights and ADHOC.

A Cambodian pilot project manager has been appointed, and Dr. Robin Edward Poulton, who did the feasibility study, has returned from Europe to support and stimulate the implementation of the project in the coming month. He will work closely with the provincial and local authorities. EU ASAC proposes that the start of the pilot project in Kracheh should be highlighted by the organisation of a Flame of Peace.

The pilot project in Bakan district in Pursat Province has not yet been financially secured. The feasibility study of EU ASAC in the area, the public awareness campaign already launched by the Cambodian Institute for Development and Human Rights (CIDH), the visit of a Japanese mission to Bakan district and the visit of the UN fact finding mission, as well as the weapons burning ceremony of last January, have created high expectations among the people in Bakan District, which cannot be ignored. A loss of the momentum would create serious disappointments among the population and lead to a loss of trust and confidence.

Funding for the Bakan/Pursat pilot project is still under discussion. The Japanese Government and the United Nations Department for Disarmament Affairs are looking into the possibility of using UN funding. It is hoped that the pilot project will be sufficiently funded to allow for a start in March 2001. We are discussing this in close co-operation with the Japanese Embassy in Phnom Penh. Last week, the embassy informed me that they are looking whether they can use money from their KUSANONE grant assistance fund for the financing of the development elements of the pilot project in Pursat. We are also hoping to get supplementary funding from some interested EU member states like Germany. WFP has agreed to allocate 100 tonnes of rice also to the pilot project in Bakan District. The recruitment of a EU ASAC field manager is in hand.

We hope that the two pilot projects will also be presented at the UN Conference on small arms, as a practical example of micro-disarmament. We believe that this evidence of a successful peace building collaboration between the Royal Government of Cambodia and the European Union - together with the presentation of the draft arms law - will have an important and positive impact on that Conference.

EU ASAC is collaborating with a number of national civil organisations, in particular with WGWR, ADHOC, CIHR and CIDH. In June 2000, EU ASAC co-funded the National Conference on Small Arms, organised by the Royal Government of Cambodia and the WGWR. In November 2000, EU ASAC sponsored, together with the British Embassy, a National Seminar for the Royal Government of Cambodia on a Code of Conduct for the military, police and gendarmerie. CIHR, UNESCO and the office of the High Commissioner for Human Rights, were the main organisers and prepared, in close cooperation with high officials of the Ministry of National Defence and the Ministry of the Interior a draft code of conduct. After approval from the Government, the Code of Conduct will be printed in sufficient numbers so that every soldier and policeman can carry one in his pocket. The code of conduct will also be included in the police training in Snuol and Bakan district.