This article is downloaded from

http://researchoutput.csu.edu.au

It is the paper published as

Author: C. Beauchamp
Title: Micro-Disarmament: controlling Small Arms and Light Weapons and the International Security Agenda.
Editor: C. Pomery
Conference Name: Australian Political Studies Association Conference -APSA2008
Conference Location: Australia
Publisher: Australian Political Studies Assoc
Year: 2008
Pages: 1-18p
Date: 6-9 July 2008

Abstract: This paper considers the post-Cold war diffusion and proliferation of small arms, their attractiveness for violent non-state actors, some aspects of the arms trade and their impact on intra-state and cross-border conflicts. The study also focuses principally on the development of initiatives at UN level including the adoption of the Programme of Action and the UN resolution to develop in 2008 an International Arms Treaty. Obstacles to global action are discussed including the international pro-gun lobby and the resistance of the major weapons producing states.

Author Address: cbeauchamp@csu.edu.au

http://researchoutput.csu.edu.au/R/-?func=dbin-jump-full&amp;object_id=9117&amp;local_base=GEN01-CSU01

CRO identification number: 9117
Australasian Political Studies Association

APSA 2008 CONFERENCE

MICRO-DISARMAMENT: CONTROLLING SMALL ARMS AND LIGHT WEAPONS AND THE INTERNATIONAL SECURITY AGENDA

Clive Beauchamp, Adjunct Senior Lecturer, Charles Sturt University-Bathurst, New South Wales
MICRO-DISARMAMENT: CONTROLLING SMALL ARMS AND LIGHT WEAPONS AND THE INTERNATIONAL SECURITY AGENDA

Clive Beauchamp, Adjunct Senior Lecturer, Charles Sturt University-Bathurst, New South Wales

Since the mid-1990s, most of the international community has recognised the de-stabilising effect on failed and weak states of the illicit transfer, accumulation and misuse of small arms and light weapons. They are said to fuel and prolong conflicts; obstruct relief operations; undermine peace initiatives; exacerbate human rights abuses; hinder post-conflict development and security and are perceived as ‘fostering a culture of violence’. As a consequence, the United Nations (UN), regional governmental institutions, national governments together with non-governmental organisations (NGOs) have proposed and developed various initiatives to curb the illicit trade and misuse of these weapons (UNDDA 2006).

This paper considers the post-Cold War diffusion and proliferation of small arms, their attractiveness for violent non-state actors, some aspects of the arms trade and their impact on intra-state and cross-border conflicts. The study also focuses principally on the development of initiatives at UN level including the adoption of the Programme of Action (PoA) at a 2001 UN conference and the UN resolution to develop in 2008 an International Arms Treaty. Regional measures are also outlined together with the role of civil society in the global control movement. Finally, obstacles to global action are discussed including opposition from the international pro-gun lobby and the major weapons producing states.

WHAT ARE SMALL ARMS AND LIGHT WEAPONS

They constitute a sub-category of conventional weapons that can be carried by one person or a small crew. The UN classifies them as follows:

Small arms include revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns. Light weapons are said to cover: heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, portable launchers of anti-tank and anti-aircraft missile systems and mortars of less that 100mm calibre (UNGA 1997). For the purpose of this study, the term ‘small arms’ is used to include both classes of weapons.
Due to a lack of transparency, statistics on small arms are problematic. Nevertheless, in 2007 it was estimated that there were 875 million firearms in circulation (combination of civilian, law enforcement and military firearms). Approximately 650 million of the total was believed to be in civilian hands with United States citizens owning 270 million of these. Production and distribution of small arms is a major economic enterprise and since the end of the Cold War there has been an increase in the both the number of companies and countries producing them. In the mid 1980s, according to an UN estimate, 195 companies in 52 countries were manufacturing small arms compared to the post-Cold War (mid-1990s) figure of 385 companies in 64 countries (Small Arms Survey 2007, 39-40).

