Small Arms and Light Weapons: Proliferation Processes and Policy Options

Keith Krause

Prepared for the
International Security Research and Outreach Programme
International Security Bureau

July 2000
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Table I: Major Points of Intervention Against Small Arms and Light Weapons Proliferation
PREFACE

The views expressed in this paper are those of the author, and do not necessarily reflect the views or positions of the Department of Foreign Affairs and International Trade or of the Government of Canada.

The International Security Research and Outreach Programme commissioned a study to describe the different pathways associated with small arms and light weapons proliferation and the wide range of points where one can intervene with policies to stem or regulate small arms and light weapons proliferation.

The Department of Foreign Affairs and International Trade wishes to acknowledge the work performed under contract through the International Security Research and Outreach Programme in the preparation of this report by the author: Dr. Keith Krause.

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Department of Foreign Affairs and International Trade
125 Sussex Drive
Ottawa, Ontario, Canada

July 2000
EXECUTIVE SUMMARY

This report provides an overview of the different stages of the complex process of small arms and light weapons proliferation. Its main goal is to provide policy makers and analysts with a template illustrating the different pathways associated with small arms and light weapons proliferation and the wide range of points where one can intervene with policies to stem or regulate small arms and light weapons proliferation.

The report begins by sketching the traditional model of arms proliferation and control that is associated with the production and transfer of major weapons systems. This model is based on three assumptions:

• that most arms production is government controlled or authorized;
• that most transfers are conducted on a government-to-government basis;
• that recipient states do not produce or transfer significant quantities of arms.

Within this approach, there are four points where control policies have been developed: multilateral and/or negotiated supplier restraints, national restrictions or embargoes, regional recipient restraint regimes, and end-user restrictions required under national export control policies.

By contrast, small arms and light weapons proliferation differs in significant ways from the production and transfer of major conventional weapons. First, small arms and light weapons can be produced in at least 70 states, a much larger number than for most major weapons systems. Second, production is mainly based on mature technologies within the technological reach of states with even a modest level of industrial development. Third, small arms and light weapons have three distinct sets of clients: national arsenals (military, police), non-state actors (both domestic and extra-national), and other foreign governments. All may be legitimate customers for small arms and light weapons, but all can represent (under certain circumstances) significant proliferation concerns. Finally, much of the trade in small arms and light weapons concerns existing stockpiles, not new production.

Small arms and light weapons also circulate along much more complex pathways. The “primary circuit” includes mostly legal or licit transfers between producing firms and domestic and international clients. Nevertheless, the circulation of arms within this circuit can still represent a proliferation concern depending on the effectiveness of the legal and political framework of national and multilateral controls. Points of policy intervention here concern: national or multilateral export policies (including “codes of conduct”), national policies on weapons possession, control and oversight of production and stockpiles, reductions of weapons stockpiles, weapons marking and transparency, and regional codes of conduct and registers. At each of these points various types of policy tools can be implemented, on the national or multilateral level, between suppliers and/or recipients, or with politically or legally-binding commitments. The report discusses many of the most important specific policy initiatives that have been proposed.

The “secondary circuit” of small arms and light weapons circulation includes all transactions
that are not sanctioned by relevant state authorities at the appropriate official level, or that are state-authorized but secret. It includes the domestic “leakage” of legally-held arsenals in both producer and recipient states (theft, loss, illicit transfers), acquisitions by non-state actors (insurgent groups, organized crime, private security forces, private dealers, individuals) within or across state borders, and weapons retransfers between non-state actors.

This circuit of small arms and light weapons transfers highlights the fact that virtually all illicit weapons transferred were, at some point in their life, legally produced or procured. But although these sorts of transfers can, under certain circumstances, be perfectly legal (for example, transfers to private security forces or weapons brokers and dealers), the ambiguity surrounding transactions in this circuit makes a sharp distinction between licit and illicit transfers impossible to draw. This has great implications for some current efforts to tackle small arms and light weapons.

The report discusses in schematic form the various pathways of proliferation in the secondary circuit, and examines briefly the main policy proposals for dealing with proliferation concerns. These include:

- tightening and harmonizing export control systems and policies;
- increasing international transparency;
- establishing tighter control over private arms dealers, brokers and transporters;
- prohibiting international transfers to non-state actors;
- building the capacity of weak states to monitor activities within their own territory.

The report also discusses the effects of small arms and light weapons proliferation and use, and focuses on increased conflict and insecurity, human rights violations and humanitarian concerns, stalled development and weakened governance structures, and public health, crime control and associated social costs. In each case the clusters of policies to deal with these effects are detailed; they include:

- post-conflict disarmament and gun buy-backs, demobilization and reintegration, and regional cooperation measures;
- increased domestic transparency and accountability, grassroots monitoring of human rights violations, enhanced respect for or modifications of international humanitarian law;
- post-conflict reconstruction, security sector reform and reduced military spending, security-building development efforts;
- harmonized national and international firearms regulation, enhanced police and customs cooperation against illicit trafficking.

The report concludes that small arms and light weapons are diffused and proliferated among complex multiple pathways, that the dividing line between licit and illicit transfers is extremely fuzzy and porous, and that a multitude of “points of policy intervention” exist through which aspects of the small arms and light weapons problem can be addressed.
Although the report does not intend to specify priorities for multilateral policy initiatives, at least five important areas for policy action emerge from its analysis. These are:

• reduction of weapons stockpiles in specific states and regions to slow the entry of these stocks into the global market;
• tighter licensing and control of weapons dealers and brokers, coupled with greater reporting and transparency of their activities;
• initiatives to “widen” the boundary between licit and illicit transfers, through increasing transparency and information-sharing concerning licit transfers;
• more robust and extensive post-conflict weapons collection and disarmament programs, linked closely with post-conflict reconstruction, rehabilitation and development efforts;
• promotion of security-sector reforms to build security on the community or societal level, and to ensure civilian control over the institutions of organized violence.

These five measures address different points in the chain of small arms and light weapons proliferation. If tackled in a comprehensive and balanced way, they would go far to alleviating the problems created by the unchecked proliferation of small arms and light weapons.
RÉSUMÉ

Ce rapport donne un aperçu des différentes étapes du processus complexe de la prolifération des armes légères. Il a pour principal objectif de fournir aux décideurs et aux analystes un modèle illustrant les différents mécanismes de prolifération de ces armes et les divers niveaux auxquels il est possible d’intervenir en mettant en place des politiques visant à maîtriser ou à contrôler le problème.

On trouvera pour commencer une ébauche du modèle traditionnel de prolifération et de contrôle associé à la production et au transfert des armes principales. Ce modèle repose sur trois hypothèses :

- la production de la plupart des armes est contrôlée ou autorisée par un gouvernement ;
- la plupart des transferts se font de gouvernement à gouvernement ;
- les États bénéficiaires ne produisent ni ne transfèrent d’importantes quantités d’armes.

Sur la base de ces hypothèses, des politiques de contrôle ont été élaborées à quatre niveaux: restrictions multilatérales ou négociées avec le fournisseur, restrictions nationales ou embargos, régimes régionaux de restrictions visant le bénéficiaire et impositions de restrictions à l’utilisateur final requises en vertu des politiques nationales de contrôle à l’exportation.

La prolifération des armes légères diffère substantiellement de la production et du transfert des armes conventionnelles majeures. Premièrement, 70 États au moins ont la capacité de produire des armes légères et des armes portatives, soit un nombre d’États nettement supérieur à celui capable de fabriquer des armes principales. Deuxièmement, la production repose sur des technologies bien au point aisément à la portée d’États au niveau de développement industriel modeste. Troisièmement, il existe trois sortes de clients dans le cas des armes légères : les arsenaux nationaux (l’armée et la police), les acteurs non étatiques (nationaux et étrangers) et d’autres gouvernements étrangers. Tous peuvent être des clients légitimes, mais peuvent aussi poser (dans certaines circonstances) d’importants problèmes de prolifération. Enfin, une grande partie du commerce des armes légères se rapporte aux stocks existants, non pas à la production.

Le transfert des armes légères se fait selon des mécanismes beaucoup plus complexes. Le « circuit principal » inclut des transferts pour la plupart légaux ou lícites entre les fabricants et les clients nationaux et internationaux. Cela peut néanmoins poser un problème de prolifération selon l’efficacité du cadre juridique et politique des contrôles nationaux et multilatéraux. Les niveaux d’intervention sont alors : la mise en place de mesures nationales ou multilatérales de contrôle des exportations (dont des « codes de conduite »), de mesures nationales concernant la possession d’armes, le contrôle et la surveillance de la production et des stocks, la réduction des stocks d’armes, le marquage des armes et la transparence, et la mise en place de codes de conduite régionaux et de registres. À chacun de ces niveaux, des instruments politiques peuvent, à l’échelon national ou multilatéral, être conclus ou des engagements politiquement ou juridiquement contraignants peuvent être pris entre les fournisseurs et les bénéficiaires. Ce rapport examine plusieurs des mesures les plus
importantes proposées.

Le « circuit secondaire » inclut toutes les transactions qui ne sont pas sanctionnées par les autorités nationales compétentes au niveau officiel approprié, ou qui sont autorisées par l’État mais tenues secrètes. Cela inclut la « fuite » d’arsenaux légalement détenus dans les États producteurs et dans les États bénéficiaires (vol, perte, transferts illicites), les acquisitions par des acteurs non étatiques (groupes d’insurrection, crime organisé, forces de sécurité privées, négociants privés, individus) à l’intérieur d’un territoire ou d’un territoire à un autre, et les transferts d’armes entre acteurs non étatiques.

Le circuit que suivent les transferts d’armes légères met en relief le fait que presque toutes les armes illicites transférées ont été, à un certain stade, légalement produites ou achetées. Bien que les transferts de ce genre puissent, dans certaines circonstances, être parfaitement légaux (par exemple, ceux à des forces de sécurité privées ou à des négociants), l’obscurité des transactions à l’intérieur de ce circuit fait qu’il est impossible de faire une nette distinction entre les transferts licites et les transferts illicites. Ceci a d’importantes répercussions sur les efforts actuellement mis en œuvre en vue de s’attaquer au problème de la prolifération des armes légères.

Ce rapport examine de façon schématique les différents mécanismes de prolifération à l’intérieur du circuit secondaire et les principales mesures proposées pour s’attaquer à ce problème, notamment :

- renforcer et harmoniser les systèmes et politiques de contrôle à l’exportation;
- accroître la transparence internationale;
- renforcer le contrôle en ce qui concerne les négociants privés et les transporteurs;
- interdire les transferts internationaux à des acteurs non étatiques;
- doter les États faibles de la capacité de surveiller les activités de ce genre à l’intérieur de leur territoire.

