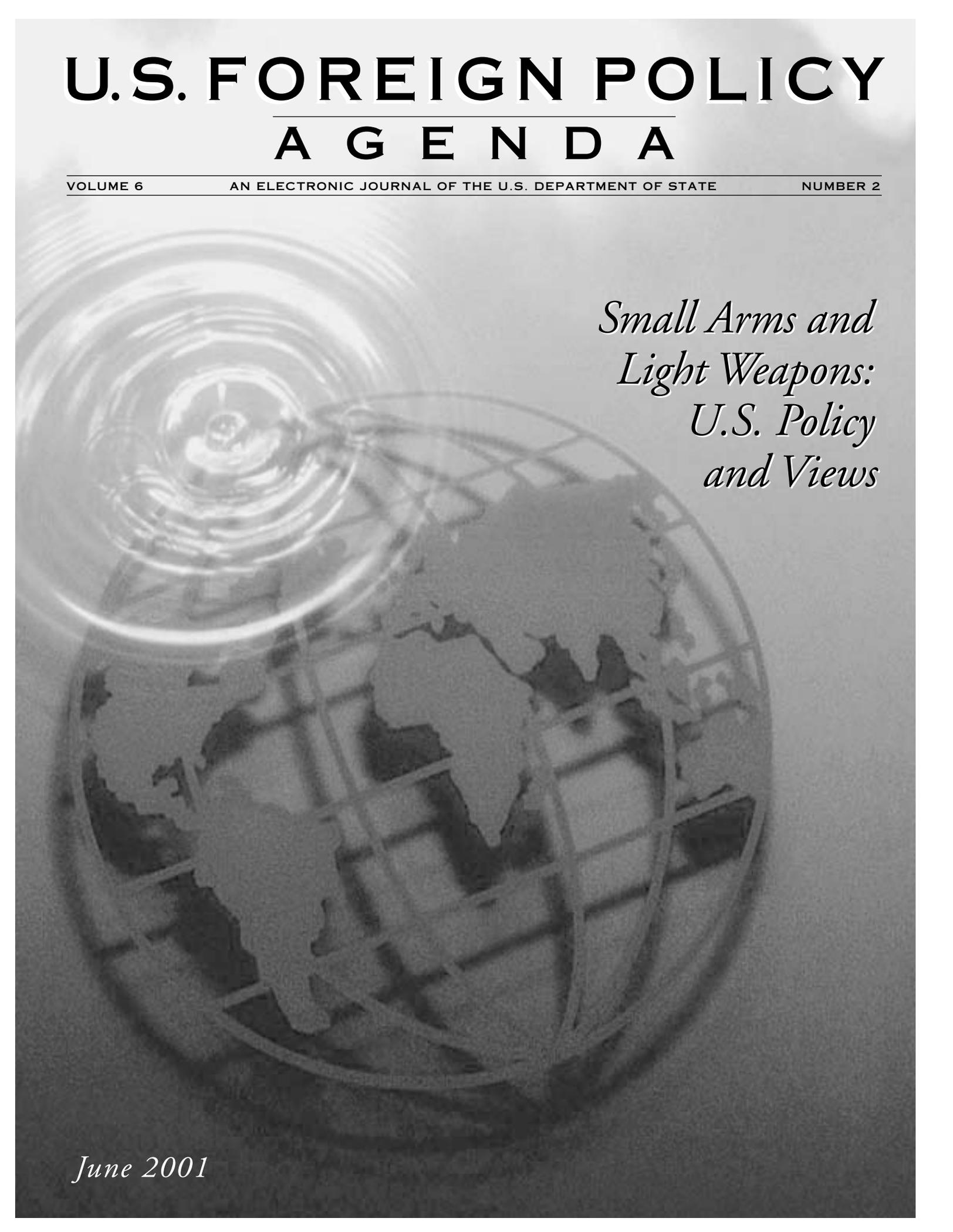


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*Small Arms and
Light Weapons:
U.S. Policy
and Views*

June 2001

U.S. FOREIGN POLICY A G E N D A

Small Arms and Light Weapons: U.S. Policy and Views

U. S. FOREIGN POLICY AGENDA

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The uncontrolled proliferation of illicit small arms and light weapons (SA/LW) in regions of the world suffering from political instability and violent conflict has proven a major obstacle to peace, economic development, and efforts to rebuild war-torn societies. The United States is a global leader of efforts to mitigate the illicit trafficking and destabilizing accumulation of SA/LW through multilateral diplomacy and bilateral assistance to countries in need. Specifically, the United States has directed its policies at building and enhancing enforcement and legal capacities, better controlling proliferation to areas of conflict, providing training on export control and customs practices, discouraging irresponsible and indiscriminate exports, strengthening sanctions against violators of embargoes, and enhancing stockpile security and destroying excess weapons. The U.S. approach focuses on practical, effective measures to address the problem of illicit SA/LW trafficking in conflict regions where it is most urgent, while acknowledging the legitimacy of legal trade, manufacture, and ownership of arms.

As the international community completes preparations for the 2001 U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, this issue of U.S. Foreign Policy Agenda examines the U.S. response to the challenges posed by the uncontrolled proliferation of these weapons. Key U.S. officials outline U.S. initiatives for reducing and preventing the excessive and destabilizing accumulation of the weapons that are contributing so greatly to the devastation occurring in regions of conflict. A leading small arms analyst and scholar give their views on U.S. SA/LW policy and comment on lessons learned so far in the global pursuit of solutions to the problems that SA/LW cause.

Assistant Secretary of State for Political-Military Affairs, Lincoln P. Bloomfield, Jr.

U.S. FOREIGN POLICY A G E N D A

*An Electronic Journal of the
U.S. Department of State*

SMALL ARMS AND LIGHT WEAPONS: U.S. POLICY AND VIEWS

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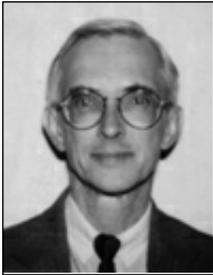
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COMBATING THE SPREAD OF SMALL ARMS: THE U.S. APPROACH

*By Ambassador Donald J. McConnell
Bureau of Political-Military Affairs, U.S. Department of State*



“Simple ‘one size fits all’ solutions are ineffective in dealing with the complex, often region-specific problems caused by the proliferation of small arms and light weapons,” says Ambassador Donald J. McConnell, Bureau of Political-Military Affairs, U.S. Department of State. The best way to attack the problem, he says, is to “identify and curb the sources and methods of the illicit trade via robust export controls, law enforcement measures, and efforts to expeditiously destroy excess stocks and safeguard legitimate government stocks from theft or illegal transfer.”

The proliferation of illicit small arms and light weapons (SA/LW) in regions of the world suffering from political instability and violent conflict has proven a major obstacle to peace, economic development, and efforts to rebuild war-torn societies. In places like Sierra Leone, Kosovo, and Colombia, thousands of innocent civilians have been killed and tens of thousands more displaced by ethnic and civil conflicts perpetuated in large part by easy access to illicit SA/LW.

The United States is a global leader in efforts to mitigate the illicit trafficking and destabilizing accumulation of SA/LW through multilateral diplomacy and bilateral assistance to countries in need. Specifically, the United States has directed its policies at building and enhancing enforcement and legal capacities, controlling proliferation to areas of conflict, providing training on export controls and customs practices, discouraging irresponsible and indiscriminate exports, strengthening sanctions against violators of embargoes, and enhancing stockpile security and destroying excess weapons. The U.S. approach focuses on practical, effective measures to address the problem of illicit SA/LW trafficking in conflict regions where it is most urgent, while acknowledging the legitimacy of legal trade, manufacture, and ownership of arms.

EXPORT AND IMPORT CONTROLS: Effective export and import controls are the keystone of any successful effort to mitigate the problems of illicit trade in small arms and light weapons. In many developing countries, very few laws, if any, exist to regulate the import and export

of small arms and light weapons. In places where such laws and regulations do exist, enforcement is often weak. End-use certificates, the primary means of ensuring that weapons are delivered to intended users, are easy to forge and frequently can be bought for a price in poor countries where corruption is rife.

All countries that manufacture, trade, or transit weapons, require a robust regime regulating the transfer of arms. Regulations in the U.S. Arms Export Control Act (AECA) govern commercial exports of all U.S. defense articles and services as well as government transfers through the Foreign Military Sales (FMS) program. Under these regulations, U.S. government approval is required for each transaction of defense articles and services. The intended end-users are carefully vetted to ensure that they do not violate any of the principles and norms in the 1995 U.S. Conventional Arms Transfer (CAT) policy. Under the CAT, all commercial exports and non-commercial transfers are subject to strict criteria including: U.S. and recipient country security needs; support for foreign policy interests; risk of adverse impact on the recipient country or region; human rights, terrorism, and proliferation record of the recipient and potential for misuse; and potential for diversion or other unauthorized use.

Unauthorized re-transfers are a major source of illicitly traded SA/LW. Arms re-transferred without notification to the original exporter are frequently the nexus between legal and illegal trade. Certain countries in Africa and Latin America, for example, have become

major conduits of arms to violent terrorist and insurgent groups because of lax regulation over retransfers of legitimately traded arms. The United States is one of the very few countries in the world that conditions all commercial sales and government transfers of defense articles on rigorous end-use certification, adequate security to prevent illegal diversion, and the requirement for authorization for retransfer. U.S. law prohibits arms and munitions exported from the United States from being retransferred by the recipient without prior U.S. government approval. Suspected violations are subject to end-use inquiries, which can result in criminal sanctions against the person or entities involved, and termination of exports to a violating country. By law all U.S. SA/LW are marked at the time of manufacture and import to assist in tracking illegal diversions.