During the Cold War, small arms production was highly regulated and was largely confined to state-owned or controlled factories in NATO and Warsaw Pact countries as well in other aligned states. Transfers to alliance members and favoured insurgent groups involved in proxy wars, were often based on ideological and strategic criteria. As a result of globalising influences including trade liberalisation, privatisation, porous borders and industrial restructuring more production is now in private hands. The post-Cold War trend in the practice of licensing, in which the traditional major manufacturers permit their models to be manufactured under licence in developing countries, has resulted in a diminution in regulation and in the fragmentation of the industry. It has also contributed to the diffusion of arms producing technology to a wider range of states (Small Arms Survey 2001, 9-12).

Small arms production is dominated by a group of developed states. They include Austria, Belgium, Brazil, China, Germany, Israel, Italy, Russia, Spain, Switzerland, United Kingdom and the United States. China, Russia and the US are recognised as the major producers. The mid-1990s witnessed the emergence of Brazil, India, Israel, Pakistan, South Africa and Taiwan as medium producers (Laurence 1998, 14-15).

DIFFUSION AND PROLIFERATION OF SMALL ARMS

It is conventional wisdom to attribute the diffusion and proliferation of small arms in the 1990s to the effects of globalisation including trade liberalisation and the deregulation of parts of the arms industry. Alternatively it should be stressed that during the four decades of the Cold War, the two superpower protagonists manufactured and stockpiled large quantities of small arms. During the 70s and 80s the United States sent millions of weapons to their allies in South Asia especially Afghanistan and Pakistan. When the United States decided to
support the *Mujahideen* (Holy Warriors) against the Soviet forces in Afghanistan, the CIA purchased large quantities of AK47 automatic rifles and other sophisticated weaponry from China, Egypt, Poland and Turkey. During the 10 year Afghanistan conflict it has been estimated that 400,000 automatic weapons supplied by the United States for the *Mujahideen*, entered through Pakistan. Many were diverted to groups and criminals in Pakistan and revolutionaries in Iran (Mathiak and Lumpe 2000, 56).

When the Soviet forces withdrew in 1998, an enormous amount of weapons filtered to groups on the border with Afghanistan some ending up in the hands of the *Taliban*. After 1989, hundreds of Stinger missiles supplied to the *Mujahideen* were transferred to insurgents and terrorists and some governments hostile to the United States. The missiles were acquired by Iran, China, and North Korea and by non-state groups such as Algerian separatists, Kurdish rebels and the Sri Lankan Tamil Tigers and the *Taliban* (Stohl, Schroeder and Smith 2007, 26-28; Mathiak and Lumpe 2000, 56-58).

By the end of the Cold War, NATO and Warsaw Pact countries had amassed huge arms surpluses, with some classified as obsolete. Some states had not only reduced their defence budgets but were also modernising their inventories. Large amounts of small arms then ended up in both legal and illegal markets. The United States donated or sold at a discount, significant amounts of weapons from its post-Cold War inventory. Originally the beneficiaries were NATO states through the Excess Defence Centre programme. After the first Gulf War, some Middle-Eastern and North African countries were recipients. Under the Partnership for Peace programme, some Central and Eastern European together with Caribbean countries also qualified for supplies of surplus weapons. Such transfers occurred often in pursuit of foreign policy objectives including narcotics control, military alliances and to encourage participation in peacekeeping missions (Lumpe 1999, 71).

After 1990, Russia transferred surplus weapons to Armenia, Georgia and other small former Soviet republics. Many weapons were sold to groups in the Balkans region of former Yugoslavia. Following the terrorist attacks of 11 September 2001, the UK Government increased its military aid to Azerbaijan, Afghanistan, India and Pakistan, Nepal, Turkey and Yemen. Some of these countries had very poor human rights records and ineffective export control systems (Hillier and Wood 2003, 43).
SMALL ARMS - VIOLENT NON-STATE GROUPS AND MILITIA
The 1990s witnessed an upsurge in new intra-state conflicts characterised by the use of irregular forces with little training and minimal support. These localised conflicts created a demand for small weapons specially assault rifles, grenades and mortars that could be used by a single soldier or a small crew. Small arms then appeared very attractive for violent non-state groups including insurgents, rebels, terrorists and other para-military forces.