Ce rapport examine aussi les effets de la prolifération et de l’utilisation des armes légères, et se concentre sur l’accroissement des conflits et de l’insécurité, les violations des droits de la personne et les problèmes humanitaires, l’interruption du développement, l’affaiblissement des structures administratives, la santé publique, le contrôle de la criminalité et les coûts sociaux associés. Dans chaque cas, les mesures à mettre en place pour s’attaquer à ces effets sont détaillées, notamment :

- le désarmement et le rachat des armes après un conflit, la démobilisation et la réintégration, et les mesures de coopération régionale.
- l’accroissement de la transparence et de la responsabilité nationale, la surveillance par la base des violations des droits de la personne, un plus grand respect ou la réforme du droit humanitaire international;
- la reconstruction après un conflit, la réforme du secteur de la sécurité, une réduction des dépenses militaires, l’instauration de la sécurité;
- l’harmonisation des règlements nationaux et internationaux de contrôle des armes à feu, le
renforcement de la coopération entre la police et les douanes pour combattre le trafic illicite.

Ce rapport conclut que la dissémination et la prolifération des armes légères se font selon des mécanismes complexes, que la ligne de démarcation entre les transferts licites et les transferts illicites est extrêmement floue et perméable, et qu’il existe toute une série de « niveaux d’intervention » auxquels on peut s’attaquer au problème de la prolifération des armes légères et des armes portatives.

Bien que ce rapport n’ait pas pour but de préciser les priorités en ce qui concerne les mesures multilatérales, cinq grandes mesures d’intervention ressortent de l’analyse de ce problème. Ces mesures sont les suivantes :

• la réduction des stocks d’armes dans certains États et régions afin de ralentir la pénétration de ces stocks sur marché mondial;
• le renforcement des mesures concernant les licences et le contrôle des négociants d’armes, conjugué à un meilleur suivi et une plus grande transparence de leurs activités;
• des mesures visant à « élargir » la ligne de démarcation entre les transferts licites et les transferts illicites, grâce à une plus grande transparence et un meilleur partage d’information sur les transferts licites;
• des programmes plus vigoureux et plus vastes de collecte des armes et de désarmement après un conflit, étroitement conjugués à des efforts de reconstruction de relèvement et de développement après un conflit;
• la promotion de réformes dans le secteur de la sécurité afin d’instaurer la sécurité au niveau de la communauté ou de la société, et d’assurer le contrôle civil sur les structures de la violence organisée.

Ces cinq mesures s’attaquent à différents maillons de la chaîne de prolifération des armes légères et des armes portatives. Leur application globale et équilibrée permettrait de réduire les problèmes dus à la prolifération incontrôlée de ces armes.
SMALL ARMS AND LIGHT WEAPONS: PROLIFERATION PROCESSES AND POLICY OPTIONS

INTRODUCTION

This report provides a schematic overview of the different stages of the complex process of small arms and light weapons proliferation.\(^1\) Its main goal is to provide policy makers and analysts with a common “conceptual template” that illustrates the various steps in small arms and light weapons proliferation, the different pathways it can take, and the wide range of points where states and non-state actors can intervene with policies to stem or regulate small arms and light weapons proliferation.

The bulk of the report thus presents and discusses a series of diagrams, built up in a step-by-step fashion, that chart the various stages of small arms and light weapons proliferation and the means to address it. It does not offer a comprehensive assessment of all the recent policy initiatives that are being undertaken, or that have been suggested, but it does make note of many of them. More importantly, it organizes these policy initiatives in a way that allows analysts and policy makers to determine whether (and to what extent) a given policy instrument addresses (or not) the particular problem it claims to address. Hence this report offers a general conceptual framework for policymaking and analysis, and highlights areas in which future work should be done.

Within this framework, the report also tries to highlight gaps and weaknesses in current intervention strategies, and to indicate where further work might be undertaken to address these shortcomings (or at least to assess the feasibility of different measures). It concentrates on, but is not restricted to, the role that formal international actors (regional and global organizations, security and non-security oriented) and national governments can play in stemming or countering the effects of the small arms proliferation process. Finally, the report includes some suggestions for practical measures that might be explored by the various actors striving to combat small arms and light weapons proliferation.

The report also has a number of broader goals. Perhaps the most important of these is to portray just how different small arms and light weapons proliferation is from the traditional “arms control, disarmament and non-proliferation model.” Of course, traditional approaches to arms control, disarmament and non-proliferation are an important part of the picture, but they must be seen in the context of the wider range of policy initiatives (and problems) that are encompassed by the small arms and light weapons problematic. Whether or not a particular aspect of the small arms and light weapons problem is best addressed through an arms control approach, or from some other angle, is not a question that this report addresses, although it does try to provide a common framework

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\(^1\) This report follows the UN definition of small arms and light weapons, presented in the *Report of the Panel of Governmental Experts on Small Arms*, United Nations document A/52/298, 27 August 1997. According to this report (para. 26) *small arms* include revolvers and self-loading pistols, rifles and carbines, assault rifles, and sub-machine and light-machine guns; *light weapons* included hand-held and mounted grenade launchers, portable anti-tank and anti-aircraft guns (and their launchers), recoilless rifles, and mortars of less than 100 mm calibre.
within which such choices can be discussed, for both the governmental and non-governmental communities.

A related goal is to show that small arms and light weapons proliferation is not really one problem, with one magic solution waiting to be found. In this respect, efforts to address small arms and light weapons proliferation are very different from the recent successful campaign to negotiate a treaty to ban the use, stockpiling, production and transfer of anti-personnel land mines. Most analysts of small arms and light weapons issues already understand this, but the urge to promote simple or unifying slogans to tackle a complex issue has not entirely disappeared.²

A wide range of different actors and communities have become involved as stakeholders in small arms and light weapons issues. This diversity represents both a strength and a weakness for attempts to generate policy action. It is a strength because a complex problem may require broadly-based solutions that draw upon the competence, or engage the interest, of several different communities. It is a weakness because it can lead (and has led) to competition over how the problem is framed and addressed.

Nevertheless, most governments and non-governmental actors have recognized the complexity of the problem of small arms and light weapons, and are already promoting a diversity of approaches to address it. What this report hopes to do is to contribute to a common “language” or framework for understanding these diverse approaches, in order that better and more effective policy instruments and political strategies can be developed over the coming months and years.

THE TRADITIONAL MODEL OF ARMS PROLIFERATION AND CONTROL

The traditional model of arms proliferation and control, which is summarized in Chart I, is essentially based on three assumptions:

• that most arms production is government controlled or authorized;
• that most transfers are conducted on a government-to-government basis;
• that recipient states do not produce or transfer significant quantities of arms.

Within this model, arms are transferred as either direct sales or military assistance from producer to recipient states, with relatively few retransfers (which are governed by end-use restrictions). Although trade between producer states also exists, it is more-or-less unproblematic, being governed by alliance ties or other political relationships.

Of course, this simple model never did completely capture the reality of global arms proliferation and control, but it does provide a close approximation of the situation for most major

² This has been advocated, for example, by some prominent figures from the land-mines campaign.
conventional weapons transfers. Major producer states such as the United States, the Soviet Union/Russia, Britain, France and Germany dominated the global market, and transfers of major weapons systems account for the bulk of the arms trade.\(^3\)

Within this general model, there are four general “points of intervention” that have governed constraint policies, illustrated on Chart I by the red boxes. These are:

- multilateral and/or negotiated supplier restraints (such as the ill-fated Conventional Arms Transfer Talks, the CoCom, or UN embargoes);
- strictly national restrictions or embargoes (such as American restrictions on sales to Cuba, North Korea, or the broader restrictions on sales to some sub-Saharan African states);
- regional recipient restraint regimes (such as the Conventional Forces in Europe (CFE) treaty);
- retransfer restrictions required under national export control policies.

Negotiated or tacit multilateral restraints were few and far between, especially at the regional level, and most control was exercised through national policies, with the additional restraint of end-user restrictions that restrained weapons retransfers.

This traditional model did become more complicated in the 1980s and 1990s, as a result of the increase in the licensed production of conventional weapons, the growing market for used weapons and weapons upgrade packages, and the small but often significant role of lesser suppliers such as China, South Africa, Brazil or Israel. Regardless of these changes, however, the traditional model of arms proliferation and control portrayed in Chart I presents a reasonable picture of the conventional arms transfers “chain.” It can now be contrasted with that governing the small arms and light weapons proliferation process.

**THE PRIMARY CIRCUIT OF SMALL ARMS AND LIGHT WEAPONS PROLIFERATION**

We can compare this traditional picture of arms proliferation and control (Chart I) with the “primary” circuit for the diffusion of small arms and light weapons, presented below in Chart II. Since this chart is the first link in the chain of diffusion that leads to proliferation concerns, a few interpretive comments are in order:

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\(^3\) In the mid-1990s the top six arms suppliers (United States, Britain, Russia, France, Sweden and Germany) were responsible for about 90 percent of global arms transfers. Moreover, major conventional systems accounted for about 87 percent of the trade; small arms and light weapons for only about 13 percent. Figures from US Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers* (Washington, DC: ACDA, various years).
Chart II: The Small Arms and Light Weapons Proliferation Process: The "Primary Circuit" of Weapons Diffusion

Legend:
- Weapons production
- Legal acquisitions
- Major pipeline
This report has excluded the possible illicit production of weapons, which appears to be a relatively marginal phenomenon in most conflicts.


For example, the Belgian FAL rifle has been licensed for production in 15 states, the Soviet/Russian AK-47 to 14 or more states, the American M-16 to seven states, and the German H&K family to 18 states. Production outside of the country of origin probably exceeds national production in at least some of these cases. Report of the Panel of Governmental Experts on Small Arms, United Nations document A/52/298, 27 August 1997, para. 35.

At this point, this claim cannot be supported by systematic evidence. Although most major weapons systems are produced in private firms, they exist in a tightly symbiotic (and sometimes financially-close) relationship with their national procurement agencies. This does not seem to be necessarily the case for small arms and light weapons production.
but all are legitimate customers for small arms and light weapons, and all represent (under certain circumstances) significant sources of weapons that can contribute to conflict and instability. More importantly, unlike the trade in conventional weapons, much of the trade in small arms and light weapons concerns existing stockpiles, not new production. By one estimate, there are perhaps eight times as many existing small arms and light weapons stockpiled or awaiting disposal (or resale) as have been transferred new in the past decade.⁸

Transfers of small arms and light weapons within the primary circuit transfers remain almost entirely within a legal framework. Nevertheless, the circulation of arms within the primary circuit can still represent a proliferation concern, depending on the effectiveness of the legal and political framework of national and multilateral controls. As a result, there are several important “points of policy intervention” in the primary circuit. These are highlighted in Chart IIa, which superimposes these points (in red boxes) on the pathways of the primary circuit. These intervention points concern the following policy issues:

- national or multilateral export policies (including “codes of conduct”);
- national policies on weapons possession;
- control and oversight of production and stockpiles;
- controlling and/or reducing weapons stockpiles;
- weapons marking and transparency;
- regional codes of conduct and registers.

A “point of policy intervention” is not a policy itself; rather, at each of these points in the chain various (sometimes one, sometimes many) types of policy tools can be implemented, on the national or multilateral level, between suppliers and/or recipients, with politically or legally-binding commitments, to stem the flow of small arms and light weapons. The “intervention points” are meant to highlight where in the process of diffusion and proliferation such interventions need to occur, and to illustrate graphically how individual policies by themselves will seldom serve to choke off the flow of small arms and light weapons.