Laws and regulations are only as good as their enforcement. While no enforcement mechanism is foolproof, the United States employs end-use checks as an instrument for deterring and ensuring that U.S. exports are not illegally diverted to undesirable end-users. When a shipment is suspected of diversion or some other violation, the State Department and U.S. Customs Service are able to conduct end-use inquiries through a program known as “Blue Lantern”. The U.S. Department of Defense (DOD) also has instituted an end-use monitoring system for foreign military sales based on the Blue Lantern program. Inquiries can range from simple interviews conducted by U.S. Customs or State Department officers to physical inspection of shipments. Hundreds of these end-use checks are conducted worldwide each year. Known violations of U.S. export regulations have resulted in denial and suspension of licenses, criminal prosecution, and termination of all defense exports to certain countries. Persons subject to prosecution under the ITAR may face criminal penalties up to \$1 million per violation, imprisonment, or both.

REGULATION OF ARMS BROKERS: Unchecked “rogue” brokers operating with impunity due to a lack of regulation are a major source of illicitly trafficked arms around the world. Fewer than 20 countries in the world have laws regulating arms brokers. The United States prides itself as having one of the most comprehensive regimes governing international arms brokers in the world. A U.S. law approved in 1996, as

an amendment to the AECA, mandates that commercial brokers engaged in the sale of U.S. defense articles must register with the State Department’s Office of Defense Trade Controls (DTC). Each transaction must also be fully authorized and licensed by DTC. Jurisdiction extends not only over U.S. citizens and foreign nationals operating in the United States, but also over U.S. citizens abroad. Finally, brokers are required to submit annual reports enumerating and describing all approved activities. The U.S. actively encourages other countries to develop robust brokering laws and procedures and has repeatedly called for international discussion on the development of model brokering regulations that could serve as a global template for national brokering laws.

ENFORCEMENT OF EMBARGOES: Although United Nations Security Council (UNSC) resolutions impose legally binding commitments on member states, too often some members lack the political will or resources to ensure compliance with UNSC embargoes. The United States strictly observes embargoes and imposes criminal penalties on U.S. companies that violate them. The United States urges all countries to impose criminal sanctions on violators of UNSC embargoes, to support increased international cooperation, and to involve U.N. sanctions committees in efforts to identify violations and violators.

ATTACKING MEANS OF FINANCING: A great deal of media attention has been focused on the problem of “conflict diamonds.” Gems, timber, minerals, drugs, and other contraband, as well as diamonds, are bartered for arms and are also a major precipitator of conflict between rival military organizations struggling for control of lucrative concessions in some areas of conflict such as in Western, Central, and Southern Africa. The United States strongly supported a December 2000 U.N. General Assembly resolution calling for a break in the link between diamonds and conflict and a July 2000 UNSC resolution calling on member states to ban the import of diamonds from Sierra Leone unless exported under a certification process approved by the U.N. Sanctions Committee. The United States has additionally supported sanctions against Liberia and Angola relating to the trade in conflict diamonds. The United States is currently working with the diamond industry, non-governmental organizations (NGOs), and governments through the

so-called “Kimberly Process” to develop standards for a global certification process. Ending the export of “conflict diamonds” and other contraband will greatly aid efforts to cut off illegal sources of revenue that often fuel illicit trafficking in SA/LW.

ASSISTANCE PROGRAMS: Lack of proper laws, regulations, training and resources greatly hinder many countries’ efforts to curb illicit small arms and light weapons trafficking. The United States works bilaterally and multilaterally to offer technical and financial assistance in the areas of law enforcement, export control assistance, and stockpile management and destruction of excess SA/LW. The United States funds a variety of programs in Africa, including, notably, the African Baseline Survey on Small Arms Legislation, Regulations, and Law Enforcement Capacity for the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI). The United States leads efforts to include national reporting on SA/LW transfers in the Wassenaar Arrangement, a 33-country organization dedicated to transparency and responsibility in arms transfers. Export control assistance is offered to countries in need of developing laws, regulations and enforcement mechanisms; in particular, we have extensive cooperation programs with former members of the Warsaw Pact. In fiscal year 2001 (FY01), the United States dedicated \$2 million to global efforts to assist countries in the destruction of excess small arms and light weapons.

We believe that the approach outlined above holds the best prospects for mitigating the harmful proliferation of SA/LW in the areas of the world where action is most urgent. The United States does not support the proposals of some to totally ban civilian possession of firearms. Individuals in the United States and many

countries lawfully own and use hunting and sporting firearms. The problem of SA/LW proliferation in areas of conflict and political instability is a qualitatively different issue. Casting the net so wide as to ban all firearms is counterproductive.

Similarly, the vast preponderance of SA/LW sold around the world are licensed, fully legal transactions, mostly to governments for national defense and law enforcement purposes. To tar all trade and manufacturing of arms with the same brush as the illicit trade misses the point. Finally, the United States disagrees with proposals to ban sales of SA/LW to non-state actors. Fundamentally, we oppose such a ban in principle because it fails to make the distinction between responsible and irresponsible end-users — only whether or not they have status as “governments.” Terrorist groups, insurgents, and drug traffickers acquire arms primarily through illegal diversion, theft and smuggling rather than through legitimate transfers. Therefore, a ban to non-state actors is unlikely to work as intended. It is also important to note that such a ban would preclude assistance to oppressed non-state groups such as an ethnic minority faced with genocide by an oppressive government. Arms acquired through illicit channels are best addressed by improvements in export controls — for both state and non-state end-users — which we strongly advocate.

Ultimately, simple “one size fits all” solutions are ineffective in dealing with the complex, often region-specific problems caused by the proliferation of small arms and light weapons. Focused efforts to identify and curb the sources and methods of the illicit trade via robust export controls, law enforcement measures, and efforts to expeditiously destroy excess stocks and safeguard legitimate government stocks from theft or illegal transfer are the best ways to attack the problem. ●

SMALL ARMS AND LIGHT WEAPONS: CAN THEY BE CONTROLLED?

*By Herbert L. Calhoun, Deputy Division Chief, Office of Policy
Plans and Analysis, Bureau of Political-Military Affairs, U.S. Department of State*



“Since the end of the Cold War, interest has turned to small arms and light weapons primarily as a result of the dramatic increase in the number, duration, and destructiveness of intrastate conflicts, many of which called for costly U.N. peacekeeping missions,” says Herbert L. Calhoun, Senior Foreign Affairs Specialist and Deputy Office Director, Bureau of Political-Military Affairs, U.S. Department of State. “The change in the international security landscape from a few episodic large-scale interstate wars to frequent small-scale intrastate conflicts has occurred at a time when international norms, export control regimes, and treaties to control or eliminate weapons of mass destruction are making substantial progress.”

Most arms control efforts since World War II have been devoted to nuclear and other weapons of mass destruction or to heavy conventional weapons. Since the United Nations Secretary-General issued a supplement to his 1995 Agenda for Peace on the subject (January 1995), increasing attention has been given to the weapons that are actually producing the horrors witnessed in Africa, the Balkans, and other parts of the world. These weapons are small arms and light weapons (SA/LW), such as landmines, assault rifles (like the AK-47), and machine guns. This article surveys recent efforts to examine the issues and to develop and establish appropriate and effective international controls over small arms and light weapons. The issue of controlling anti-personnel landmines has followed a separate course and is not dealt with here.

WHAT ARE SMALL ARMS AND LIGHT WEAPONS?

Broadly speaking, small arms and light weapons include a wide variety of lethal instruments, from handguns to man-portable air defense systems. While there is no universally accepted definition of small arms, the term is commonly viewed as encompassing man-portable firearms and their ammunition primarily designed for individual use by military forces as lethal weapons. A typical list of small arms includes self-loading pistols, rifles and carbines, sub-machine-guns, assault rifles, and light machine-guns. Not included in this list are

hunting rifles, civilian handguns, and weapons considered as collector's items such as museum pieces and other weapons preserved for historical purposes.

Light weapons are usually heavier and larger than small arms and designed to be employed by a small team or crew of infantry personnel. They include some man-portable firearms and their ammunition, light artillery guns and rockets, and guided missiles for use against armored vehicles, aircraft, or fortifications. A typical list of light weapons could also include heavy machine-guns, hand-held under-barrel and mounted grenade launchers, man-portable air defense systems (such as shoulder-fired anti-aircraft guns and missiles), anti-tank guns and recoilless rifles, portable anti-tank and rocket launcher systems, and mortars of caliber below 100 mm. Light weapons fall just below the seven categories of large weapons reported to the U.N. Register of Conventional Arms, and are thus an intermediary category between “small arms” and “major weapons.”

Compared to complex major weapon systems, small arms and light weapons are more widely produced and available, relatively easy to conceal, and require little maintenance, logistic support, and training to operate.

WHY THE RECENT INCREASED INTEREST IN SMALL ARMS AND LIGHT WEAPONS?

Since the end of the Cold War, interest has turned to small arms and light weapons primarily as a result of

the dramatic increase in the number, duration, and destructiveness of intrastate conflicts, many of which called for costly U.N. peacekeeping missions. The change in the international security landscape from a few episodic large-scale interstate wars to frequent small-scale intrastate conflicts has occurred at a time when international norms, export control regimes, and treaties to control or eliminate weapons of mass destruction are making substantial progress. At the same time, the proliferation and criminal misuse of small arms and light weapons are posing increasing threats to national and regional security.