They were easily available and production did not require sophisticated technology. The rapid fire of automatic weapons gave individual soldiers lethal firepower that exceeded that possessed by government forces and the police. Small arms are simple to operate, durable and relatively easy to maintain. They can be used by untrained combatants including child soldiers. As most weapons are portable, they are easily carried on a light vehicle over rough terrain or transported on a pack-animal. Being concealable they can be shipped in legitimate cargo. There is often ample supply as small arms have ‘culturally accepted uses’, used by the military, police and civilians. Therefore their low cost, portability, ease of operation and maintenance made them ideal weapons for sub-state actors with limited resources. Additionally, many states have increased their purchases of these types of weapons to conduct counter insurgency campaigns against ethnic, rebel and separatist groups (Boutwell and Klare 1999, 1).

THE ARMS TRADE
Legal arms transfers are those that comply with national and international laws (including UN embargoes) of both the importing and exporting states, whereas illicit sales breach those measures. There is a certain ambiguity over the distinction as sales might be legal under national export law but violate humanitarian or human rights law.

Small arms are traded in three types of markets: white (legal), black and grey. Grey market transfers include sales to recipient states that have no identifiable legal government of authority (e.g. Somalia) and also transfers by governments to violent non-state-actors (i.e. insurgent and rebel groups). It can also include situations where governments illegally hire brokers to transfer weapons (e.g. Contra affair). Such sales may be in violation of the suppliers' and recipient countries national laws and policies. Control of the grey market
constitutes a great challenge for the international community (Stohl, Schroeder and Smith 2007, 12-13).

The main feature of the black market, (part of the illicit trade) is that it operates outside the jurisdiction of the law and governments. This form of illegal trafficking operates in violation of national and international laws and without the government's official knowledge and control. The grey market is acknowledged as having the greatest impact on situations of armed conflict. That is when governments are actively and passively supplying weapons to non-state actors and have de facto involvement in it. Black market transfers, in contrast, have a greater influence on violence and criminality in civil society (Small Arms Survey 2001, 155-168).

LEGAL and ILLICIT MARKETS
Small arms are often transferred to illicit markets in a variety of ways. They can enter the black market through the offices of corrupt government agents providing export licences in return for bribes or they fail to check export documents. Recipients can be pariah states or insurgent groups. In defiance of UN embargoes, both Liberian and Angolan groups received arms in this way (Stohl, Schroeder and Smith 2007, 53).

Another source of supply is as the result of the looting of government arsenals and stockpiles. In 1997, Albanian government arsenals were stormed by mobs with 500,000 weapons stolen. Most of these flowed into the Balkans conflict. Theft from some poorly protected government and civilian sources is endemic in some states. The South African Police and Defence forces are reported to lose an estimated 8,500 weapons annually. Small arms reach the illicit market too through sales by soldiers of their own weapons. In 1993, 3,000 Russian soldiers sold them to supplement their wages (Laurence 1998, 25-26).

Privately-owned small arms, acquired during burglaries, constitute another major source of illicit weapons. They are also diverted into the black market as the result of weak or non-existent national laws governing the sale and purchase of firearms. Additionally, large quantities that enter the black market are produced in primitive ‘cottage’ industries in many developing countries, especially in Afghanistan, the Philippines and in South America (Small Arms Survey 2000, 165-168).
ARMS BROKERS

Arms brokers play an integral role in the international arms trade. They act as intermediaries between suppliers and recipients of weapons to facilitate transactions—for a fee. They often work through a clandestine network of dealers, financiers and pilots. In the absence of strict regulation of brokering, it is often difficult to distinguish between legitimate and illicit activities. Some brokers have exploited non-existent or weak control mechanisms to transfer arms to sub-state actors and governments in regions of instability under international arms embargoes (IANSA 2006, 1-2).

NGOs such as Amnesty International and the International Network for Action on Small Arms (IANSA) have called for a global treaty to regulate arms brokering (Stohl 2005, 71-78). Victor Bout, a notorious arms broker in the 1990s, operated in many African zones of conflict including Angola, Cameroon, Central African Republic, Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone and Sudan. He was known to be skilful at avoiding national and international embargoes. It has been reported that he transferred weapons to all sides in the major African civil wars and also sold them to both the Taliban and the Northern Alliance in Afghanistan (Stohl, Schroeder and Smith 2007, 16-17).