Each of the policy points in the primary circuit will be highlighted in a brief discussion of which specific policy initiatives have been pursued or promoted in each area, by whom, and with what relative strengths and weaknesses.

National or Multilateral Export Policies

The most important of the policy points in the primary circuit is probably national or multilateral codes of conduct or export policies (including international embargoes). These policies govern the legal transfers of weapons between states, and are governed by one overarching norm: that states have the right to “to procure or produce necessary weapons to meet their legitimate

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⁸ Figure from William Benson, Light Weapons Controls and Security Assistance: A Review of Current Practice, Saferworld/International Alert report (September 1998), 14. A source for this figure is not given.
national security and public order needs in accordance with the Charter of the United Nations and other rules and principles of international law.”

It does not follow from this, however, that producer states have an obligation to sell weapons to any state, and there exist a wide range of restraint policies that govern even the legal traffic under this norm.

The first line of defence against the proliferation of small arms and light weapons is the reinforcement of national export policies, whether these are unilateral or coordinated with other states. These policies often include at least formal consideration of whether or not the export in question will contribute to violations of human rights, exacerbate regional or internal conflicts, be “excessive and destabilizing,” or be used in zones of conflict. No systematic study of national export control systems has specifically examined the issue of small arms and light weapons proliferation, but (as will be highlighted in the next section) the many different ways in which small arms and light weapons are proliferated pose some problems that require specific solutions. Existing policies designed to deal principally with the export of major weapons systems should include additional criteria to dealing specifically with small arms and light weapons. For example, in the absence of systematic end-use monitoring, it might be important to determine whether or not a recipient state has (or might) participate in the channelling of arms to actors involved in regional conflicts, even if it is not itself subject to an embargo or otherwise a country of concern.

Unilateral efforts to restrain proliferation may, however, be of limited effect, unless they are harmonized with those of other potential or important suppliers. The many different sources of small arms and light weapons, and the creativity of most potential recipients, means that desired items can almost always be procured from some source through simple “shopping around.” This problem of harmonization was highlighted by a recent study of the export control systems of four major industrialized states: Germany, Japan, Britain and the United States. It found that of the 72 sensitive

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10 For example, the current British government has pledged not to issue arms export licences for sale to regimes that might use them for internal repression, human rights abuses or to prolong existing conflicts. Canadian policy forswears exports to countries involved in or under imminent threat of hostilities, under United Nations Security Council sanctions, or whose governments have a persistent record of serious violations of the human rights of their citizens (unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population).


12 Efforts to stem conflict in the Great Lakes region of Africa, for example, should logically also examine the role of the Democratic Republic of the Congo and other neighbouring states in supplying arms to various forces in the region. For example, British firms appear in 1994 to have sold and transported weapons to Zaire, destined for Hutu (Rwandan) militias, although this was not in formal violation of the British (UN) embargo on weapons exports to Rwanda. The Observer, 7 March 1999. A similar story can be told about weapons exports to Sierra Leone and Angola. The Observer, 31 January 1999.
countries designated by one or more of the four suppliers, almost half of them appeared on only one or two lists and only 38 appeared on three or four lists.\footnote{Sixteen appeared only once; 18 appeared twice. Further, there was great disparity among the lists, and many omissions that were difficult to explain (eg: Sierra Leone and Burundi appear on no lists; Rwanda and Zaire did). Saferworld/Deltac Limited, Proliferation and Export Controls: An Analysis of Sensitive Technologies and Countries of Concern (London: Saferworld/Deltac Limited, 1995).}

Current harmonization efforts include the European Union (EU) Code of Conduct and Joint Action, the Organization for Security and Cooperation in Europe (OSCE) Code of Conduct, and the Organization of American States (OAS) Model Export Regulations. The first two of these are declaratory and somewhat vague, although they could serve as a basis for future concrete proposals. EU Joint Action, for example, aims:

“at building consensus in the relevant international fora for the realisation of a number of principles and measures...such as...the limitation of the imports and holdings of small arms by all countries to a level commensurate with its legitimate self-defence and security requirements, for exporting countries, to supply such arms only to governments in accordance with appropriate international and regional restrictive arms export criteria as provided for in the EU code of conduct.”

The OSCE 1993 “Principles Governing Conventional Arms Transfers” contains several principles relevant to light weapons and small arms (although its initial orientation was towards the transfer of major conventional arms), including:

• a commitment to restraint and transparency;
• a belief that excessive and destabilizing arms buildups should be avoided;
• a commitment to take into account respect for human rights and internal and regional tensions and armed conflicts in making arms transfer decisions;
• consideration of mutual assistance and exchanges of information.

By contrast, the OAS model export regulations represent a comprehensive attempt to establish:

“a harmonized system of procedures for monitoring and controlling international movements of firearms, their parts and components and ammunition, in order to prevent their illegal trafficking and diversion to illegal uses and purposes.”\footnote{Organization of American States, Inter-American Drug Abuse Control Commission, “Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition” (available at: http://www.oas.org).}

They contain a series of detailed provisions for harmonized import and export licensing, and in place particular emphasis on adequate record-keeping and information-sharing between participating states. At this stage, however, it is impossible to determine either in what way these
model regulations represent an advance on the existing practice of OAS states, or whether or not any of the proposed measures have been (or are being) adopted. More study of such questions is required.

In addition to these more “legislative” measures, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technology has also recently addressed directly the question of small arms and light weapons. In December 1998 the participating states:

“recognized the importance of implementing responsible export policies and maintaining effective export controls with respect to small arms and light weapons...affirmed the importance of exercising vigilance over any transfers...to areas of conflict and to prevent their diversion to such areas...[and] recognized the utility of exchanging information on such things as diversionary routes and end-users.”

The forum also took note of initiatives relating to small arms and illicit arms trafficking, in particular the role of the supplier states in curbing small arms to Mali (and western Africa more generally) and to Afghanistan. A follow-up meeting between Wassenaar states and people involved in the ECOWAS moratorium was held in Geneva in May 1999, to discuss ways in which the Wassenaar Arrangement could support the moratorium (see below). How well these declarations fit with reality is, however, open to question, especially given that some Wassenaar Arrangement members (in particular Bulgaria, Ukraine and the Russian Federation) have been singled out as significant suppliers of small arms and light weapons to conflict zones.

Finally, mention should also be made of the broader multilateral or international embargoes that can be (or have been) placed on weapons transfers (not confined to small arms and light weapons) to particular states. In recent years, the United Nations Security Council, for example, has authorized embargoes on arms transfers to numerous states, including Sierra Leone, Rwanda and Liberia.

There are several difficulties shared in varying degrees by all of these measures. They are usually political, not legally binding, declarations, and rarely contain compliance monitoring or enforcement mechanisms. They also do not (with the significant exception of the Wassenaar Arrangement) include a formalized forum in which information could be exchanged, oversight exercised, and differences aired or resolved. Even in the case of UN embargoes on major weapons transfers (where the source of the weapons can often be identified), the lack of formal compliance

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15 Public statement of the Wassenaar Arrangement, Vienna, 3 December 1998. The plenary also approved a study paper on “Elements for an Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons,” although this paper is non-binding.

16 See Human Rights Watch, Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers (April 1999). Despite its initial cooperation, the Bulgarian government rejected the findings of this report. Ukrainian arms supplies to Angolan rebels have also been apparently the subject of recurrent Angolan complaints in the Security Council.

17 The Wassenaar Arrangement includes formal information exchanges and a rule concerning “undercutting.”
monitoring and verification has been a major weakness. In the case of small arms and light weapons the problem is even worse, since the near-total absence of agreed-upon international standards of marking, registration or tracking (coupled with large extant stockpiles) make it extremely difficult to determine with certainty who might have supplied weapons to a given state or non-state group.

**National Policies on Weapons Possession**

A second set of important issues concerns national policies dealing with the buying, selling, possession, transportation and use of small arms and light weapons. By and large, such policies fall under the ambit of domestic “gun control” and concern Justice and Interior ministries and police forces. Examples of recent changes in these policies include the American ban on sales of assault rifles, the British ban on private possession of handguns of greater than .22 calibre, and the Australian ban (and gun-buy-back program) concerning several types of semi-automatic and pump-action rifles and shotguns.\(^\text{18}\)

To date, the actors concerned with national policies have not been very active in the international debate concerning small arms and light weapons, and most analysts would probably agree that there is a significant distinction between the two realms. National policies concerning weapons possession are the product of a complex set of historical, legal and social forces; as a result it is probably neither desirable nor possible to imagine coordinated policies in this area. Even within the European Union, a great deal of diversity is tolerated on this issue in the face of attempts to harmonize a range of other policy arenas.

There are, however, some international implications of domestic weapons control policies, mainly concerning the leakage of weapons from one state to another, as a result of the former’s more liberal policies on weapons possession and sales. Hence Mexico, for example, has expressed great concern about cross-border firearms trafficking and use, in part as a result of the porous nature of the Mexican-American border. This has occurred in spite of Mexico’s extremely restrictive policies on weapons possession.\(^\text{19}\) A second example would be the apparent cross-border shipment of large quantities (perhaps in the tens of thousands) of weapons that were released from Albania’s arsenals during civil disturbances in 1997. An estimated 650,000 weapons were released into the civilian

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\(^{18}\) Details in Goldring, “Links Between Domestic Laws and International Light Weapons Control.” The British ban resulted in the collection of 120,000 weapons, the Australian one in the collection of about 640,000. According to a study sponsored by the American Justice Department, the ban on assault rifles may have contributed to the decrease in gun murders between 1994 and 1995, but this cannot be shown without further study. Jeffrey A. Roth, Christopher Koper, et al, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994* (The Urban Institute, 1999).

\(^{19}\) Goldring, “Links Between Domestic Laws and International Light Weapons Control.” According to Mexican figures, more than 1,000 illegal weapons a month were seized from 1995 to mid-1997, nearly 40% of them linked to drug trafficking cartels.” “Mexico Takes Aim at Illegal Guns From U.S.,” *The Los Angeles Times*, 6 September 1998.
population.\footnote{See details on Albania at the Bonn International Center for Conversion web site: \url{http://bicc.uni-bonn.de/weapons/profiles/albania.html}.}

\section*{Control and Oversight of Production and Stockpiles}

Another set of national policies do, however, have significant international implications, and these have been grouped together under the heading of “control and oversight of production and stockpiles.” Two related policy issues emerge here: obligations under international humanitarian law not to produce certain types of weapons, and specific restrictions or controls on production. The first set of policies are governed by existing restrictions on the production of such things as dum-dum (expanding) bullets or blinding weapons, governed by the Geneva Conventions (and Protocol) and the Convention on Certain Conventional Weapons.\footnote{Its full title is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects.} To date, there have been only a few efforts to expand these instruments to include a wider range of actual or potential weapons, although the recent SI\textit{r}US project (for “superfluous injury or unnecessary suffering”), conducted under the auspices of the International Committee of the Red Cross (ICRC), aims to develop clear criteria for what constitutes “superfluous injury or unnecessary suffering” that could be used to codify further international humanitarian legal restrictions.\footnote{See International Committee of the Red Cross, \textit{The SI\textit{r}US Project} ( Geneva: ICRC, 1997).} Recent efforts to ban blinding weapons, for example (adopted in the CCW in 1996, but not yet in force) would fall into this category. At present, such issues are not prominent on the international agenda, but insofar as technological developments might create newer weapons with different effects, this type of initiative might be significant.