These weapons have fueled dozens of intrastate and local conflicts around the globe — killing, injuring, and displacing millions of people, primarily women and children, from Albania to the Democratic Republic of the Congo. They are today's real weapons of mass destruction. Patrick Brogan, in *World Conflicts* (The Scarecrow Press, 1998), reports that between 20 and 30 million deaths have occurred in the 85 wars since 1945. The Institute for International Studies (ISS) of South Africa reports that Africa alone has suffered 5,994,000 fatalities in the last 50 years due mostly to small arms and light weapons. The U.S. Committee for Refugees calculates that in 1997 there were more than 14 million refugees in foreign lands, and more than 19 million "internal refugees," a number rivaling the mass movement of peoples after World War II. In short, the regulation of small arms and light weapons, compared to weapons of mass destruction, remains a relatively underdeveloped area.

Estimates of the number of small arms and light weapons in circulation range from 100 to 500 million, with 50-80 million being AK-47 assault rifles. An increasing number of countries are becoming self-sufficient in the manufacturing of small arms and related ammunition either through indigenous or licensed production. It has been reported that an AK-47 assault rifle can be purchased on the streets of some developing countries for as little as \$10 (U.S.), or in exchange for a chicken or a goat. In other countries, AK-47s can be rented by the hour by criminals solely for the purpose of carrying out a criminal act. International transfers are also a major source of small arms and light weapons supply, through a host of channels, both legal and illegal.

The negative effects of the proliferation and illicit trafficking of small arms and light weapons have been far-reaching and diverse. Although most important are the increased threats to international and regional security, these effects have also been felt indirectly through dramatic increases in peacekeeping costs resulting from the increased number and intensity of intrastate conflicts. Other negative aspects of these weapons include their increased use by terrorists, the heightened threats to U.N. peacekeepers and humanitarian relief workers, and the undermining of the implementation of peace agreements. The urgent need to stem the proliferation and misuse of these weapons, which has been urged by two U.N. Secretaries-General, has raised a number of humanitarian, law enforcement, developmental, and security challenges for the international community.

CULTURE AND THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS

State sovereignty by definition includes the right to monopolize the legitimate exercise of force. Under Article 51 of the United Nations Charter, states also have the right to use force in self-defense, or in defense of their sovereignty. Small arms and light weapons used to maintain domestic order and to defend a nation's borders represent the most visible and enduring manifestation of these basic rights and thus will always remain closely identified with issues of independence and sovereignty. A logical extension of these rights is that states also have the right to legally manufacture and otherwise acquire weapons necessary for self-defense.

Traditionally, it has been national rather than international laws that prescribe the terms of possession and use of small arms and light weapons by security forces and private citizens. Hence, international attempts to control small arms and light weapons must take into account these fundamental rights of states. Cultural norms, social values, and historical traditions affect domestic regulation of weapons. For example, learning to use a gun for self-defense, sporting purposes, or military training is common in many countries. The armed forces, police or militia in most countries are permitted to carry and use small arms in accordance with domestic laws, and in some countries such as the United States, private citizens can do so as

well. The right to own and bear arms can even be provided in national legislation and national constitutions, as is the case in the United States. Proposals to control small arms and light weapons must take into account such differences in national orientation and the fact that states jealously guard against any encroachments from outside into their domestic policies.

THE CAUSES OF INSECURITY

While small arms and light weapons play a significant role in exacerbating conflicts that exact enormous human and socioeconomic costs, the causes of such conflicts lie in political, economic, ethnic, and religious differences and disparities. These are often aggravated by governance-related deficiencies, such as exclusionary and repressive policies, and lack of, or weaknesses in, democratic institutions, respect for the rule of law, and human rights observance. Conditions of endemic insecurity and weak national and interstate regulatory and law enforcement structures, together with the fact that these weapons are cheap, widely available, easily concealed and transportable across porous borders, and require little maintenance and training, further compound the problems of widespread proliferation, illicit trafficking and possession, and criminal misuse.

SUPPLY AND DEMAND

Both supply-side and demand-side strategies are required if the SA/LW problem is to be surmounted. Uncontrolled weapons circulating into countries with fragile governments and histories of serious internal problems only exacerbate the causes of conflict. “Oversupply,” with its many unintended consequences, obviously must be dealt with. At the same time, it is a fact that the use of weapons is often only symptomatic of deeper societal ills, ills that produce the insecurity driving the demand for weapons. Removing the instruments without addressing the causes of insecurity will simply generate a new demand for replacement weapons, leaving the sources of insecurity unaffected. Inevitably, these sources, such as underdevelopment, must be addressed if attempts at controlling weapons are to be effective. The most promising approach to the entire complex of problems associated with small arms is one that balances supply-side and demand-side efforts and integrates them with programs designed to

alleviate underdevelopment and other basic causes of insecurity.

LEGAL OR ILLEGAL TRANSFERS?

Legal and illegal transfers are often so closely intertwined that it is difficult to establish a clear basis for distinguishing them. Many weapons originating as legal production or exports eventually fall into illegal circulation. It is impossible to know with certainty what percentage of small arms and light weapons transfers are legal or illegal, or when and how weapons that were originally transferred legally become illegal at some point in their history.

The crisis in Somalia is a good case in point. The arms that helped turn that crisis into near anarchy can be traced directly to the flood of AK-47 assault rifles brought back to Somalia by some 200,000 fleeing teenage soldiers from the Ogaden War. The Somalian government, for legitimate security purposes, acquired these weapons legally. Many weapons purchased legally for security needs in one conflict turn up being used for illicit purposes in another. They are often re-circulated by sympathetic governments or ethnic sub-groups to the army or rebel forces of another. Some weapons recovered in buy-back programs in El Salvador had been used in Vietnam, Uganda, and Angola. One of the most perplexing questions facing analysts and scholars is, “How can international measures to regulate small arms and light weapons account for the ambiguity between what is licit at one time and illicit at another?”

THE RESPONSE OF THE INTERNATIONAL COMMUNITY

The United Nations has remained at the forefront of efforts to restrain the spread of small arms and light weapons. Building on its earlier initiatives which called for action to combat illicit trade and the criminal misuse of small arms and light weapons, the United Nations General Assembly (UNGA) has adopted a number of resolutions over recent years calling for a range of actions at all levels.

— Resolution 46/36 H of December 6, 1991 called on states to curb illicit trafficking in arms by insuring better control over stocks and transfers, and by

encouraging work at all levels to harmonize relevant laws and procedures. This resolution contained a list of indicative measures to be implemented at the state, regional, and international level.

— Resolution 50/70 B of December 12, 1995 requested the Secretary-General to establish a panel of governmental experts to prepare a report on the nature and causes of problems of small arms. The panel of 16 nations was established and first convened on June 24, 1996, and met again in July of 1997. In October 1997, the panel issued a report that analyzed the nature and causes of small arms problems and provided a number of recommendations for voluntary action by states to address the problem.

— Resolution 52/38 J of 1997, established a second panel of 23 members, convened in 1998, to review the implementation of the recommendations of the first report, to suggest further measures, and to examine the feasibility of holding an international conference on the illicit trafficking of small arms in all its aspects.

— Resolution 51/45 N of December 10, 1996 and 52/38 G of December 9, 1997 were the first resolutions designed to address the post-conflict aspects of disarmament. They stressed the importance and benefits of instituting certain practical disarmament measures during and after conflicts — measures such as collecting, controlling, and disposing of small arms and light weapons, the demobilization and reintegration of former combatants, and ways to restrain production and illicit transfers.

— Resolution 54/54V of December 15, 1999 called for an international conference on the “illicit trade in small arms and light weapons in all its aspects” during the summer of 2001. The resolution specified that the conference should produce a global action program as its primary output. The conference was scheduled to take place July 9-20, 2001. The first Preparatory Committee (Prepcom) met February 28-March 3, 2000; January 8-19, 2001; and March 20-30, 2001. The Prepcom decided on its key procedural issues and completed a second reading of its draft Program of Action. Expectations are already high about the prospects for the conference, however, a number of relatively difficult issues remain to be resolved in the text of the draft Program of Action.

United Nations action on small arms and light weapons is not limited to the General Assembly. In a September 1999 statement, the U.N. Security Council also recognized the growing problem. And there is interest at the highest levels of the United Nations as well. As noted in the introduction, the Secretary-General in January 1995 sounded a clarion call to action in the small arms and light weapons area. In the supplement to “An Agenda for Peace,” he noted the considerable progress made in dealing with weapons of mass destruction (WMD), and encouraged the international community to turn its focus to the weapons that are “actually killing people in the hundreds of thousands and that are being used in the conflicts the United Nations is actually engaged in — small arms and light weapons.” In response to the Secretary-General’s appeal, a groundswell of initiatives developed and continues to be pursued.

In November 1997, for example, the United States, Mexico and 26 other Western Hemisphere governments signed a convention negotiated through the Organization of American States (OAS) against the illicit manufacturing of and trafficking in firearms, ammunition, and explosive materials. The treaty requires states to strengthen border controls, mark firearms, and share information on weapons manufacturers, dealers, importers, and exporters.

In May 1998, the 15 members of the European Union (EU) entered into a political commitment on a code of conduct governing arms transfers. The code establishes eight criteria for EU arms exports, which place restrictions on transfers to human rights violators, repressive governments, and on exports to areas of prolonged conflict. In December 1998, in an effort to combat destabilizing accumulations of small arms, EU countries also adopted a legally binding Joint Action on Small Arms. The Joint Action is designed to help stem the spread of small arms by supporting inventory reductions, regional registers, exchanges of information, enhancing national controls, improving education and awareness, and providing incentives to warring factions to surrender and destroy their arms.