COSTS AND IMPACT OF SMALL ARMS

The vast supplies of small arms that proliferate in the developing world do not directly cause conflicts. Such conflicts are often rooted in various factors including sectarianism, racism and disputes over territory and resources. Nevertheless, the abundance of weapons available can lead potential belligerents opting for violence as opposed to negotiation as means of addressing their differences. It has been acknowledged that ‘easy access to small arms had contributed to the intensity, duration and geographical scope of recent armed conflicts’. Proliferation too can polarise societies and intensify communal conflict leading to immense casualties and create massive refugee flows (Klare 1999, 9).

Small arms, according to Secretary General Boutros Boutros Ghali, were responsible for most of the deaths in conflicts in Afghanistan, Angola, Brazil, Burma, Burundi, Liberia, Rwanda, Sri Lanka and the Sudan during the 1990s (Klare 1999, 2).
Kofi Annan, UN Secretary General emphasised the centrality of small arms to the distress and conflict experienced in developing countries during the 1990s. He wrote;

The death toll from small arms dwarfs that of all other weapon systems... and in most years exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms could well be described as weapons of mass destruction (Alpers 2006, 3).

Research by the International Committee of the Red Cross estimated that more than 50% of war casualties in the 1990s were civilian (ICRC 1999).

Expenditure on arms diverts scarce resources from funding infrastructure projects and improving economic and social development. Even in post conflict situations, the weapons that remain in society contribute to continued insecurity and can derail reconstruction resulting in the withdrawal of foreign investment. According to one estimate, the cost of the armed conflicts across Africa between 1990 and 1995 totaled US$300 billion roughly equal to the amount all the African states received in aid. Other research maintains that an average of US$22 billion a year is spent on arms purchases in African, Asian, Middle-Eastern and Latin American countries. It indicated that this sum would enable these countries to meet some of the Millennium Development Goals and achieve universal primary education and targets of reducing infant mortality and maternal mortality (Hillier and Wood 2004, 31-34).

Armed violence invariably prevents aid reaching those in need. Militias or other armed groups often block humanitarian assistance, using access to food and medical supplies as a military tactic. Aid workers and their supporting convoys are often targeted with 180 civilian aid workers killed or held hostage in acts of violence between 1997 and 2001. In reaction, NGOs were forced to suspend their development and humanitarian programmes and withdraw their workers (Hillier and Wood 2004, 32-34). In 1996 the International Committee of the Red Cross suspended its operations in Chechnya after the shooting deaths of six staff members (nurses) at a hospital in the capital Grozny (CNN World News 1996, 1-2).

Small arms use affects all stages of peacekeeping operations. After peace accords are signed and peacekeeping approved, small arms violence can make missions impossible to implement. Peacekeeping soldiers and civilians sent to conflict zones to implement these missions (under weak mandates) are often at risk. The UN has declared that small arms pose the principal threat to troops seeking to establish or maintain peace among combatants. Since
the commencement of peacekeeping in 1948, over 2,240 peacekeepers have been killed, many with small arms. The UN civilian staff homicide rate has been adjudged as between 17 and 25 per 100,000, a high rating (Small Arms Survey 2002, 4).

The humanitarian cost is considerable with combatants, civilians (including women and children) killed and injured in substantial proportions. Small arms possession fuel conflicts and force families into refugee camps that become militarised by gun-toting gangs. The displacement of people has resulted in high incidences of rape and other forms of violence. Finally, the diffusion of small arms can hinder progress towards democratic governance especially in states with weak ‘national identities’. Religious, racial and cultural minorities can, by controlling the institutions of violence, establish their positions and thwart the emergence of a more pluralist and representative political system (Latham 1999, 14).

BACKGROUND TO THE MOVEMENT TO CONTROL TRAFFICKING IN SMALL WEAPONS

Before the mid-1990s, the UN and the international community focused their disarmament efforts on weapons of mass destruction (nuclear, chemical and biological) together with certain ballistic weapons systems. Interest in the flow of conventional weapons was mainly confined to heavy weaponry. Small arms were accorded low priority at the UN and in international fora. One argument is that during the Cold War, strategists and arms control negotiators were more concerned with the concentration of weapons rather than their diffusion.