The second set of policies concern possible restrictions on the level or type of weapons being produced by states. To date, there have been no initiatives proposed in this area, principally because most attention has focused on the problems posed by existing weapons stocks (which have been estimated at anywhere between 100 and 500 million military-style weapons).\footnote{Michael Renner, \textit{Small Arms, Big Impact: The Next Challenge of Disarmament}, World Watch Paper 137 (World Watch Institute, Washington, DC, 1997), 6, offers the 500 million figure; Ernie Regehr, “Militarizing Despair: The Politics of Small Arms,” \textit{New Routes}, 4/97, offers the 100 million figure. There are no figures available that would allow a good estimate of the current volume of small arms and light weapons production, although one could roughly estimate the scale of past production of military-style firearms by dividing the estimates for the total production of major systems (AK-47s, M-16s, H\&K and FAL) by 45 (the number of years these arms have been in production). This would give an annual figure of between 1.2 and 1.6 million, with a total for these four systems alone of between 55 and 72 million. Figure from \textit{Report of the Panel of Governmental Experts on Small Arms}, United Nations document A/52/298, 27 August 1997, para. 35. This can be compared to the estimated 3.8 million guns produced in 1996 in the United States alone (this is down from 4.4 million annually in 1989). Figures from US Bureau of Alcohol, Tobacco and Firearms, cited in \textit{International Herald Tribune}, 30 March 1998.} The long shelf-life of most small arms and light weapons make even World War II-era weapons (if properly stored and maintained) useful, and the absence of a “technological revolution” that renders older weapons
obsolete, mark a significant difference between small arms and light weapons and other major conventional weapons systems. Some have, however, argued that efforts to reduce or better control existing stockpiles can only be successful over the long term if levels of ongoing production are commensurate with demand. The declining nature of the industry might, however, take care of this problem with little policy intervention.

A related concern that has not been addressed is the question of possible restrictions on licensed production. Strictly speaking, licensed production is usually the concern of the producing state, but the evident proliferation of weapons produced under license to zones of conflict can also create concerns for the state that has granted the original license. Whether or not existing licenses can be cancelled, or some control exercised over the export of licensed production, or greater oversight over the future granting of licences, are matters that should be further explored.

Controlling and/or Reducing Weapons Stockpiles

The question of controlling and perhaps even reducing weapons stockpiles has been near the forefront of many current policy initiatives. The stockpile problem is basically the result of one fact – the long life-span of small arms and light weapons – coupled with three recent developments:

• the collapse of the USSR, and the surplus nature of large weapons stocks in former Warsaw Pact states;
• the downsizing of armed forces around the world, which has rendered surplus large quantities of weapons;
• the end of major conflicts (Mozambique, Cambodia, El Salvador, Nicaragua), or the redirection of weapons from ongoing conflicts (Afghanistan, Angola, Somalia) to other destinations (often for economic or commercial reasons).

Specific policy initiatives have differed for each of these aspects of the stockpile problem. The fragmentation of authority in the former Soviet Union, for example, has rendered existing stockpiles extremely vulnerable to theft and diversion: as one Russian news report put it, most of the weapons depots in Moscow were “built in the last century,” and “sparingly guarded by three elderly men.” This can only be remedied through the reestablishment of effective governmental control over its own

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24 Rumoured Russian plans to license a weapons production plant in Angola would be one example of this concern.


26 Cited in Abdel Fatau Musah and Robert Castle, “Eastern Europe’s Arsenal on the Loose: Managing Light Weapons Flows to Conflict Zones,” BASIC occasional paper 26 (May 1998). The report also notes that “according to Dmitriy Milin, deputy head of St. Petersburg area directorate against organised crime, the sixteen weapons depots in St. Petersburg containing a total of 60,000 tonnes of ammunition ‘are virtually unguarded; large quantities of explosive materials enter the criminal world from [these] army stores’.”
arsenals. A related concern has been whether or not new members of NATO will replace their standard military weapons with NATO-compatible ones, thus releasing a large number of weapons on the international market.\(^{27}\) Of course, surplus weapons still represent a source of hard currency for cash-strapped states such as Bulgaria which they are reluctant to surrender.

A third concern is that the cost of destroying or rendering unusable surplus weapons might be excessive or prohibitive. This in fact appears not to be the case – a recent study conducted by the Bonn International Center for Conversion traces a wide range of destruction options, ranging from high-tech metal shredders, to rudimentary crushing or bending. The option of cutting with an oxy-acetylene torch would cost about 60 cents (Canadian) per weapons – for $100,000 one could destroy 165,000 weapons.\(^{28}\) Several governments, including the Dutch and South African, have recently committed themselves to destroying their surplus weapons stocks, rather than attempting to re-export them, although greater efforts towards such destruction initiatives should be undertaken.\(^{29}\) International or bilateral funds for surplus weapons destruction programs are currently very limited or non-existent, and this appears to be one area in which initiatives could be productively undertaken.

Since the cost of weapons destruction appears not to be a barrier to reductions in weapons stockpiles, the political will to do so is the main obstacle that needs to be overcome. In addition to the unilateral initiatives by several states, it would be desirable for commitments to destroy surplus weapons to be written into post-conflict peace agreements, and into the mandate of multilateral peace-building missions. The glaring failure to do so in places such as Angola, Cambodia and Mozambique has contributed in no small part to current conflicts and policy dilemmas in these states.

**Weapons Marking and Transparency**

Related to the issue of compliance monitoring raised above is the possibility of marking arms and ammunition to ensure that illicit or unauthorized transfers could be effectively traced. Such

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\(^{27}\) Musah and Castle, “Eastern Europe’s Arsenal on the Loose: Managing Light Weapons Flows to Conflict Zones.” See also Human Rights Watch, “Arsenals on the Cheap: NATO Expansion and the Arms Cascade,” (April 1999). According to this report, the issue of arms surpluses and cascading is being addressed within the Euro-Atlantic Partnership Council (EAPC), and a working group on this has been established.

\(^{28}\) Bonn International Center for Conversion, *Destroying Small Arms and Light Weapons: Survey of Methods and Practical Guide*, report 13 (April 1999). This does not include any of the costs associated with collecting the weapons; nor any cost-recovery of the scrap metal. Of course, the enhance security benefit is also not quantifiable.

\(^{29}\) The Dutch program involves the destruction of some 115,000 weapons. Cited in Musah and Castle. The South African decision was reported by the Pan-Africa News Agency, 27 February 1999. It should be noted, however, that the United States has also exported more than 220,000 surplus small arms between 1990 and 1995. See Federation of American Scientists, *Recycled Weapons: American Exports of Surplus Arms, 1990-1995* (May 1996). Germany also sold many of the weapons of the former East Germany army, and at least 303,934 AK-47s were exported to Turkey. Ottfried Nassauer, “An Army Surplus-The NVA’s Heritage,” in Herbert Wulf and Ed Laurance, eds., *Coping with Surplus Weapons: A Priority for Conversion Research and Policy*, brief 3 (Bonn: Bonn International Center for Conversion, June 1995).
proposals have been put on the table by states such as Switzerland and Canada, who see such measures as a means to tighten the currently porous boundary between licit and illicit transfers (black and grey market) and to foster greater accountability of states for their weapons transfers. Some industry representatives have also voiced at least cautious support for such measures, as a means to protect themselves against legal action.

There are at least four hurdles to be overcome, however, in order to establish a marking and transparency regime. First, it must be inexpensive. Second, it must be relatively difficult (costly or inefficient) to cheat. Third, it must result in a “level playing field” (at least among major producers) so that the additional costs did not discriminate against legitimate producers, or against particular categories of weapons. Finally, it must be connected to a formal information-sharing or consultancy mechanism, so that suspect weapons could be relatively easily checked against a record of their licit transfers.

All four of these hurdles must be overcome, although it appears that the first two might not pose serious technical obstacles. The questions of levelling the playing-field and sharing the information, however, are more problematic. They require that one first identify the relevant minimum group of states that would need to participate in such a regime in order for it to be effective. Without some greater information concerning the distribution of current production capabilities (ie: who is producing roughly what quantities of what categories of small arms and light weapons), it will be difficult to assess how large or small this group of states should be, and what the overall scope and costs of such measures might be. Similarly, although it is clear that such a regime requires that adequate records of all transfers of ownership be maintained and accessible, the nature and cost of this record-keeping and information-sharing mechanism is unclear (although certainly it too is technically feasible). Perhaps more importantly, however, if such measures only address new production, they would do little (except concerning some specialized weapons) to increase transparency in the recirculation of existing stocks of weapons.

**Recipient Codes of Conduct and Registers**

The acknowledgement that small arms and light weapons proliferation cannot be treated as purely a supply-side problem has led some to advocate arrangements among recipient states to restrict the flow of weapons into and between states of their region or sub-region. To date, only one formal initiative has emerged, that of the Economic Community of West African States (ECOWAS), which adopted, in October 1998, a three-year moratorium on “the import, export and manufacture of light arms.”

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30. See *Marking of Small Arms: An Examination of Methodologies* (Ottawa: Department of Foreign Affairs and International Trade Canada, February 1999). This report concludes (p. vii) that “it appears that it would be feasible to establish an international system for marking and tracing small arms and light weapons,” based on stamping, engraving and casting techniques already available.
This initiative grew out of both the experience of one state (Mali), and various conflict prevention and disarmament efforts sponsored by the UN and dating back to 1996.

It has been followed by a Code of Conduct that is to take effect at an ECOWAS heads of state conference in June 1999 in Lomé. The Code requires member states to harmonize their regulatory and administrative systems, to establish national monitoring commissions that include governmental and non-governmental members, to reduce and halt national arms production, and to promote transparency by providing the ECOWAS secretariat with “information regarding any components and ammunition on order, and any cross-border transactions with regard to weapons that are subject to the Moratorium.”

Several issues are of interest in this regional initiative, some positive, some negative. Under the positive column, this initiative involves a partnership between donor states, the UN and regional actors, operating under the auspices of the Programme de coordination et d’assistance pour la sécurité et le développement (PCASED) of the UN Development Programme. It also includes an explicit commitment to engage civil society in the initiative, and for situating the moratorium in a broader context of security building and governance (i.e., reform of civil-military relations). On the negative side, the moratorium does not include any measures for the collection and destruction of surplus or unauthorized weapons, which may result in future problems. In addition, the political will for respecting the moratorium may not be equally strong among all ECOWAS members states, especially considering that some of them (Liberia, Sierra Leone, among others) have recently been or are currently engaged in ongoing violent conflicts. Finally, the regional states are in serious need of assistance in establishing and maintaining the administrative and legal frameworks needed to live up to the moratorium, and political will alone will not ensure that it succeeds.