In July 1998, 21 nations met in Oslo, Norway at the behest of that government for the first international government-level conference on small arms. The attendees agreed that the complexity of small arms

problems requires multi-faceted actions and pursuit along a variety of parallel tracks. The Oslo consensus was embodied in a final document, “Elements of a Common Understanding,” which called for global support of 11 existing international initiatives. In December 1999 a second Norway-hosted conference was held in Oslo. A geographically varied mix of 18 countries attended. The objective of that conference was to take stock of ongoing developments and to engage in in-depth discussions on arms brokering. The outcome of this second conference was another “Elements of a Common Understanding,” which identified areas for further study and outlined a number of possible measures for addressing problems of arms brokering.

At the August-September 1998 Summit of Non-aligned Nations in Durban, South Africa, the heads of state expressed concern over the illicit transfer and circulation of small arms and their proliferation as constituting a serious threat to national and regional security of many non-aligned nations. They urged summit attendees to take steps to deal effectively with problems of small arms through administrative and legislative means, and called upon producers and nations with the largest arsenals to reduce significantly the production and trade in conventional weapons.

Following-up on the momentum created at the first Oslo conference, the government of Belgium hosted an October 1998 first-of-a-kind conference on “Sustainable Disarmament for Sustainable Development.” Approximately 90 countries plus a large number of non-governmental organizations (NGOs) were represented in Brussels. The conference eschewed the idea that disarmament and development could be treated successfully in isolation from each other and called for nations to adopt an integrated approach. The Brussels conference issued a “Call for Action” outlining, in comprehensive detail, activities that the international community should consider in addressing the problems of small arms and development.

In October 1998, the 16 member states of the Economic Community of West African States (ECOWAS), led by the President of the Republic of Mali, Alpha Oumar Konare, declared a three-year renewable moratorium on the production, import and export of light weapons in the West African region.

This was the culmination of almost 5 years of intensive efforts on the part of the government of Mali, the U.N., and other governments, both in the region and beyond, to establish the first-ever moratorium on conventional arms. An organizational mechanism was established to implement and administer the moratorium, as a number of nations consider how best to contribute to its success. The ECOWAS Moratorium is up for renewal October 31, 2001.

In addition to inter-governmental actions, NGOs have also played an important role in raising the consciousness of the international community, in carrying the burden of academic research, and in building effective data collections. They have also helped galvanize the action of governments in support of small arms and light weapon efforts. NGOs have also sponsored key conferences and seminars and participated in most government-sponsored conferences. Their constant encouragement of better cooperation between governments, civil society, and NGOs ensures that progress in the small arms field will be steady and cumulative.

THE U.S. RESPONSE

In his keynote address to the 50th UNGA in October 1995, President Clinton acknowledged the need to focus more attention on the problem of small arms and on related problems of drug trafficking, smuggling, and increases in terrorism. The U.S. approach to small arms proliferation has been to address, in a balanced way, both demand-side issues, or underlying causes, and supply-side issues, such as illicit trafficking. In an effort to stem illicit flows as well as better regulate legal flows, the United States uses the full range of its policy tools at all levels. U.S. demand-side efforts include initiatives by the U.S. Agency for International Development (USAID) to promote the establishment of democratic institutions and practices, continued emphasis on respect for human rights, adoption of an integrated response to complex transnational crises, implementation of a number of practical post-conflict disarmament and development measures, and support for establishing and enhancing regulatory and law enforcement capacities in threatened and war-torn societies.

On the supply side, the United States seeks to globalize “best practices,” including: encouraging global adoption

of model regulations on commercial arms transfers; imposition of controls on arms brokering and re-export transactions; supporting the effective implementation of the recently completed Vienna Firearms Protocol (March, 2, 2001) based on the OAS model; providing assistance for stockpile security and weapons destruction; and promoting the early conclusion of an international agreement to restrict man-portable air defense systems. In the fall of 1998, the United States launched a series of important policy initiatives directed primarily at the nexus of arms flows and conflict in Africa.

Owing to the commitment demonstrated by its actions, the United States is recognized as a leader in efforts to control small arms and light weapons. As a supplier nation, the United States has taken seriously its responsibility to maintain the highest standards of transparency, export controls, restraint in arms transfers, and regulation of brokering activities. The United States has established partnerships with like-minded states to address a range of small arms and light weapons issues that include weapons destruction, coordinating assistance to affected states, supporting regional initiatives, and strengthening enforcement of U.N. Security Council embargoes.

At the special September 1999 U.N. Security Council Ministerial Meeting on Africa, the United States initiated a number of concrete measures which over the last two years it has implemented. These include:

- commitments to full and timely disclosure of all arms shipments being transferred into regions or zones of conflict in Africa;
- international support for a voluntary moratorium on arms sales that could fuel inter-connected conflicts;
- meetings of governments and international and non-governmental organizations to exchange information on regional arms transfers;
- increased aid for capacity-building in Africa to monitor and interdict arms flows and strengthen sanctions enforcement;
- adoption of national legislation to criminalize violations of mandatory arms embargoes and other sanctions regimes; and

— support for effective implementation of the Firearms Protocol and the multilateral agreement restricting the export of man-portable defense systems.

These initiatives complemented and reinforced a number of existing U.S. initiatives directed at ending violence in Africa. For instance, in 1994, the U.S. government enacted the African Conflict Resolution Act, which requires U.S. agencies to report to Congress annually on their efforts to improve conflict resolution capabilities in Africa. At the March 1999 U.S.-Africa Ministerial called “Partnership for the 21st Century,” the United States reaffirmed support for the African Crisis Response initiative (ACRI). Since 1993 the U.S. has contributed \$8 million (U.S.) to support the ACRI.

The United States led a number of actions directed at ending and preventing the recurrence of genocide in Rwanda, including: meeting with other heads of states at the Entebbe Summit in March of 1998; sponsoring the U.N. resolution that reactivated the U.N. Arms Flow Commission to identify and stop illegal arms trafficking to former Rwanda army and militia forces; and lending U.S. support to the U.N. Secretary-General’s April 1998 Report to the Security Council on The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. Early in 2000, the United States began work with the U.N.’s African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI) to survey the regulations, laws, and capacities of African nations. Work on that project continues. The United States continues its efforts to extend political, technical, and material support to the efforts of Mali and its neighbors to implement the moratorium on the import, export, and manufacture of light weapons in West Africa.

Also, the United States participates in a wide range of international meetings, conferences and workshops including the U.N. Group of Governmental Experts on Small Arms, whose 1997 and 1999 reports made a number of recommendations that the U.S. has endorsed. The United States also participates in the U.N. Disarmament Commission’s discussions of Practical Disarmament.

In addition to U.N.-sponsored meetings, the United States sent senior-level delegations to the Oslo and Brussels conferences and played a prominent role in

negotiating the documents agreed to at each. The United States supports and participates in the consultations on small arms issues within the Partnership for Peace (PFP) and the Stability Pact for Southeastern Europe, the European-Atlantic Partnership Council and the Organization for Security and Cooperation in Europe.

The United States has consulted with Norway, Canada, South Africa, and other key countries and has maintained a high-level dialogue with Belgium, to help develop further the international small arms agenda and to share ideas on future plans in disarmament and development.

The United States participates in the 33-member Wassenaar Arrangement, the Group of Six on Arms, the G-8 Lyon Group Firearms Subgroup, and the Southern Africa Development Community (SADC) Forum, where it has issued a Joint U.S.-SADC Declaration on small arms and light weapons and has established a Joint Working Group to deal with small arms and light weapons issues.

The United States has been an active player in the process leading up to the 2001 U.N. Conference on Small Arms and Light Weapons in All its Aspects, scheduled to take place at U.N. Headquarters, July 9-20, 2001. The objective of the Conference is to agree

on a politically binding Program of Action containing measures that will help mitigate the effects of the illicit trade in small arms and light weapons. The United States will remain a key participant in international efforts to resolve the small arms and light weapons issue, and a principal provider of funds for destruction of excess weapons, and for training and other assistance to help affected countries fight the excessive and destabilizing accumulations of small arms and light weapons. The United States also will continue to work within the 2001 U.N. Conference to achieve a consensus Program of Action that will result in an effective global small arms and light weapons regime against the illicit trade in these weapons.

The international community has demonstrated energy and considerable political will in its efforts to address the small arms and light weapons problem. Because of the severity and complexity of the problem, achievement of a long-term, comprehensive resolution is likely to be far into the future. To mitigate even the most immediate and devastating negative effects will require creativity, flexibility, and multifaceted approaches that cut across disciplines. The international community has made a good start, and the 2001 U.N. Conference offers a unique opportunity to lay a solid foundation for an effective global regime. ©

DESTROYING EXCESS SMALL ARMS: U.S. POLICY AND PROGRAMS

*By C. Edward Peartree, Policy Officer, Office of Policy, Plans and Analysis
Bureau of Political-Military Affairs, U.S. Department of State*



“While robust export controls and enforcement are critical elements in the effort to curb illicit trafficking in small arms and light weapons (SA/LW), the simplest and most reliable way to prevent proliferation of illicit arms is through proper stockpile management and expeditious destruction of excess,” says C. Edward Peartree, Policy Officer, Office of Policy, Plans & Analysis, Bureau of Political-Military Affairs, U.S. Department of State. “Taking up this global problem, the State Department, working with the Department of Defense, has dedicated funding and expertise to assisting countries in improving stockpile management practices and destroying excess SA/LW.”