Since 1995, the illicit transfer and misuse of small arms has become recognised as an international disarmament and security problem requiring a multilateral approach. It has attained priority status on the UN agenda and also regional institutions and national governments have developed various proposals and initiatives (Klare 1997, 108-110).

What accounts for the prominence of the small arms issue during the mid-1990s? It could be argued that this change was the result of a confluence of factors. The period witnessed the eruption of new violent intra-state conflicts involving heavily-armed non-traditional militias in Bosnia, Democratic Republic of the Congo, Liberia, Rwanda, Sierra Leone and Somalia. These irregular forces were often the beneficiaries of massive small arms
supplies (especially automatic rifles) transferred into ‘zones of conflict’ as a consequence of the recycling of post-Cold War surpluses (Klare 1999, 1-8).

The number of peacekeeping missions increased and in some instances, UN peacekeepers encountered armed resistance and missions had to be aborted. In this period too, both UN military personnel and civilian staff suffered fatalities. In the light of the often intractable conflicts in some West African states, their representatives lobbied and urged the UN to give greater priority to the question of the illicit transfer and misuse of small weapons. The Bosnian and Rwandan massacres and the failure of peacekeeping (with Boutros Boutros Ghali as UN Secretary General and Kofi Annan as Head of Peacekeeping at UN Headquarters), also served to underline the need for greater priority be given to micro-disarmament. At this time too, academics, ‘think tanks’, researchers, and NGOs were publishing research papers on the possible relationship between the diffusion of small arms and the intensity, scope and duration of the violence in these intra-state conflicts. (ICRC 1999; Laurence 1998, 29-31).

Concern was also displayed by the UN and international organisations when they began to focus on the link between illicit arms trafficking and transnational crime including the narcotics trade and other criminal behavior in both developed and developing states. Control of small arms also attracted the attention of parts of the health and medical communities who viewed ‘guns as bad for peoples health, and their proliferation constituted a global epidemic’. This ‘public health position’ drew a wider range of professionals, academics and NGOs to the cause (UNWHO 1996; Cook and Ludwick 2000, 118); Cukier 2002, 261-280); Hemenway 2004).

The UN supported the participation of civil society in the discourse and this led to a wide range of NGOs becoming actively involved in the campaign to control small arms. The NGO sector was especially emboldened by the relative success of the 1997 Nobel prize-winning campaign to ban anti-personnel land mines, resulting in the signing of the Ottawa Treaty (1997). It demonstrated that a ‘weapon specific’ focus could galvanise both public and government support. The success acted as a catalyst and some of the major NGOs (Amnesty International, Human Rights Watch, International Committee of the Red Cross and Oxfam...
International), fresh from their 10-year campaign, transferred their energies to addressing the issue of small arms proliferation (Laurence 1998, 7).

The NGOs conducted research, convened conferences and liaised with UN agencies and national governments. This eventually led in 1999 to the establishment of IANSA (International Action Network on Small Arms), a peak co-ordinating body. By 2005, it had 500 affiliated member associations across over 100 countries. It co-ordinates from London a vast coalition of foreign policy, humanitarian, peace and public health groups.

IANSA's aims are:

...to raise awareness of civil society, media and governments to encourage the development of global policy initiatives and to work with governments, regional organisations and the UN to combat the small arms problem. (IANSA 2006, 1-2; LaPierre 2006, 11-12).

Financed by some national governments and by philanthropic foundations, it enjoys accredited consultative status with the UN Economic and Social Council (ECOSOC) and it is a formidable international lobbying force. The UN focus on small arms also mobilised the three million member National Rifle Association of America (NRA). With initial Australian support, it organised an international pro-gun lobby, the World Forum on the Future of Sport Shooting Activities (WFSA), to keep a watching brief on UN activities. In 1996 the NRA received UN consultative status (Goldring 1999, 112-115; LaPierre 2006, 16-17).