Nevertheless, this regional initiative could serve as a test case, and perhaps model, for other possible regional initiatives in places such as Central America, other sub-regions of Africa, or even

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33 These details on the ECOWAS initiative come from a UNIDIR briefing meeting, Geneva, 26 April 1999. I am grateful to Spyros Demetriou for his notes on this session. Major supporters of the initiative include Belgium, Canada, France, Norway, Switzerland, the UK and the US.

34 Some of these states have also apparently already attempted to justify exemptions to the moratorium to import weapons, and it is noteworthy that the draft Code of Conduct includes a formal “exemption clause” for legitimate national security needs. This procedure requires, should any ECOWAS state object to the exemption, that the matter be referred to the ECOWAS mediation and security council. Personal communication with NGO participant, 1999.
in East-Central Europe. It also underscores the need to engage external partners in regional initiatives, and to move beyond simply declaratory measures to include concrete provisions for compliance monitoring, conflict resolution and confidence-building. In this respect, some of the experiences from other arms control mechanisms might be usefully brought to bear on the small arms and light weapons problem.

THE "SECONDARY CIRCUIT" OF SMALL ARMS AND LIGHT WEAPONS PROLIFERATION

Chart III, which superimposes the “secondary circuit” through which small arms and light weapons are circulated on top of the “primary circuit,” graphically illustrates the complexity of the policy challenge of small arms and light weapons. The secondary circuit is defined as all small arms and light weapons transactions that are not sanctioned by relevant state authorities at the appropriate official level, or that are state-authorized but secret. In other words, this part of the diagram captures what are conventionally called “grey market” (possibly legal, but either secret or unauthorized), and “black market” (wholly illicit) transactions. The potentially illicit nature of these transactions is captured by dashed lines (which indicate pathways along which both licit and illicit transfers can be made) and red dotted lines (indicating wholly illicit transfers). The potential destinations for these transfers are highlighted in yellow. There are two important points to note about the secondary circuit. The first is that almost all illicit weapons transfers were, at some point in their life, legally produced or procured. The second is that transactions along the secondary circuits can, under certain circumstances, be perfectly legal (for example, transfers to private security forces or weapons brokers and dealers). But the possible ambiguity surrounding transactions in this circuit makes a sharp distinction between licit and illicit transfers difficult, if not impossible, to draw. These two facts have great implications for some current efforts to tackle small arms and light weapons, which will be discussed below.

As the numerous lines on Chart III suggests, there are several paths along which weapons can move from the points of origin to the four different quasi-licit or illicit “destinations.” The first (lower left yellow box) involves the illegal “leakage” of weapons from the arsenals or production plants in producer states to domestic non-state actors, where they often rapidly fall under the control of domestic non-state actors, where they often rapidly fall under the control of...
Chart III: The Small Arms and Light Weapons Proliferation Process:
The "Secondary Circuit" of Proliferation

Legend:
- Weapons production
- Legal acquisitions
- Licit and/or illicit acquisitions
- Major pipeline (could include licit and/or illicit transfers)
- Illicit pipeline
organized networks (criminal) specializing in weapons transactions, or linked to broader criminal activities. Concerns here focus mainly (but not exclusively) on the security of the large weapons stockpiles in East-Central Europe.  

A parallel, and probably more important, pathway concerns sales or diversion from the stockpiles of recipient (non-producer) states to non-state actors (the yellow box in the middle of the chart). The phenomenon of leakage from the stockpiles of recipient states is probably much more important than the leakage of weapons from the arsenals of producer states, in part because producer states are not as numerous, in part because controls and safeguards are relatively robust in most major producer states. Weapons entering this circuit, however, can be used both for domestic crime or insurgent activity, and as part of cross-border activities involving crime, gun-running or communal conflicts.

One prominent example of how these two mechanisms work would be the opening of the arsenals in Albania in 1997. After an initial period in which weapons were widely available throughout the country at a very low price, they became much more scarce, and prices climbed rapidly. This suggested that the market was being “cornered” by groups that were exporting the weapons to neighbouring Kosovo. A second example concerns the apparent fate of the weapons collected in Mozambique in the early 1990s by the UN operation ONUMOZ. The Mozambican government was reluctant to destroy these weapons, seeing them as a source of potential revenue or equipment for its armed forces, and hence about 180,000 weapons were turned over to the Mozambican Defence Force. These weapons soon, however, started to be used in crime in Mozambique, and to appear in South Africa, indicating that they were being siphoned out of official armouries or storage zones.

The other set of pathways involves transfers of weapons to non-state actors outside of the original producer state (the two larger yellow boxes along the bottom of the chart). This set of clients can receive weapons both from illicit sources (red dotted line) or along a quasi-licit path (a dashed line). Hence it covers a wide panoply of transactions, from entirely legal transfers of government stocks to private brokers operating internationally, to “grey market” transfers from a government to an insurgent group in another state, to wholly illegal transfers conducted by criminal groups. Examples of such transfers are depressingly numerous. Along the dashed pathway from producer states, for example, one can find a range of weapons transfers to Rwanda and the Great Lakes region, both preceding and after the 1994 genocide, from states such as France, China, Egypt and South

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37 See notes 27 and 28 above.

38 This point was made by Ed Laurance at a seminar on light weapons and early warning in Geneva, 15 March 1999.

The final yellow box (bottom right) is probably the most important source of international concern, since it captures the weapons transfers to most of the non-state combatants in ongoing communal conflicts around the world. The various groups fighting in the Great Lakes region of Central Africa, for example, receive some of their weapons from neighbouring states that have an interest in supporting a particular group, some of their weapons from international agents, some from weapons stolen or captured in combat), and some from other allied insurgent groups operating in neighbouring states. Similarly, the concern of Latin American states with illicit transfers (and the subsequent treaty instrument signed under the auspices of the OAS) also stem from such transactions (see below).

Not surprisingly, the complexity of these circuits give rise to a large number of points for policy intervention, most of which are captured in one way or another on Chart IIIa. For ease of reading, the intervention points associated with the primary circuit of small arms and light weapons transfers have been suppressed, and proposals that intervene at multiple points have been listed more than once. The various proposals can be grouped under the following five headings, some of which concern exporting states, some of which concern recipient states:

- tighten and harmonize export control systems and policies;
- increase international transparency;
- establish tighter control over private arms dealers, brokers and transporters;
- prohibit international transfers to non-state actors;
- build the capacity of weak states to monitor activities within their own territory.

Tightening and Harmonizing Export and Border Controls

As noted above, one of the greatest difficulties in constraining the proliferation of small arms and light weapons is the fact that several proliferation pathways can be both licit and illicit in nature. One clear policy goal of the international community (or at least some elements of it) has thus been to widen the divide between licit and illicit transfers, simultaneously preserving intact the right of states to acquire the means of their self-defence, while weakening challenges to existing regimes. Several specific policies have been proposed to achieve this goal, and they overlap with the national and multilateral export policies discussed in the primary circuit above.

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41 Ibid.
The treaty does commit the parties, however, to exchange information concerning authorized producers, and dealers in weapons, the ways and means of concealment that have been used in illicit trafficking, and national legislative experiences. It does not include information on production, stockpiles, licit imports and exports, and so forth.

To date, the most prominent has been the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. This treaty (which entered into force in 1998), essentially commits signatories to strengthen their national legislation to prohibit the illicit manufacture and trafficking of firearms and ammunition, to establish a marking regime for new weapons, to enhance their export, import and transit licensing system (including improved border controls), to exchange information and to cooperate on such issues as training or technical and legal assistance.

The strength of this convention is that it is relatively straightforward, and could potentially serve as a model for the parallel work of the UN Crime Commission in Vienna. The weakness of the commission is that it contains no compliance monitoring or enforcement mechanisms (other than the establishment of a Consultative Commission), and few specific requirements for the exchange of information (i.e.: concerning the licit production and trade in weapons, for example) or technical assistance that could lead to the harmonization of national policies.\(^{42}\)

Other measures that have been suggested include providing bilateral or multilateral assistance to states to improve their customs and border monitoring, and to upgrade their weapons export control systems. Such programs have been pursued (though not just with respect to small arms and light weapons) between NATO member-states and countries in East-Central Europe. With respect to Southern states, however, the situation is relatively bleak, since the problems go beyond the purely technical and administrative, and implicate the entire structure of governance and state capacities (see below).

**Increasing International Transparency**

Greater transparency of the licit trade in weapons has been proposed as a means to widen the divide between licit and illicit transfers, and to reduce the confusion along the “dashed lines” in the chart. Since small arms and light weapons transactions are not the stuff of high-level national security concerns, there ought to be little threat to states from somewhat greater openness of their activities with regard to small arms and light weapons. Furthermore, if governments want to flush arms dealers and black marketeers out into the open, shining greater light on the legal trade is one of the best ways to limit the scope of illegal activities. Finally, greater transparency is an essential element of efforts to harmonize export policies.

At least five potential initiatives exist in this regard, two that would operate at the official, and three at the non-governmental, level. At the official level, the United States has proposed the establishment of a small arms center, as an information clearing-house, although it is unclear whether the information exchanged between states would be made public, or whether this would be a closed

\(^{42}\) The treaty does commit the parties, however, to exchange information concerning authorized producers, and dealers in weapons, the ways and means of concealment that have been used in illicit trafficking, and national legislative experiences. It does not include information on production, stockpiles, licit imports and exports, and so forth.
Chart IIIa: The Small Arms and Light Weapons Proliferation Process: Intervention Points in the Secondary Circuit

Legend:
- Weapons production
- Legal acquisitions
- Points of intervention
- List and/or illicit acquisitions

Major pipeline: includes licit and illicit transfers.
Illicit pipeline: not included in licit transfers.
The proposal was mentioned publicly, although no details were given, by Mr. Lee Feinstein at an OSCE seminar on small arms and light weapons, Vienna, 10 November 1998. Other sources have confirmed some details of the proposal.

At the non-governmental level, several governments (most notably the Swiss, Norwegian, Canadian and South Africa) have expressed support for efforts to establish public, non-governmental transparency mechanisms, the most prominent of which would be a *Small Arms Survey* (modelled on the SIPRI *Yearbook* or the Bonn International Center for Conversion (BICC) *Conversion Survey*) that would be a comprehensive source on small arms production and trade, on their use and effects in zones of conflict, and on international measures to constrain their proliferation. A related proposal sponsored by the Norwegian Initiative on Small Arms Transfers (NISAT) aims to assemble in a searchable on-line database the publicly-available (official and unofficial) information on all states’ production, imports and exports of small arms and light weapons. Finally, in the African context, the Organization of African Unity (OAU) has encouraged the development of several reporting and monitoring mechanisms at the regional and subregional level. These three non-governmental projects would also attempt to shed greater light on the illicit trafficking in arms.

**Establish Tighter Control over Private Arms Dealers, Brokers and Transporters**

Unlike the conventional arms trade, the traffic in small arms and light weapons often involves a host of dealers and middlemen, some operating within, some on the margins of, the law. The activities of these people have not been well documented except in an anecdotal way. Their

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43 The proposal was mentioned publicly, although no details were given, by Mr. Lee Feinstein at an OSCE seminar on small arms and light weapons, Vienna, 10 November 1998. Other sources have confirmed some details of the proposal.