OVERVIEW

The principal source of destabilizing accumulations of small arms and light weapons (SA/LW) in many regions of the world is not new production but re-circulated stocks of surplus military weapons. Cold War stocks in the countries of Eastern Europe and the former Soviet Union, often poorly secured and susceptible to theft or illegal transfer, have been a source of arms for regional criminal organizations and violent terrorist groups. Ex-Warsaw Pact militaries eager to upgrade to NATO standards have dumped large numbers of infantry rifles, machine guns, and light weapons such as rocket-propelled grenade launchers (RPGs) onto the global market. Sales of surplus arms, often to undesirable end-users such as insurgent groups or warring governments under international embargo, have proven a ready source of revenue for cash-poor developing countries.

In Africa, Southeast Asia, and Latin America, small arms used in one regional conflict frequently turn up in another regional conflict. Arms collected in the aftermath of a peace settlement, if not quickly secured and expeditiously destroyed, will often be dispersed into the community, exacerbating instability and violent crime, or fuelling new conflicts. Arms used by the Farabundo Marti National Liberation Front (FMLN) in El Salvador and by the Contras and Sandanistas in Nicaragua during the 1980s have been recently traced to the civil war in Colombia. Sometimes, the migration of arms spans oceans and continents: U.S.

origin M-16 assault rifles captured in Vietnam after the fall of Ho Chi Minh City (Saigon) have turned up decades later in Central America.

While robust export controls and enforcement are critical elements in the effort to curb illicit trafficking in SA/LW, the simplest and most reliable way to prevent proliferation of illicit arms is through proper stockpile management and expeditious destruction of excess. Taking up this global problem, the State Department, working with the Department of Defense, has dedicated funding and expertise to assisting countries in improving stockpile management practices and destroying excess SA/LW.

HISTORY OF U.S. EFFORTS

Until recently, U.S. destruction of excess small arms had been largely an ad hoc effort. Recognizing that reducing collected stocks of arms in a post-conflict environment is critical to alleviating violence and improving stability, U.S. military forces, sometimes working with multinational partners, have frequently undertaken the destruction of arms seized or otherwise collected in military or peacekeeping operations. The United States destroyed tens of thousands of small arms and light weapons in Iraq and Kuwait during and after the Gulf War. In Haiti in 1994 and 1995, the U.S. 10th Mountain Division destroyed 18,621 small arms and light weapons. In Panama, coincident with Operation Just Cause in 1990-91, U.S. forces destroyed 77,553 small arms and light weapons. The NATO-led

Stabilization Force (SFOR) in Bosnia and the NATO-led Kosovo security force (KFOR) in Kosovo have destroyed thousands of weapons. In Liberia, between July and October 1999, the U.S. sent experts and contributed \$300,000 — through the U.N. Trust Fund on Liberia — to destroy almost 19,000 small arms and light weapons and more than 3 million rounds of ammunition.

As U.S. engagement on global small arms efforts grew during the late 1990s, interest in concrete measures to mitigate their harmful effects turned to the issue of eliminating re-circulating and surplus stocks in areas of concern. At an October 15, 1999 summit meeting, the United States and Norway agreed to create a Joint Working Group to assist at-risk countries in the destruction of excess SA/LW. Shortly thereafter, on November 18, 1999, the Stability Pact for Southeastern Europe endorsed a declaration of 10 regional states to destroy seized and surplus weapons. To support this commitment, the U.S. and Norway offered to send technical assessment teams to member countries to assist destruction efforts. In May 2000, U.S. and Norwegian experts visited Albania on the first assessment visit to be undertaken since the conception of their joint efforts.

THE PILOT PROJECT: ALBANIA

Albania offers an excellent case study in the problems caused by excessive, poorly managed stocks of weapons in an unstable political environment. During the March 1997 political crisis caused by severe economic instability and the collapse of the government, over 500,000 small arms and light weapons and many tons of ammunition were looted from government arsenals around the country. The proliferation of stolen military small arms in Albania led to soaring violent crime and dramatic increases in arms smuggling into neighboring countries such as Macedonia and Yugoslavia. Some estimates indicate that over 50 percent of the stolen Albanian arms ultimately ended up in Kosovo; in any event, the sudden influx of arms to ethnic Albanian separatists helped to ignite armed conflict in that region — a conflict that led to direct U.S. and NATO intervention.

Beginning in May 1998, the Albanian government bolstered efforts to collect weapons circulating in the

civilian population, both through new legislation and increased law enforcement measures. This effort was assisted in 1999 by the initiation of a United Nations Development Program (UNDP) “Weapons in Exchange for Development” program (originally targeted at the Albanian district of Gramsh, later extended to Elbasan and Dirba). Under the UNDP program, a limited number of collected weapons were destroyed, though the focus of the program remained on collection of illegal arms. Efforts to eliminate collected and surplus stocks of Albanian arms began in earnest on September 7, 2000, when U.S. Assistant Secretary of State Eric Newsom, joined by representatives of the Norwegian and German Embassies in Albania, signed a memorandum with Albanian Minister of Defense Ilir Gjoni. According to the memorandum, 130,000-plus weapons collected from the civilian population since the 1997 crisis were to be expeditiously destroyed along with surplus military stocks. The Albanian project was praised within the Stability Pact and the Organization for Security and Cooperation in Europe (OSCE) as an important security and confidence building measure for the Balkan region. As of May 2001, over 50,000 SA/LW have been eliminated in Albania with U.S., German and Norwegian assistance, and the project continues successfully.

EXPANDING EFFORTS

The Albania initiative stimulated interest in the Balkan region and internationally in the importance of reducing stockpiles of surplus arms. A U.S.-Norwegian team conducted a successful joint assessment visit to Macedonia and Bulgaria in October 2000. The commitment of the U.S. government also grew with the release of \$2 million in first-time dedicated funds in the Fiscal Year 2001 foreign operations budget for global small arms destruction. Regional and international organizations addressing the SA/LW proliferation problem began to recognize the importance of SA/LW stockpile management and destruction of excess. The landmark OSCE Document on Small Arms and Light Weapons, adopted by 55 countries on November 24, 2000 contains an entire section on stockpile management and destruction of arms. The United States and the Southern African Development Community (SADC) signed a joint declaration on SA/LW measures in December 2000, which includes commitments to destruction of excess and illicit arms.

In April 2001, NATO's Partnership for Peace (PfP) expanded its anti-personnel landmine destruction trust fund to include small arms and light weapons, encouraging PfP countries to commit to destruction of surpluses and NATO member countries to financially support these efforts. The U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, scheduled for July 2001, will include commitments to SA/LW destruction in its Program of Action.

The United States continues to expand its small arms destruction program. Projects are currently under discussion in the Balkans, Latin America, Africa, Central Asia, and Southeast Asia. In addition to an ongoing partnership with Norway and Germany in

Albania, the United States seeks joint ventures with other interested donor countries and organizations. U.S. support for destruction of surplus and illicit small arms and light weapons are intended to promote regional security, peace, and reconciliation in regions of conflict. The unchecked proliferation of these arms threatens civilians, peacekeepers, and law enforcement officials, and complicates the work of rebuilding war-torn societies and regions. Given that destruction is relatively inexpensive (costing generally between \$1-5 per weapon destroyed) and can generally be accomplished using locally available infrastructure (a variety of cheap methods are viable) and personnel, the program offers large dividends in threat reduction for a modest initial investment. ©

TRACING ILLEGAL SMALL ARMS: AN ATF PROGRAM

*By Jacqueline K. Holmes, Program Manager, Firearms Programs Division,
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The Bureau of Alcohol, Tobacco and Firearms (ATF) developed its International Traffic in Arms Program to combat the illegal movement of U.S.-sourced firearms in international traffic and reduce the number of weapons that are illegally trafficked worldwide from the United States, says Jacqueline K. Holmes, Program Manager, Firearms Programs Division. "These firearms are many times used to commit acts of international terrorism, to subvert restrictions imposed by other nations on their residents, and to further organized crime and narcotics-related activities."

As illegal trafficking in small arms increases, both nationally and internationally, countries throughout the world are utilizing the services of a U.S. government program, the only one of its kind, that traces the history of recovered crime guns sourced from the United States.

The National Tracing Center (NTC) is part of the Bureau of Alcohol, Tobacco and Firearms (ATF), which has as one of its missions the responsibility to provide information to law enforcement on firearms used in criminal activity. ATF developed its International Traffic in Arms Program to combat the illegal movement of U.S.-sourced firearms in international traffic and reduce the number of weapons that are illegally trafficked worldwide from the United States. These firearms are many times used to commit acts of international terrorism, to subvert restrictions imposed by other nations on their residents, and to further organized crime and narcotics-related activities. The NTC provides an important first step by handling gun trace information, which can result in investigative leads. Through its regulatory and enforcement authorities derived from the Gun Control Act, ATF seeks to neutralize the illicit movement of firearms and to deny their access to international narcotics dealers, terrorists, and criminals.

ATF's National Tracing Center traces the history of recovered crime guns for federal, state, local, and international enforcement agencies. Application of this tracing history is indispensable for law enforcement when researching the nexus or movement of U.S.-source firearms. The NTC stores information concerning the multiple sale of firearms, suspect guns, stolen firearms, and firearms with obliterated or partial

serial numbers; and it is the only repository for all records of Federal firearms licensees who have discontinued business. Foreign agencies, like their U.S. law enforcement counterparts, use this information to determine criminal violations, recognize patterns and trends, prove ownership, and identify source areas.

During 2000 and to date in 2001, the National Tracing Center processed more than 200,000 firearm trace requests including more than 19,000 from foreign countries. Of the requests where U.S. origin was determined, close to 8,000 of these were successfully traced to the retail level. The top international requestors were Colombia, Mexico, Canada, Germany, Jamaica, Japan, and Brazil.