GLOBAL AND REGIONAL INITIATIVES

Momentum for the cause of greater control of small arms was provided by Secretary General Boutros Boutros Ghali in his 1995 Supplement to An Agenda for Peace, commemorating the 50th anniversary of the UN. He drew attention to the global problem of control and identified the concept of micro-disarmament referring to the weapons ‘killing people in the hundreds and thousands’. Claiming that the world was ‘awash with automatic assault weapons’, he recognised the negative effects of their proliferation. He also acknowledged that traffic in these firearms was difficult to intercept and to monitor. The Secretary General issued a challenge to the international community to seek ‘effective solutions to the global problem of small arms proliferation and misuse’ as illustrated by the conflicts that were
Since that declaration, the UN has instigated research, convened expert study groups and the issue has been tabled at various UN fora. Additionally, the UN has supported initiatives to combat small arms trafficking at various regional and national levels. It was concluded, that there would be a greater likelihood of consensus on the issue among small groups of states dealing with small arms on a regional basis, than in the larger UN forum.

In response to the Secretary General’s challenge, the General Assembly in December 1995 set up a Panel of Experts to prepare a report on the types of weapons in use, causes for their accumulation and transfer and to make recommendations. Its deliberations provided for future directions of UN work on small arms and in its 1997 report it proposed that the UN convene a conference on small arms (UNECOSOC 1997). Exemplifying the increased importance of the small arms issue at the UN, in 1997 its Office of Disarmament was upgraded to full departmental status. It promoted the issue, conducted research and serviced the needs of the various committees and groups considering small arms control (UNGA 1997).

**UN FIREARMS PROTOCOL**
In 2001 the General Assembly adopted the legally-binding UN Firearms Protocol that was ratified in 2005. The Protocol’s objective is ‘to provide, facilitate and strengthen co-operation among states at a global level, in preventing and eradicating the illicit manufacturing and trafficking in firearms, their parts, components and ammunition’. By 2007, 47 states had ratified the Protocol. The initiative was developed by the Crime Commission of the UN Economic and Social Council (UNECOSOC). It was designed especially to combat transnational crime, including international drug trafficking and money laundering. It is viewed essentially as a law enforcement measure and has a narrow focus (UNGA 2005).

**CONFERENCE ON THE ILLICIT TRAFFIC IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS JULY 2001**
A significant milestone in multilateral co-operation occurred in July 2001, in the form of the UN Conference on the Illicit Traffic in Small Arms and Light Weapons in all its Aspects held in New York. Its main purpose was to consolidate and co-ordinate small arms initiatives and develop an action agenda. The participating states deliberated over a draft Programme of
Action (PoA) drawn up in earlier preparatory meetings. It contained measures at national, regional and global levels in such areas as legislation, destruction of confiscated or seized weapons and international co-operation to strengthen the ability of states to identify and trace illicit weapons (UNDDA 2006).

At the opening session of the conference, the statement of John R. Bolton, US Under-Secretary of State for Arms Control and International Security (and a life member of the NRA), head of the US delegation, attracted great publicity and influenced the tone of proceedings. Although Bolton appreciated the core objectives of the draft PoA, nevertheless he adopted an oppositional stance towards it. He explained that there were certain ‘red line’ items in the draft that the Bush Administration could not support. According to Bolton, if they were accepted by conference, then the United States would not support the whole draft and would be forced to reject the document completely. Bolton stated that the United States Government could not agree to any measures that ‘abrogated the constitutional right of US citizens to bear arms’ as the society had a cultural tradition of hunting and sporting shooting (Beauchamp 2004, 12; LaPierre 2006, 27-31).

In his statement, Bolton emphasised that the US objected to the language of certain sections of the draft and requested that they be modified or eliminated. These included opposition to any restrictions on the civilian possession of small arms; any form of regulation of lawful firearm possession; and the limitation of small arms trade solely to governments. Another objection, that proved pivotal in the context of the conference, related to the section that proposed to ban transfers to non-state actors. Bolton argued that this would preclude assistance to non-state groups ‘defending themselves against a genocidal government’. Stressing that it was the sovereign right of each UN member that they manufacture and export arms for defence purposes, it solidly opposed any move to restrict arms manufacturing and trade to governments (UN 2006).