45 Details of this project can be obtained from the author.

46 Details of this project can be obtained from Lora Lumpe, Peace Research Institute Oslo (PRIO).

47 These activities are primarily focused on the Institute for Security Studies in South Africa.

48 A dealer is an “individual or organization whose business involves the manufacture, trade, sale, repair or conversion of firearms”; a broker is “any person who acts as an agent for others in negotiating or arranging contracts, purchases, sales or transfers of defence articles.” Definitions from James Coflin, *State Authorization and Inter-State Information Sharing Concerning Small Arms Manufacturers, Dealers and Brokers* (Ottawa: Department of Foreign Affairs and International Trade, 1999).
Because the line between licit and illicit transfers is not always clearly defined both buyers and sellers of small arms and light weapons have creatively exploited various so-called “loopholes” in existing regulatory systems. One potential loophole was highlighted by the conflict between the United States and its EU partners over the American obligation not to re-export arms to a third country without State Department approval, where it appears that arms legally imported to Europe from the US may be subsequently exported to third countries without adequate oversight.\textsuperscript{50} Related to this are often ambiguous (and possibly conflicting) regulations in different states governing “transit” and “trans-shipment” of arms and munitions.\textsuperscript{51} Another possible loophole is created by inadequate national regulation of arms dealers who broker sales that do not take place on their national territory. Finally, controls over licensed production or co-production arrangements may also be unclear. All of these issues warrant further discussion and exploration, since only through harmonized regulations can these loopholes be closed.

American regulations in this area appear to be very strong, since they apply to US citizens wherever they are located, or to persons subject to US jurisdiction. Legislation in other states tends not to regulate the activities of nationals outside of country in question, and the question of extra-territorality is a thorny one.\textsuperscript{52} Extra-territorial jurisdiction over nationals has been implemented in areas such as sex tourism, war crimes and torture, hence the central question is whether trade in small arms and light weapons ought to be assimilated to such activities, given the fact that some portion of the trade is legitimate.

**Prohibit International Transfers to Non-State Actors**

The idea of a treaty instrument that would ban international transfers of small arms and light weapons to non-state actors was a Canadian initiative promoted in various forums. It essentially

\textsuperscript{49} These are mentioned in Brian Wood and Elizabeth Clegg, *Controlling the Gun Runners*, BASIC/NISAT briefing paper (February 1999).

\textsuperscript{50} EU regulations permit re-export within the EU without further permission, but inadequate tracking may be making it easy for creative arms dealers to conceal a complex trail that ends with the weapons leaving the EU entirely.

\textsuperscript{51} See “European Loophole Undermining US on Resale of Its Guns,” *New York Times*, 19 April 1998. According to this account, large numbers of British arms export licenses had been issued for destinations such as Malta, Singapore, the Channel Islands, Qatar and the UAE, all allegedly focal points for black and grey market deals.

\textsuperscript{52} See Coflin, 11-15; Wood and Clegg, *passim*. 
would have clarified one aspect of the fuzzy divide between licit and illicit transfers, by distinguishing between the *actors* receiving the weapons. Under current practice, for example, a supply of weapons to an insurgent group that is authorized by the supplying state (either covertly or overtly) is licit, although it almost always serves to weaken the capacity of some state somewhere to control its territory. The proposed treaty would make such transfers illicit, and would also (and not inconsequentially) reinforce the sovereignty claims of existing states.

The proposal thus effectively implies that supporting violent means of achieving political change must be foresworn. Obviously, state practice over the past fifty years has not been consistent with this principle, as the innumerable examples of aid to rebellious groups attest. Hence state support for this proposal has not been uniform, especially among the great powers, or among states that have an interest in supporting cross-border irredentist movements or ethnically-related groups. Perhaps more surprisingly, the proposal was also opposed by at least some major NGO groups, on the grounds that it did not allow for circumstances in which resistance to an illegitimate or repressive government might be the only option. But the failure to win widespread support for a treaty instrument might still leave room for such measures as a “code of conduct” or regional arrangements where the legitimacy of existing governments and states is widely accepted.

What the fate of this proposal does highlight is the inescapably political dimension of efforts to constrain small arms and light weapons proliferation. Distinguishing between legitimate and illegitimate possession and use is not simply a legal question, but involves judgements about the particular groups using the weapons, and the legitimacy (or not) of their causes. This political dimension also marks policy interventions to build state capacities, which are treated below.

**Build Capacity of Weak States to Monitor Activities within Their Territory**

The capacity of states to monitor the possession and flow of small arms and light weapons within their territories, and to establish and maintain effective export and import control systems, is highly uneven. In some regions, such as sub-Saharan Africa, many states “neither monitor nor report on the sale or movement of small arms on their territories or across their borders.” In others, such as Latin America, the governments’ will to monitor such activities is stymied by corruption, and the operations of highly organized criminal organizations operating across borders (usually in connection with the drug trade). In others, such as South Asia, weapons flows have been facilitated by ongoing conflicts in Afghanistan, Sri Lanka, Kashmir and elsewhere, which have weakened the ability of central governments to control their territories.

Capacity-building for these states thus appears to be a high priority, although to date it has been pursued rather unevenly. Perhaps the main difficulty in this area is that such efforts have

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53 UN commission report, paragraph 89.

traditionally fallen within the domain of international financial institutions or development assistance programs, and have seldom been the focus of arms control and disarmament policy-makers. Yet international financial institutions and development agencies have been extremely reluctant to play a direct role in any issue touching on national security. Although this barrier may have eroded in recent years, coherent policy initiatives have not yet emerged. One particular difficulty is that recent initiatives focusing on “good governance” and “structural adjustment” have pushed towards the downsizing and restructuring of many Southern governments, with the result that fewer resources are available for building state capacities to cope with small arms and light weapons proliferation.

Similarly, development assistance programs in recent years have also not focused on reinforcing state capacities, but on grassroots or local initiatives. While there may be a place in such programs for efforts to limit the possession and use of small arms and light weapons, it is difficult to see how major international development assistance agencies could participate wholeheartedly in initiatives that were directed towards strengthening the coercive and monitoring capabilities of Southern states. For many, the coercive and monitoring capabilities of the state have been hitherto part of the problem, not part of the solution.

**THE EFFECTS OF SMALL ARMS AND LIGHT WEAPONS PROLIFERATION AND USE**

The effects that small arms and light weapons proliferation can have on states and societies are also significantly different than those produced by the proliferation of major weapons systems. With a few notable exceptions, major weapons are designed to be used in large-scale conflict, between organized armed forces with significant command and control and structures of political authority. Their use is confined to extreme situations (wars, large-scale violence), and they have few, if any uses, beyond those situations – a tank is not much use to guerrilla fighters, bandits or common criminals.

Military-style small arms and light weapons, by contrast, have many uses (pernicious and otherwise) beyond their primary function as weapons of war, and as a consequence, the effects of their proliferation are more widespread. The four main different “clusters” of effects have been highlighted in blue circles on Chart IV, which are added to the circuits of weapons diffusion and proliferation. The most common intervention strategies to deal with each cluster of effects have also been listed in red boxes next to each circle.

There is, however, a great deal of overlap between the different policies that can be adopted

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55 One exception would be efforts within such things as the Wassenaar Arrangement to ensure adequate export control regimes in all members states.

56 Some initiatives were discussed among experts and NGO representatives at a meeting sponsored by the World Bank in March 1999, although according to some participants the meeting was inconclusive.
or proposed to deal with various effects of small arms and light weapons proliferation. As a result, the division below is somewhat artificial, although it does serve to highlight how policy instruments that emerge from very different contexts than that of traditional “arms control and non-proliferation” may have a positive effect on mitigating the effects of small arms and light weapons proliferation.

Conflict and Insecurity

The first cluster of effects are connected with conflict and insecurity, and capture both the direct costs of small arms and light weapons proliferation and use (deaths and injuries in conflicts), and the indirect costs (post-conflict insecurity, inter-communal tensions, etc.). Although the presence or proliferation of small arms and light weapons does not cause the conflicts that are evident around the world, they do contribute to their level of violence, and probably also make their resolution more difficult. They have been widely used in most of the small wars that are now raging. Similarly, the easy availability of arms reduces the incentives to find non-violent solutions to conflicts, and can breed a spiral of insecurity that mimics, on a lower level, inter-state arms races.57

The measures to treat the conflict and insecurity effects of small arms and light weapons use concentrate mainly on post-conflict disarmament and arms control measures, in particular to deal with surplus weapons following a peace accord or end of a war. To date, the record in post-conflict “micro-disarmament” is relatively poor, despite it having been attempted in many places, from Mozambique to El Salvador, Haiti, and Somalia.58 Persistent tensions between conflicting parties ensure that weapons are seldom voluntary surrendered in large quantities, but often hidden for future contingencies. The tradition of leaving weapons behind after a conflict has also resulted in huge inflows of weapons into global stockpiles.59 One international initiative that seems urgent would be to ensure that the destruction of light weapons be treated as a crucial and high-priority component of future peacekeeping and post-conflict peace-building mandates.60

Similarly, “first generation” gun buy-back programs (guns-for-cash) have had mixed results, and resulted often in only poor-quality or old weapons being turned in. In some cases, they actually


58 For examples, see the UN Institute for Disarmament Research major study on “Managing Arms in Peace Processes,” which produced thirteen different case studies, including Haiti, Mozambique, Liberia and the former Yugoslavia. See also the Bonn International Center for Conversion web site, which has updated details on weapons collection programs in 15 states (http://bicc.uni-bonn.de/weapons/).

59 For example, the United States left an estimated 1.8 million small arms in Vietnam, including nearly 800,000 M-16 rifles, more than 850,000 other rifles, and 90,000 M-19 11A1 .45 calibre pistols. The US military left roughly 300,000 additional small arms in Cambodia, including more than 150,000 M-16 A1 rifles and more than 100,000 other rifles. These weapons are now recirculating in various places. Edward C. Ezell, *Small Arms Today*, 2nd edition, (Harrisburg, PA: Stackpole Books, 1988,) 444.