The firearms trace process is initiated upon receipt of a trace request form. International trace requests are currently received directly from foreign law enforcement agencies via telephone, fax or through electronic transmission from the offices of ATF Country Attachés, currently located in Colombia, Mexico, and Canada. Firearms information is reviewed for technical accuracy and coded for data entry into the Firearms Tracing System database. Based on particular information received from the firearms manufacturer, the wholesaler and retailer are then contacted to determine the identity of the individual purchaser of the firearm. This information is forwarded to the trace requestor in the form of a Firearms Trace Summary. A routine trace request is usually processed in 11 days whereas urgent trace requests (based on crimes that involve murder, kidnapping, terrorist acts, etc., or the apprehension or holding of a suspect) are completed within 24 hours.

The NTC approach is equally proactive when a firearm is recovered in a foreign country and traced to a U.S. citizen. A referral is forwarded to the appropriate ATF field division as a possible investigative lead to further assist the foreign law enforcement requestor.

The NTC has developed various programs designed to provide proactive assistance to the investigator with firearms tracing. For instance, one category of firearm on which NTC has focused is the “suspect gun” that has not yet been recovered by law enforcement but is believed to have been trafficked or involved in criminal activity. Conditions that may cause firearms to be suspect include connections with Federal Firearms Licensee (FFL) or interstate thefts, the purchase of large quantities of firearms by a single individual, or dealers with improperly kept records. The NTC enters firearm information into the “Suspect Gun” database at the request of an ATF office. These guns are not traced but are queried against all trace requests initiated by the NTC for possible matches.

Of particular interest is Access 2000, a computerized link between the NTC and firearms manufacturers and wholesalers. This nexus allows NTC instant access to the computerized records in order to complete traces more efficiently. ATF is continuing this working partnership with the firearms industry in order to facilitate the tracing of crime guns by use of a standardized automated system. Instant access allows NTC employees to query the disposition of an individual serial number, thus speeding up the trace process and reducing the trace-related cost to industry. Of course, 24-hour access allows NTC employees to query the history of firearms as necessary for urgent trace requests.

The Crime Gun Analysis Branch (CGAB) of the National Tracing Center works closely with the Tracing Branch by analyzing the data from crime gun traces, multiple sales, and firearm thefts. Analysis of firearms traces identifies crime gun patterns that may not be apparent from information in a single trace. Collaboration with respect to sharing of international firearm trace information will help identify firearms trafficking trends and patterns — in particular, international patterns — that can help law enforcement agencies target enforcement action to help reduce international firearms trafficking and violent gun crime.

The CGAB provides support to law enforcement agencies by conducting analyses of firearms recovered and submitted in a particular geographic location in order to identify most commonly recovered firearms, crimes associated with the firearms, possessor information, source locations (States or individual dealers where the firearm was sold), and to determine the “time-to-crime” (the time from which the firearm was sold to an individual to the time that it was recovered by law enforcement). These analyses identify sources of crime gun problems and provide investigative leads on individuals who may be involved in international firearms trafficking. The types of detailed crime gun analyses depicted rely upon comprehensive tracing of recovered firearms and are most effective when complete information about the firearm, possessor, and recovery is supplied. ATF analytical support has been provided to many agencies and has been proven effective in putting international firearm traffickers behind bars, thereby helping to reduce gun crime and violence.

Through its International Programs Branch, ATF also educates law enforcement and other officials in foreign countries about its firearms tracing and investigative capabilities and participates in multinational working groups to stem the flow of international firearms trafficking.

The Bureau also hosts an International Firearm Serial Number Restoration class. Participants are provided with a serial number restoration kit and are taught the fundamentals of restoration. Another activity is the classroom instruction for international forensic experts given by personnel from the ATF Forensic Sciences Laboratory. This instruction program includes a class in the tracing of crime guns with obliterated serial numbers.

ATF’s commitment to support law enforcement continues to expand and has become a global effort. ATF recognizes that its jurisdiction is limited in many of these cases; however, bolstering foreign law enforcement is a continuing enterprise for ATF. The Bureau’s ability to trace firearms for foreign law enforcement is just another means by which ATF can work with the worldwide law enforcement community. In this capacity, ATF aids its foreign counterparts in developing investigative leads to help combat the illegal movement of firearms in international traffic and to prevent illicitly-trafficked firearms from being used in criminal acts of violence. ●

CURBING THE ILLICIT TRADE IN SMALL ARMS: A PRACTICAL ROUTE

*By Michael T. Klare,
Professor of Peace and World Security Studies, Hampshire College*



“The uncontrolled trade in small arms and light weapons is a significant and growing problem to which international policymakers are devoting unprecedented attention this year,” says Michael T. Klare, Professor of Peace and World Security Studies, Hampshire College. Klare believes that the delegates to this year’s U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects bear a heavy responsibility in trying to “lay the foundation for a new international regime aimed at curbing the flow of arms to areas of conflict and preventing their re-use after wars have ended. Such measures — while only part of a larger effort to reduce the level of global violence and bloodshed — can make a significant contribution to world peace and stability.”

The uncontrolled trade in small arms and light weapons is a significant and growing problem to which international policymakers are devoting unprecedented attention this year. At first glance, the illicit trade in small arms might appear relatively insignificant when compared to such dangers as the proliferation of chemical and nuclear weapons, which is, of course, an important cause for international concern. But the spread and misuse of small arms and light weapons is also a significant problem, and one that truly deserves the high degree of attention it will receive at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held July 9-20 in New York. To fully appreciate why this is so, it is first necessary to consider some of the changes that have taken place in the nature of armed conflict since the end of the Cold War.

For most of the 20th century, the practice of warfare typically entailed a series of armed encounters between the organized military forces of established states, usually for the purpose of territorial conquest or other clearly defined strategic objectives. The belligerents on both sides employed the full weight of their respective forces until one or the other conceded defeat. But the conflicts of the current era bear little resemblance to this model: most take place within the borders of a single state, and most entail attacks by paramilitary and irregular forces on unarmed civilians for the purpose of pillage, intimidation, and/or ethnic slaughter. Conflicts often persist for a long period of time and

rarely entail a decisive, all-out battle between the various parties.

The distinctive challenges posed by the changing nature of armed conflict were first addressed in 1995 by Boutros Boutros-Ghali, then Secretary-General of the United Nations. “I wish to concentrate on what might be called ‘micro-disarmament,’” he told the U.N. Security Council. By this, he explained, “I mean practical disarmament in the context of the conflicts the United Nations is actually dealing with, and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands.” Efforts to curb the spread of nuclear and chemical weapons, he insisted, “must be followed by parallel progress in conventional arms, particularly with respect to light weapons.”

These comments have since been amplified and elaborated upon by many other prominent figures, including senior U.S. officials. But in these few words, Boutros-Ghali highlighted the principal cause of international concern over the uncontrolled spread of small arms: the fact that these weapons are “actually killing people in the hundreds of thousands” in the wars the United Nations (and many individual states) are “actually dealing with.”

The wars that Boutros-Ghali was referring to are almost all internal conflicts — predominantly ethnic disputes or political battles over the control of the state or the

ethnic composition of particular regions or territories. Two aspects of these conflicts deserve particular mention: first, most of the victims have been civilians — many of them women, children, or the elderly — and second, most of the deaths and injuries have been produced by small arms and light weapons.

These two phenomena are natural expressions of the changing nature of violent conflict. Although every recent war has a distinctive history and trajectory, all exhibit some characteristics in common. In almost every case, ambitious and unscrupulous demagogues have sought to gain or retain power by creating sectarian armies composed of their ethnic or religious kinfolk. Once established, these bands are typically employed to silence opposition forces, to intimidate the local population, or to drive off members of other ethnic groups. More often than not, they are also used to generate income and other benefits for the demagogues and their loyal henchmen.

Given the nature of such conflict, it is not surprising that attacks on unarmed civilians are a routine occurrence. Although seemingly random and senseless to outside observers, violence of this sort almost always has a purpose: to exact tribute from the population, to obtain fresh military recruits (often young boys and teenagers who are enticed or coerced into combat), to destroy people's faith in the ability of the established government or a rival armed militia to protect them, to drive members of particular ethnic groups from their ancestral lands, or to exact revenge for prior acts of resistance. Whatever the case, it is the innocent and defenseless who suffer the most from these attacks.

The same set of conditions that leads to frequent attacks on civilians also leads to the pervasive use of small arms and light weapons. Most of the combatants in these conflicts are non-professional soldiers with little (if any) military training, and so must rely on simple, easy-to-use combat systems — like the ubiquitous AK-47 assault rifle and its various copies and modifications. In most cases, moreover, the forces involved lack the funds to acquire major weapons systems, which are considerably more expensive than small arms. (A second-hand AK-47, for instance, can be acquired for \$100 or less in many areas, while even the cheapest second-hand tank sells for \$100,000 or more.) Small arms and light weapons can also be

carried from battle to battle by an individual soldier — a distinct advantage for forces that operate in remote and undeveloped areas with few if any roads.

The nature of the combatants in these conflicts also produces a reliance on illicit sources of weaponry. In almost every case, one or more of the warring parties is a militia or insurgent group that is excluded by law from access to the legitimate arms market. Even some of the government forces involved may be dependent on black-market sources, because the regime in question has been subjected to an international arms embargo for its failure to abide by human rights accords or U.N. Security Council resolutions. Whatever the case, the parties to these conflicts must turn to black-market dealers for access to fresh supplies of arms and ammunition.