Chart IV: The Small Arms and Light Weapons Proliferation Process: Intervention Strategies to Cope with the Effects of Weapons Proliferation and Use

The Effects of Small Arms and Light Weapons Proliferation and Use

- **CONFLICT AND INSECURITY:** Death and injuries in interstate or intra-state violent organized conflicts, post-conflict communal and state insecurity
- **HUMAN RIGHTS/HUMANITARIAN CONCERNS:** Violations of human rights and humanitarian law by governments or non-state actors
- **DEVELOPMENT AND GOVERNANCE ISSUES:** Undermining of economic and social development, extortion, theft, destabilization of governments
- **PUBLIC HEALTH, CRIME AND SOCIETY:** Medical and public health costs from injuries, destruction of social and communal fabric, culture of violence

Legend:
- Major pipeline
- Pipeline that could include licit and/or illicit transfers
- Illicit pipeline

- Weapons production
- Legal acquisitions
- Points of intervention
- Illicit and/or licit acquisitions
- Effects
encouraged an inflow of weapons into a region, as opportunities for arbitrage (buy low abroad, sell high locally) appeared. A more promising avenue appears to be the “second-generation” “guns-for-development” schemes that engage the local community in efforts to reduce the number of weapons in their area in return for durable development projects (roads, infrastructure, investment). Such schemes have been somewhat successful on the local level in El Salvador, Mozambique and South Africa, and are currently being attempted in regions of Albania.61

A related set of measures has been concerned with the post-conflict reintegration of ex-combatants. The results of these projects suggest that unless adequate incentives are provided for individuals to turn in their weapons and/or return to civilian life, ex-combatants remain a potent destabilizing force in society, preying on civilians, exacerbating unresolved conflicts, or undermining the re-establishment of stable government rule. Efforts to deal with this can involve skills training, land redistribution, the provision of tools and implements, and other measures that fall under the development and governance umbrella below.62

These local initiatives must, however, be linked to regional or inter-state measures if they are to be sustained. Given the porosity of many borders, without effective border controls or regional embargoes (ie: a supplier or regional recipient moratorium) the potential for upsetting a precarious balance of power within a state is great. In addition, the cross-border nature of many communal conflicts means that affinity groups can have ties of loyalty that cross international frontiers and reinforce internal tensions. Perhaps the best example of how recognition of this fact led to concrete policy has been the extension of the Malian peace process to the West African initiative noted above, which has engaged both supplier and recipient states in a moratorium on arms deliveries to the region, and various other confidence- and peace-building steps.63

**Human Rights and Humanitarian Concerns**

The issue of how to stem the human rights or humanitarian abuses that are associated with small arms and light weapons is one that has been taken up since the end of the Cold War by major

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human rights NGOs such as Amnesty International and Human Rights Watch.\textsuperscript{64} The latter has commissioned a series of papers on arms transfers to conflicts in places such as Rwanda, Burundi and the Sudan.\textsuperscript{65} Most often the recommendations of such studies focus on two issues: the need for international embargoes on transfers to some or all combatants in particular conflicts, and the desirability of enhancing national and multilateral policies (including codes of conduct) to include respect for human rights as one criterion to be taken into consideration when making an arms export decision. One example of at least minimal success in this effort is the fact that the recent study paper approved by the Wassenaar Arrangement includes, as one of its suggested considerations, whether there is a "clearly identifiable risk that the weapons might be used for the violation and suppression of human rights and fundamental freedoms."\textsuperscript{66}

On a more local level, however, efforts to combat the use of small arms and light weapons to commit human rights abuses have concentrated on national regulation (including judicial processes for dealing with abuses), grassroots monitoring and reporting of human rights abuses, and security sector reform. The first two items are extensions of existing mechanisms and efforts to combat human rights abuses and violations of international humanitarian law, and only the last items (security sector reform) is particularly novel, and it is discussed in more detail below.

With respect to the humanitarian law dimension of the problem of small arms and light weapons, the International Committee of the Red Cross (ICRC) has also begun to play a prominent role, following in part on its active involvement in the campaign to ban anti-personnel land mines.\textsuperscript{67} This policy approach emerged from two factors: the increasing difficulty (and personal risk) faced by the ICRC and its personnel in the delivery of humanitarian assistance, and the fact that the ICRC "has witnessed in its work for war victims throughout the world the increasingly devastating effects for civilian populations of the proliferation of weapons."\textsuperscript{68} Although the figures on this are uncertain, current wars, especially intra-state wars, appear to generate very high proportions of civilian

\textsuperscript{64} Human Rights Watch’s Arms Division “was established in 1992 to monitor and prevent arms transfers to governments or organizations that commit gross violations of internationally recognized human rights and the rules of war and promote freedom of information regarding arms transfers worldwide.”

\textsuperscript{65} Human Rights Watch, Sudan: Global Trade, Local Impact, (1998); Arming Rwanda: The Arms Trade and Human Rights Abuses in the Rwandan War (January 1994); Rwanda/Zaire: Rearming with Impunity (May 1995); Stoking the Fires: Military Assistance and Arms Trafficking in Burundi (1998).

\textsuperscript{66} "Elements for an Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons,” item 1e. This paper does not even represent a politically-binding code however.

\textsuperscript{67} As noted above, the ICRC is also supporting the SIRUS campaign to address the production of certain weapons that cause “superfluous injury or unnecessary suffering.”

casualties (at least 60 percent, and perhaps as high as 90 percent), calling into question one of the fundamental principles of international humanitarian law that non-combatants (civilians) are not to be intentionally harmed in wartime.

Traditionally, respect for international humanitarian law was promoted through education and pressuring governments to ensure that their armed forces respected its tenets. The facts that current conflicts almost always include at least one non-state combatant (often with semi-organized forces), and that military-style small arms and light weapons are increasingly available to segments of the general population, has rendered this approach much more difficult. As a result, attention has shifted to advocating that the states that transfer arms to conflict zones take steps to ensure that they will not be used to violate international humanitarian law, thus shifting the onus of responsibility up one level.

**Development and Governance Issues**

A similar shift has occurred in the international development community, as major international aid agencies and NGOs have come to recognize that their investments of time and money are often rapidly dissipated in a conflictual environment, and that the flow of development assistance has increasingly been devoted to humanitarian relief (ten percent of the total in 1994 versus two percent in 1989) rather than longer-term development projects.\(^{69}\) In some specific cases this has led to a focus on the way in which inflows of small arms and light weapons undermine efforts at sustainable development for populations, but the issue has usually been cast more broadly to address the roots of conflict and issues such as security-sector reform.

Actors that have become engaged in this issue include international NGOs such as Oxfam, International Alert, the World Council of Churches and Christian Aid, international institutions such as the World Bank, International Labour Organization (ILO), United Nations Development Programme (UNDP) and Organization for Economic Cooperation and Development (OECD), and national development assistance agencies. As World Bank president James Wolfensohn noted, “the sustainable reconstruction of countries emerging from long periods of conflict is a challenge we ignore at our peril. This is not an issue we can relegate to the sidelines of development.”\(^{70}\) The policy conclusions one draws from this are, however, many and complex.

NGOs such as Oxfam have turned from development to conflict issues (with the launch of its “Cut Conflict” campaign in 1997) because of the perception that much of its work:

“is a direct response to the devastating consequences of armed conflicts which are fuelled by


prolific and largely unregulated transfers of small arms. These transfers lead to the persistent violation of civilians’ rights to protection from violence and their access to humanitarian assistance; they destroy the prospect for future sustainable development, and sometimes place the lives of Oxfam staff or those of its overseas partners at considerable risk.”

Thus Oxfam took up the issue of conflict and arms control in several forums, and commissioned a report on the involvement of Great Britain in the small arms and light weapons trade. The fact that this report emerged from a development NGO highlights that the various actors addressing small arms and light weapons issues grasp the need to focus on “intervention points” that may be situated far along the chain of small arms and light weapons proliferation.

A slightly broader focus draws attention to the entire security sector (armed forces and police), and the fact that “in societies in which security forces are highly autonomous and operate in a non-transparent manner, resources are consistently diverted from economic and social uses, conflicts within and among states are more difficult to resolve without resort to violence, and force, or the threat of force, is frequently used to prevent the emergence of representative political systems.” Security-sector reform that aims at enhancing civil control over the military, reducing military expenditures, and professionalizing the armed forces, has become the basis for a major initiative by the British Department for International Development, launched in early 1999. Elements of it also inform Canadian policy on peace-building.

International institutions such as the World Bank, UNDP, ILO and OECD Development Assistance Committee (DAC) have adopted an even broader focus. The World Bank, for example, established in 1997 a post-conflict unit responsible for such broad issues as reestablishment of the framework of governance, restoration of law and order, and demobilization and reintegration of ex-combatants. The OECD DAC Guidelines on Conflict, Peace and Development Co-operation point to the need to incorporate “peace building” as “the cornerstone of all development co-operation strategies and programmes,” in order to “strengthen the capacity of a society to manage tensions and disputes without violence,” and similar sentiments have underpinned recent UNDP work in this area.

As the frameworks and initiatives above suggest, this incorporation of conflict and security issues into the development agenda does not necessarily directly implicate small arms and light weapons, although support for specific national policies on such things as firearms legislation,
customs control, security sector reform, justice and policing, and demobilization would clearly touch upon small arms and light weapons issues. To date, however, most of these institutions have only just begun to focus directly on the issue of small arms and light weapons. The World Bank, for example, has (along with the OECD and ILO) taken up the specific issue of post-conflict demobilization and reintegration projects in places such as Liberia, Cambodia, Chad, Ethiopia, Mozambique and Uganda. The UNDP has been more directly engaged in its support for the Malian and later West African security-building processes.

Overall, the establishment of a link between security-building and development, and the language of “security first,” or “sustainable disarmament for sustainable development,” marks a sea-change in attitudes among actors engaged in development work, since the governing ethic throughout the Cold War was to keep issues of security (which were a national prerogative) strictly separate from efforts to achieve development. A focus on conflict and security does not, however, automatically bring one to small arms and light weapons, much less to the traditional mechanisms of arms control and disarmament. Rather, the local and grassroots focus of this work focuses more on societal or human security – on keeping force and violence at bay and evacuating it from social, political and economic life. In the case of the World Bank, for example, this has led to a focus on crime and violence issues, which leads one to the fourth cluster of effects of small arms and light weapons use.

Public Health, Crime and Society

In different parts of the world, the small arms and light weapons issues has been framed not just as an inter-state problem, or one that concerns traditional arms control and security actors, but as a problem with concrete societal consequences in terms of levels of violence and crime, increased medical and public health costs, the destruction of the social and communal fabric, and the creation and perpetuation of a “culture of violence.” Not surprisingly, the actors concerned with this perspective are those engaged in public health and crime issues, such as the World Health Organization (WHO), the International Criminal Police Organization (Interpol), the UN Commission on Crime Prevention and Criminal Justice, and various other national and international non-governmental actors.

Although some analysts have argued that criminal justice and public health concerns are exclusively a domestic issue, others have argued for linking these issues with those of wars and violent conflict. A recent World Bank paper clearly stated the justification for linkage:

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76 The title of an international governmental and NGO conference held in Brussels, in October 1998.
with varying degrees they [civil wars and crime and violence] constitute the same challenge to the accepted prerogative of modern states as having a monopoly over exercise of violence and coercion;

while they may be driven by different processes, there is a core set of determinants (especially poverty) that drive both phenomena; and moreover,

at the microeconomic level, members of the same target group (essentially young men) are the key agents whose participation decisions determine whether an insurgency or a violent crime happen;

the two phenomena are also linked: there is evidence that inadequate attention to demobilization – following a military defeat by one party or a peaceful resolution of civil wars – could fuel crime and violence by displaced and asset-less demobilized fighters.  

Nevertheless from a policy perspective most of the measures that can be undertaken in this area fall within domestic jurisdiction, with only occasional direct multilateral implications. As noted above, national firearms legislation is one of the principal mechanisms by which small arms and light weapons are regulated, but national practices differ widely, and do not appear to correlate with identifiable “problem areas.”

There are, however, two areas in which international cooperation that implicates national legislation has been identified as important: efforts to combat the illicit trafficking in firearms, and efforts to combat drug trafficking and organized crime, which is often connected with small arms and light weapons movements.

With respect to the illicit trafficking in firearms, the UN Commission on Crime Prevention and Criminal Justice has commenced negotiation on an international instrument, potentially similar to the OAS model export regulations, to deal with illicit trafficking. This negotiation stems from the 1998 International Study on Firearms Regulation, and the work of a prior expert group, which concluded that there was a need for enhanced international cooperation in areas such as police and customs cooperation (via Interpol, and the World Customs Organization, for example), information collection and sharing, and technical assistance.

As with most aspects of the small arms and light weapons
problem, however, there exists almost no good data and information that could serve as a foundation for such efforts, and hence enhanced data collection and sharing is a priority.

SUMMARY AND CONCLUSIONS

The entire chain of small arms and light weapons proliferation is presented in Chart V below, which includes all the points of intervention discussed above. The wide range of policies that these points of intervention give rise to have also been summarized in Table I below.

The principal observations of this report can be summarized via the following four features of the problem of small arms and light weapons proliferation:

- small arms and light weapons are diffused and proliferated among complex multiple pathways;
- the dividing line between licit and illicit transfers is often extremely fuzzy, and the boundary between these two categories of transfers is porous;
- a multitude of “points of policy intervention” exist by which aspects of the small arms and light weapons problem can be addressed;
- many of the points of policy intervention are complex and politically-charged.

A brief discussion of these four points will also highlight several important policy-relevant conclusions that can be drawn from this analysis, and (under point three) will focus on what emerge from this analysis as the more important or urgent points for policy intervention.

Small arms and light weapons are diffused and proliferated among complex multiple pathways

Given the complex diffusion patterns for small arms and light weapons proliferation (both illicit and licit), the problem cannot be tackled by policy strategies that focus exclusively on one aspect of the chain that leads from production to procurement, transfer, retransfer, and often the use of these weapons. Instead, national and multilateral strategies require an integrated approach that brings together the arms control, security and disarmament communities (both governmental and non-governmental) with actors from the human rights, development assistance, public health and criminal justice communities. This need for an integrated approach poses severe coordination problems for many bureaucracies and institutions that are often more adept at competition than cooperation, but
Chart V: The Complete Chain of Small Arms and Light Weapons Proliferation

The Effects of Small Arms and Light Weapons Proliferation and Use

CONFLICT AND INSECURITY: Death and injuries in interstate or intra-state violent conflicts; post-conflict communal and state insecurity
- Post-conflict disarmament and gun buy-backs
- Demobilization and reintegration, regional cooperation measures

HUMAN RIGHTS/HUMANITARIAN CONCERNS: Violations of human rights and humanitarian law by governments or non-state actors
- International humanitarian law
- Transparency and accountability
- Grassroots monitoring, humanitarian law

DEVELOPMENT AND GOVERNANCE ISSUES: Undermining of economic and social development, expropriation, theft, destabilization of governments
- Post-conflict reconstruction, security sector reform
- Reduced military spending
- Security-building development efforts

PUBLIC HEALTH, CRIME AND SOCIETY: Medical and public health costs from injuries, destruction of social and communal fabric, culture of violence
- National and international firearms regulation
- Peace and customs cooperation against illicit trafficking

Legend:
- Weapons production
- Legal acquisitions
- Points of intervention
- Licit and/or illicit transfers
- Effects

Major pipeline: pipeline that could include licit and/or illicit transfers
Illicit pipeline:
it is a *sine qua non* of effective policies.  

*The dividing line between licit and illicit weapons or transfers is often extremely fuzzy, and the boundary between these two categories is porous.*

A major conclusion of this report is that policy strategies cannot focus exclusively on illicit transfers, in part because virtually all illicit transfers have been, at some point, licit weapons; in part because the negative effects of small arms and light weapons proliferation does not stem solely from illicit transfers. The question that should be asked when evaluating proliferation concerns is *not* “was a transaction legal or not,” but rather, “what are the consequences for the security of regions, states, communities and individuals” of a particular small arms and light weapons transfer.

**Table I: Major Points of Intervention Against Small Arms and Light Weapons Proliferation**

<table>
<thead>
<tr>
<th>Stage in the Proliferation Process</th>
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<tbody>
<tr>
<td><strong>Primary Circuit (licit transfers)</strong></td>
<td></td>
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<tr>
<td>• national or multilateral export policies (including “codes of conduct”)</td>
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<tr>
<td>• national policies on weapons possession</td>
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<td>• control and oversight of production and stockpiles</td>
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<td>• controlling and/or reducing weapons stockpiles</td>
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<td>• weapons marking and transparency</td>
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<td>• recipient codes of conduct and registers</td>
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<tr>
<td><strong>Secondary Circuit (licit and/or illicit transfers)</strong></td>
<td></td>
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<tr>
<td>• tighten and harmonize export control systems and policies</td>
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<td>• increase international transparency</td>
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<tr>
<td>• establish tighter control over private arms dealers, brokers and transporters</td>
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<tr>
<td>• prohibit international transfers to non-state actors</td>
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<tr>
<td>• build the capacity of weak states to monitor activities within their own territory</td>
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<tr>
<td><strong>Effects of Small Arms and Light Weapons Use</strong></td>
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<tr>
<td><em>Conflict and Insecurity</em></td>
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<tr>
<td>• post-conflict disarmament and gun buy-backs</td>
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<tr>
<td>• demobilization and reintegration</td>
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<tr>
<td>• regional cooperation measures</td>
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81 It would be invidious to single out particular governments, but evidence of bureaucratic competition or incomprehension is widespread.
Human Rights and Humanitarian Concerns
- international and national embargoes
- transparency and accountability
- grassroots monitoring
- humanitarian law

Development and Governance Issues
- post-conflict reconstruction
- security sector reform and reduced military spending
- security-building development efforts

Public Health, Crime and Society
- national and international firearms regulation
- police and customs cooperation against illicit trafficking
Probably the most important initiatives here concern the need for greater transparency in government-to-government transactions, and in such areas as stockpiles and production. Since small arms and light weapons transactions generally do not implicate high-level national security concerns, there is little threat to states from greater openness of their activities. The experience of the United Nations Register of Conventional Arms (or of various non-governmental transparency initiatives) also demonstrates that significant amounts of information can be made public without compromising commercial considerations of confidentiality. Furthermore, if governments want to flush arms dealers and black marketeers out into the open, shedding greater light on the legal trade is probably one of the best means by which to achieve this. Finally, if a government’s legal transfers are beyond reproach, then it should prima facie have little to hide from its public, or from the international community at large.

A multitude of “points of policy intervention” exist by which aspects of the small arms and light weapons problem can be addressed

The multitude of “points of policy intervention” included in Chart V confronts the policy-maker with a difficult task of attempting to determine the appropriate priorities on which to focus. The task is complicated by the fact that selecting the right priorities is a matter both of careful analysis and, perhaps more importantly, political will and opportunity. In the case of small arms and light weapons, the gap between what is possible in principle, and what is politically achievable can often be large.

Although this report was not specifically undertaken to highlight which points of intervention might represent the most appropriate priorities for multilateral policy development, at least five areas that would represent high “value added” investments for policy initiatives have emerged from its analysis of the entire chain of small arms and light weapons proliferation. These are:

- reduction of weapons stockpiles in specific states and regions, in order to slow the entry of these stocks into the global market;
- tighter licensing and control of weapons dealers and brokers, coupled with greater reporting and transparency of their activities;
- initiatives to “widen” the boundary between licit and illicit transfers, through increasing transparency and information-sharing concerning licit transfers;
- more robust and extensive post-conflict weapons collection and disarmament programs, linked closely with post-conflict reconstruction, rehabilitation and development efforts;
- promotion of security-sector reforms that build security on the community or societal level, and that ensure civilian control over the institutions of organized violence.

These five measures address different points in the chain of small arms and light weapons proliferation. The first two – efforts to tackle existing stockpiles and increase oversight of weapons brokers and dealers – address issues of pressing importance that appear relatively “early” in the chain of proliferation. The third measure (which could take many forms) would help to break several logjams by providing key experience or knowledge that would facilitate further measures. Efforts
to increase international transparency and information-sharing could lead naturally to efforts to harmonize national policies and reinforce export-control systems in states and regions of proliferation concern.

The last two measures concentrate on the latter stages of the proliferation chain. Efforts to enhance weapons collection and disarmament programs have emerged from recent experiences and analyses as a clear and urgent issue for improvement, or for the greater dissemination of “best practices.” Some of this is evident, for example, in current efforts at weapons collection in Albania or Mozambique. Finally, promotion of security-sector reform tackles one of the fundamental “logics” by which small arms and light weapons continue to circulate and be attractive. Unless individuals and communities feel secure enough to keep weapons off the streets, or out of everyday life, and unless they can count on some other source of basic protection that does not actually pose a greater threat to them, then most efforts to reduce the destructive use of small arms and light weapons will fail.

Many of the points of policy intervention are complex and politically-charged

The small arms and light weapons problem is not unique, since most contemporary security problems are politically difficult and analytically complex. What is thus required is creative and flexible multilateral diplomacy to establish appropriate (and sometimes novel or controversial) “benchmarks” by which progress in tackling a problem should be judged.

In the case of small arms and light weapons, a great deal of basic “norm-building” is still required. Ultimately, the success of efforts to tackle the small arms and light weapons problem will not be measured such things as the number of weapons that have been collected, the robustness of governments’ export control or firearms legislation, the transparency of the trade in small arms and light weapons, or the strength of Codes of Conduct. These are all only means to an end. Success should be measured by such questions as: “are weapons fuelling and exacerbating conflicts?”, “how prominent are weapons and associated violence in the political life of states and communities?”, “how widely are weapons used to intimidate or injure?”, and “what impact do they have on political, economic and social life?” In other words: will a particular measure in the short or medium term increase the security of states, communities and individuals from the threat of force and violence?

Some of the policy instruments identified in this report will probably not score well by these tests. Treaty instruments and narrow codes of conduct, for example, may by themselves do little to improve security, even over the long term. Other measures, such as tightening control over existing stockpiles, or preventing the cascading of obsolete weapons to private brokers, or restricting the offshore activities of such firms, or investing in “weapons for development” projects will probably score somewhat higher in their security-building effect. But the important point is that measures to address small arms and light weapons proliferation should not be exclusively measured against traditional understandings of international security and arms control.

Whether or not small arms and light weapons represent a priority issue for the international
Obviously, some aspects of the small arms and light weapons issue do fall under the arms control umbrella, but they are perhaps not the most important ones.

Yet small arms and light weapons are implicated in a wide variety of human or societal security concerns, via such issues as safeguarding human rights (security from state violence), protecting minorities (from communal violence or repression), fighting against criminality (organized crime and random violence), combating terrorism (from domestic or international sources) and achieving economic security (fostering development, reducing theft and extortion, protecting property). These security concerns are quite different from, and sometimes even opposed to, the concerns of states and their elites, but they will have to become part of the normative framework against which specific policy initiatives are developed and evaluated if current international efforts to tackle small arms and light weapons proliferation are to succeed.

\[\text{82}\] Obviously, some aspects of the small arms and light weapons issue do fall under the arms control umbrella, but they are perhaps not the most important ones.