These factors have given considerable impetus to the development of a robust, globe-spanning trade in black-market weaponry. Typically, the arms involved in this trade are obtained through theft or subterfuge from the large stockpiles of military equipment left over from the Cold War period, much of which is still in fully operational condition. These arms are then carried by ship or plane via circuitous routes to areas of conflict around the world. Although it is impossible to put a precise dollar value on the magnitude of this trade, estimates of \$2-3 billion (\$2,000 million to \$3,000 million) per year are not considered excessive.

To pay for all of these black-market weapons, the belligerents involved often engage in illicit economic activities of one sort or another — kidnapping, extortion, drug trafficking, prostitution, diamond and ivory smuggling, illegal logging, and so on. These endeavors often add to the trauma of war, by imposing further injuries and costs on innocent civilians, by sabotaging legitimate economic activities and, in some cases, by contributing to environmental degradation. To make matters worse, the people who engage in these illicit activities often acquire considerable personal wealth, and so perceive no reason to bring the fighting to a close. This, indeed, is one of the main reasons for the failure of U.N. peacekeeping operations in such countries as Angola, the Congo, and Sierra Leone.

Clearly, efforts to end these and other ongoing conflicts — and to prevent additional wars of this sort from

breaking out in the future — will require strong and unstinting support from the international community. A whole range of initiatives will be needed to address the dynamics of armed conflict and its many destructive consequences. The various parties to these disputes will have to be persuaded to resolve their differences through peaceful negotiations, warring factions will have to be disarmed and demobilized, and the survivors of war will have to be provided with the wherewithal to rebuild their shattered lives. To prevent the re-ignition of combat, moreover, ex-combatants will have to be assisted in making the transition from military to civilian life.

Curbing the illicit trade in small arms and light weapons is only one part of this larger effort. Experience suggests, however, that it is a very crucial part. This is so because arms are the critical ingredient that can turn a simmering ethnic dispute into a full-scale war, or that enable a brutal warlord to dominate a particular region for years or even decades at a time. When a war is terminated, moreover, the widespread availability of surplus arms can turn a fragile peace into a condition of persistent lawlessness and banditry.

Focusing on the illicit trade in small arms is also attractive because curbing this flow is something that the international community can do in a timely, practical manner. Other steps — persuading long-time belligerents to sit down at the bargaining table, rebuilding war-shattered economies, integrating ex-combatants into civil society, and so on — are long, complicated processes that must be specially tailored to each individual situation. But adopting common guidelines on the export and import of arms and closing loopholes in existing arms regulations is something that can be pursued at the international level and produce an immediate, worldwide effect.

The establishment of new international controls on small arms trafficking will not fully block the flow of arms to areas of conflict or bring all wars to a close. There will always be some traffickers who will seek to elude governmental controls in the pursuit of fabulous wealth. But an effective system of controls could result in a significant reduction in the flow of arms, making it more attractive for warring parties to agree to a cease-fire and the initiation of peace negotiations. Similarly, efforts to collect and destroy surplus weapons after the

successful conclusion of peace talks would reduce the risk of a fresh round of fighting or the retransfer of arms to belligerents in other conflicts.

Many of the specific measures that could be incorporated into an international control regime of this sort have already been embraced and implemented at the local and regional levels. These include: provisions for the marking of weapons and the adoption of uniform systems of export/import documentation (as provided for by the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials); close cooperation between the police and customs officials of affected countries in suppressing cross-border arms-smuggling activities (as envisioned by the Southern African Regional Police Chiefs Cooperation Organization); and the provision of training and technical assistance in modern investigative techniques by the developed nations of the North to the developing countries of the South (as called for in the European Union's Program for Preventing and Combating Illicit Trafficking in Conventional Arms).

All of these strategies, and various others, will be considered by delegates to the July 2001 conference in New York City. At this point, it is still too early to predict which of these measures will win the support of the assembled delegates, but it is likely that some among them will be incorporated into the "Program of Action" that is expected to be adopted at the conclusion of the conference. The conference will also set the stage for further action in this area, such as strengthened efforts at the regional and sub-regional level.

The delegates to the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects bear a heavy responsibility: to lay the foundation for a new international regime aimed at curbing the flow of arms to areas of conflict and preventing their re-use after wars have ended. Such measures — while only part of a larger effort to reduce the level of global violence and bloodshed — can make a significant contribution to world peace and stability. ©

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U.S. POLICY NEED NOT BE SILENT ON SMALL ARMS

*By Rachel Stohl, Senior Analyst, Center for Defense Information
and chair, U.S. Small Arms Working Group (SAWG)*



“The spread and misuse of small arms cause, prolong, and exacerbate humanitarian crises around the world. In the last few years, a growing international consensus has emerged that steps must be taken to avoid a world awash in small arms,” says Rachel Stohl, a senior analyst at the Center for Defense Information, and chair of the U.S. Small Arms Working Group. She urges governments to “look to ‘multilateralize’ best practices and develop standards and norms to counter small arms proliferation and misuse.”

Small arms are a class of weapons responsible for the majority of today’s conflict casualties, and an estimated 500,000 deaths and thousands more injuries each year. The spread and misuse of small arms cause, prolong, and exacerbate humanitarian crises around the world. In the last few years, a growing international consensus has emerged that steps must be taken to avoid a world awash in small arms. These weapons are often traded illegally through the same murky channels used by drug cartels, terrorists, and organized crime. World governments have recognized the importance of reining in this trade.

A United Nations (U.N.) conference on the issue of small arms in July 2001, intended to focus on coordinated international action to deal with the illicit trade in small arms and light weapons, has become the first international effort in what has until now largely been a national and regionally-based undertaking. The U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects underscores the effort to rein in the small arms trade at the international level, and perhaps slow the escalating death toll caused by it.

Non-governmental organizations (NGOs) are becoming increasingly frustrated as governments lose sight of the underlying objective — to eliminate the human suffering caused by the illicit small arms trade. The small arms issue, at the U.N. conference and beyond, requires coordinated international, regional, national, and local action and leadership to eliminate the weapons’ devastating impact, including cooperation and coordination between governments and NGOs. Governments should look to “multilateralize” best

practices and develop standards and norms to counter small arms proliferation and misuse.

U.S. leadership on small arms issues is vital now more than ever. In the U.S. political sphere, however, small arms trafficking has not been a high priority. Often, policymakers are loathe to get involved in the issue of small arms proliferation because they regard it as an attempt to introduce domestic gun control, or they think the issue is too controversial. Others believe that there are other, more important issues to deal with.

The concern of NGOs and activists is that silence on illicit small arms proliferation might mean the issue will receive little or no attention from key policy officials in the near future and will not be placed higher on the political agenda. U.S. inaction on small arms trafficking would be a tragic mistake, not only for the millions of people affected by small arms around the world, but for the credibility and standing of the United States among its allies — which would be damaged by not standing up to stop this scourge. Small arms have become a genuine threat to U.S. national security interests because their proliferation perpetuates violent conflict and creates new cycles of violence and crime. Moreover, the uncontrolled proliferation of small arms puts U.S. troops and peacekeepers at risk when excess weapons destabilize regions of conflict, or when weapons caches are not removed from post-conflict situations. Small arms also diminish U.S. business opportunities and raise costs, hinder the ability of humanitarian and relief organizations to conduct their efforts, and weaken the possibilities for sustainable development.

To counter the dangers of small arms proliferation, policies on legal sales in conjunction with international cooperation to reduce illicit trafficking must be developed. One aspect cannot be addressed without the other, as the line between the illicit and legal trade is often murky or deliberately blurred. Many illegal weapons in circulation were at some point legally transferred by governments or with government approval. The growing use of, and reliance on, international private traffickers also clouds the issue (in some cases these are legal sales, in others, not). Legal government sales in their own right warrant international attention, as they may also lead to human rights abuses, serve to prolong conflicts, or be used for unintended purposes.

Policy options on small arms are abundant and can be implemented with relatively little cost while achieving large and tangible results. The Clinton administration introduced several measures to control small arms proliferation that have not been implemented. Many of these should be embraced by the Bush administration to demonstrate a strong U.S. commitment to the small arms issue.

First, the United States should lead a moratorium on arms sales to all regions of conflict — especially ongoing conflicts — and work with other states to adopt similar moratoria. In many countries and regions, there are enough small arms in circulation to arm the world's worst conflicts several times over. New stocks need not enter the supply chain.

Second, a criterion outlined in the European Union (EU) Code of Conduct and the Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms should be rigorously applied to international small arms exports. Both the EU and OSCE criteria emphasize the exporting state's duty to prevent arms sales that would contribute to human rights violations and other acts of repression, exacerbate regional tensions, provoke or prolong conflicts, be at high risk of diversion into the illicit market, or otherwise threaten international peace and security. Such a policy is in line with a prior State Department pledge to honor strict criteria when licensing small arms exports. Further, administration officials should promote the congressionally mandated International Code of Conduct in ongoing multilateral negotiations to ensure that other countries respect strict exporting

criteria. Governments have an obligation to make sure weapons are not used to violate rights and commit abuses.

Third, the United States as well as other exporting nations should set an example by adopting a policy of export restraint that is designed to prevent diversion and dangerous weapons buildups, based on the existing U.S. policy to "audit, and if necessary, cut off" exports to a state if arms export license applications "exceed the normal, reasonable, domestic needs of a given importing country or show other abnormalities." Excess small arms should not be introduced to vulnerable areas or made available on the open market. Developing countries should be encouraged to spend scarce resources on strengthening their infrastructures, not expanding military strength. Even though excess defense articles are often provided at a reduced cost, many countries would be better served with institutional support.

Fourth, the State Department should ask for, and Congress should grant, continued and increased funding for small arms destruction programs and continued cooperation on weapons destruction and stockpile management, in order to help destroy surplus weapons that would otherwise cascade to regions of conflict. Programs are currently under way in Eastern Europe and cooperation is ongoing with the South African Development Community. Currently, the State Department receives \$2 million for these programs. This is not enough. The State Department should ask for and receive additional funds for these programs and look to expand them to other regions. The collection and destruction of surplus weapons facilitates post-conflict reconstruction and lessens the likelihood of a country returning to war. In the end, the minimal costs associated with such programs are less than the costs associated with conflict and prolonged post-conflict reconstruction efforts that would inevitably develop from excessive and destabilizing accumulations of small arms.

Fifth, the State Department should develop an information-sharing mechanism on United Nations arms embargoes, either within the United Nations or in regional fora. The United States should also improve implementation and enforcement of the U.S. arms brokering law, a 1996 amendment to the Arms Export Control Act (AECA), passed on July 21, 1996, and

encourage other countries to enact similar restrictions. In the past, the United States has been critical of the lack of adherence to U.N. arms embargoes and has recommended increased cooperation in the international community on enforcing compliance. Monitoring and regulating the trade in small arms and prosecuting violators of national and international arms control laws would make implementing arms embargoes less of a challenge than it is today.

Sixth, the State Department should advocate immediate Senate ratification of the Organization of American States (OAS) convention on small arms trafficking. The United States signed, in November 1997, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, which is intended to increase controls over and traceability of small arms as they move across borders. Given that the United States has already implemented the majority of measures outlined in the convention, ratification will serve as an example to the rest of the hemisphere. An effective regime to control the illicit trafficking of small arms could be duplicated in other regions and lead to meaningful international control of the illicit trade.

All of these steps will lead to progress on the issue, but the U.S. government cannot do the work to counter small arms proliferation and misuse alone. Therefore, the United States must push for the development of legally binding norms and the implementation of measures to stop weapons from winding up in the hands of abusive forces, be they governments or non-state actors. The overall goal must be to raise international standards on the export and use of small arms and light weapons.

Working within the U.N. system or other appropriate international fora, the U.S. government should begin negotiations on the following three, legally binding instruments:

— A framework convention on international arms transfers that sets out normative export criteria based on states' current obligations under international law.

— An international agreement on brokering that creates international laws and procedures that discipline the activities of arms brokers and strengthens national laws to prosecute traffickers who violate these norms.

— An international agreement on marking and tracing that develops systems for adequate and reliable marking of arms at manufacture and/or import and record-keeping on arms production, possession, and transfer.

The United States also should encourage the establishment of transparency mechanisms specific to small arms and a norm of non-possession of military-style small arms by civilians.

While waiting for governments to take substantial action, NGOs and activists have organized. Many are participants in the International Action Network on Small Arms (IANSA), a network of more than 320 organizations and individuals from 70 countries. Because the small arms issue is so wide-ranging, NGOs represent a broad range of interests and have varied policy recommendations. But all NGOs agree that the proliferation of small arms must be stemmed and the misuse of the weapons diminished.

Those NGOs pushing for global action to combat the small arms tidal wave realize that action is a step-by-step, long-term undertaking. Individual and unilateral activities will not alleviate the totality of human suffering caused by small arms proliferation; that will require a long-term, international, and comprehensive commitment. But in the short term, U.S. action and leadership on small arms will begin the process of preventing the damage these weapons cause. NGOs are not asking the United States or other governments to ban an entire class of weapons, but rather to transfer and use them responsibly and ensure that all actors — individuals, armed groups, and other governments — do so as well.

Immediate and future action should include a partnership between governments and NGOs, working together to reduce the damage from small arms. Tapping into broad segments of civil society and giving voice to the victims of human rights abuses will ensure a grounded and comprehensive small arms policy. But, in the end, it is governments that must be held accountable, to ensure that small arms do not continue to be used, in the words of U.N. Secretary-General Kofi Annan, as “weapons of mass destruction.”

Addressing the proliferation and misuse of small arms is not about global gun control as critics have claimed.

Sensible small arms policies are not designed to prevent domestic ownership of firearms and hunting rifles as some groups fear, but to ensure that today's high-powered light arms are not used to terrorize or commit crimes. The United States is encouraged to create international standards and norms to stop the spread of

small arms. The bottom line is that addressing small arms is about saving lives, ending human suffering, and creating a more sustainable and peaceful future. ©

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Small Arms and Light Weapons: U.S. Policy and Views
ARTICLE ALERT

Lumpe, Lora. A NEW APPROACH TO THE SMALL ARMS TRADE (*Arms Control Today*, vol. 31, no. 1, January/February 2001, pp. 11-17)

The July 2001 global conference on small arms and light weapons to be held at the U.N. will throw “a spotlight on the gun-running that sustains bloody conflict around the world and it will provide an important platform for civil society ... to press governments for serious action,” the author says. Lumpe writes that firearms, grenade launchers, mortars and other infantry-type light weapons circulating beyond lawful state control has a humanitarian impact that “exceeds that of anti-personnel landmines.” She recommends remedial action by national governments including “controlling arms brokering, barring covert arms supply operations and limiting production surpluses.” The conference will likely result in a non-binding political declaration without any enforcement mechanism, she says. The question remains, she says, whether the conference will result in a public relations effort or help build worldwide consensus needed to spur short-term action. This article is currently available on the Internet at <http://www.armscontrol.org/ACT/janfeb01/lumpejanfeb01.html>

Chalk, Peter. LIGHT ARMS TRADING IN SE ASIA (*Jane's Intelligence Review*, vol. 13, no. 3, March 1, 2001, pp. 42-45)

The illicit trade in small arms has significant implications for security and stability in Southeast Asia, the author says. He describes how illicit arms trade thwarts the consolidation of still weak democracies by encouraging official corruption, undermines societal and cultural development in many states, threatens the long-term evolution of mature political institutions, and directly impacts on fiscal stability and management. Evidence suggests that Cambodia, Thailand, Pakistan, China, and North Korea all have roles in promoting the illicit trade, he says. Chalk concludes that several steps “can and should be taken” to stem the trade, including tagging weapons and ammunition to promote supplier trade ability, concluding multilateral agreements on destruction of surplus armament stocks, and creating a specific Southeast Asian small arms register.

Boutwell, Jeffrey; Klare, Michael T. A SCOURGE OF SMALL ARMS (*Scientific American*, vol. 282, no. 6, June 2000, pp. 48-53)

The authors, co-directors of the Project on Light Weapons at the American Academy of Arts and Sciences, examine the increasing use of small weapons and analyze their impact upon regional wars around the world. Small arms are popular weapons throughout the world because they are easily accessible, relatively low-cost, and deadly as well as easy to use and transport. Boutwell and Klare also suggest strategies for effective control of light weapons including global arms control agreements, stricter standards by arms suppliers, international peacekeeping efforts, and better tracking of arms trades. This article is currently available on the Internet at: <http://www.sciam.com/2000/0600issue/0600boutwell.html>

Smith, Chris. THE 2001 CONFERENCE-BREAKING OUT OF THE ARMS CONTROL FRAMEWORK (*Disarmament Forum*, no. 2, 2000, pp. 39-45)

As the 2001 United Nations Conference on small arms draws nearer, the author believes one of two scenarios will take place. The conference will either be a watershed event in which non-governmental organizations (NGOs), international organizations, and certain governments are persuaded to adopt a more systematic approach to the small arms problem. Or the conference could be a politically expensive failure. The article highlights many of the difficulties related to the small arms problem. One such difficulty is the major confrontation between those who wish to control or ban light weapons and those who believe that irresponsible users are to blame, not the weapons themselves. The author stresses the uniqueness of small arms proliferation, and how this problem requires different solutions than those used in conventional arms control. Chris Smith believes that a full understanding of the scale of this problem, along with a commitment of resources by developed nations to help lesser-developed nations with this problem would be a successful result of the conference. ©

The annotations above are part of a more comprehensive Article Alert offered on the International Home Page of the Office of International Information Programs, U.S. Department of State: "http://usinfo.state.gov/admin/001/wwwhapub.html".

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Please note that the U.S. Department of State assumes no responsibility for the content and availability of the resources listed below; such responsibility resides solely with the providers.

The Arms Control Association
<http://www.armscontrol.org/home.htm>

BASIC: Project on Light Weapons
<http://www.basicint.org/plw.htm>

Bonn International Center for Conversion
<http://www.bicc.de/>

Canadian Department of Foreign Affairs and
International Trade: Conventional Weapons
<http://www.dfait-maeci.gc.ca/arms/convweap3-e.asp>

Center for Defense Information: Small Arms and Light
Weapons
http://www.cdi.org/issues/armstrade/sm_arms.html

Council for a Livable World: The Conventional Arms
Transfer Project
<http://www.clw.org/cat/index.html>

Council on Foreign Relations: Study Group on the Arms
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<http://www.cfr.org/p/resource.cgi?proj!207>

Federation of American Scientists: The Small Arms
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Human Rights Watch: Small Arms Campaign
<http://www.hrw.org/campaigns/small-arms/>

International Action Network on Small Arms
<http://www.iansa.org/>

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The NGO Committee on Disarmament Presents: The
Spring 2001 Disarmament Forum at the U.N.
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<http://www.nisat.org/main.htm>

OSCE: Eighth Ministerial Council: "Focus on Small
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