His statement also indicated that the United States Government did not support the promotion of advocacy activity by international non-government organisations (NGOs), especially when their views were not consistent with those of all UN member states. Bolton’s argument was ironic as his general statement corresponded almost totally to the content of lobbying material distributed by the National Rifle Association (NRA). The United States also opposed the
proposal to negotiate legally-binding treaties on marking and tracing of weapons and on arms brokering. Finally, it objected to the holding of future meetings designed to review progress on the implementation of the PoA as ‘it would only serve to institutionalise the process’ (LaPierre 2006, 29-30).

In spite of strong representations from African and European countries together with Canada, and Japan, the United States was intransigent in its position. It held firm in its refusal to accept any mention in the PoA to the regulation of civilian possession of small arms and to transfers to non-state actors. Negotiations over the draft were tense and acrimonious and continued over several days until a compromise was reached. African delegates (from a region most affected by the global crisis), were reluctant to change the language of the original draft but finally consented in the interests of achieving consensus. Some arms control diplomats agreed that the weaker final document that emerged, containing a broad consensus, was more valuable than one ignored by critical UN members such as the United States, China and Russia. When the PoA was finalised, all references to non-state actors, civilian possession and legally binding treaties had been removed. The Conference President expressed his disappointment in the conference’s final report, in its inability to agree on language due to the concerns of one state (Schroder and Stohl 2006, 2-3; Alpers 2004, 4-5).

The Programme of Action (PoA) agreed at the Conference committed all member states to the following:
establishing agencies (individuals and governments) to co-ordinate policy and research on the illicit small arms trade and identifying points of contact to liaise between these national agencies;
legislating and regulating all aspects of manufacture, transport, storage, transfer and disposal of small arms (including regulation of brokers), to prevent illegal trafficking and their diversion to unauthorised recipients;
destroying surplus confiscated or collected stocks of weapons;
assessing small arms exports applications according to strict national regulations and procedures consistent with existing responsibilities of States under international law;
developing a universal system of marking all weapons at the point of production, import, transshipment and export for identification and tracing purposes;
keeping and retaining comprehensive records to assist in the identification and prosecution of illegal gun manufacturers and traffickers (UNDDA 2001).

The Programme of Action (PoA) is a voluntary (legally-non-binding) agreement but nevertheless constitutes the ‘primary international accord on the prevention and combating the illicit trafficking, misuse and proliferation of small arms’. It has serious limitations. Besides being non-binding, it has no enforcement mechanisms and does not mention the crucial point of transfers to non-state actors. Neither does it mention human rights law and some of the Programme's language is considered ambiguous. (Peters 2006, 1-12).

PROGRESS ON IMPLEMENTATION OF PoA
Progress towards the implementation of the PoA is patchy, producing mixed results. Some measures have been broadly implemented, whereas compliance with others has been limited to countries with well developed export control systems. Some states do not have the capacity to develop legislation and regulations in order to introduce the programme.

The implementation of some of the most basic commitments has progressed at a glacial pace. By the end of 2005, only three-quarters of states (133) had designated national points of contact: only half of the states had established National commissions on small arms or other co-ordination mechanisms. Nearly one-third of the states (65) had instituted programmes to collect and destroy guns from their civilian population, from government stockpiles or from ex-combatants. Additionally, an estimated one-quarter (54 states) had indicated that they had reviewed or revised some of their laws or procedures on international transfers and the same amount said that they had conducted the same process for their laws on domestic regulation of guns. Only 10 per cent of states are reported to have developed a national action plan on small arms. One NGO executive commented that although the progress is a ‘useful start, nevertheless at this rate, it could take fifty years for the PoA to be fully implemented’ (Peters 2006, 6-12).

Despite slow progress towards implementation of the PoA by 2006, the UN has addressed various aspects of small arms proliferation in some 30 General Assembly and Security Council resolutions. It has influenced control efforts through promoting regional initiatives and the inclusion of civil society in policy development. It also encourages donor countries to
support other states in their control efforts, including funding weapons collection and
destruction programmes. The Secretary General issues regular reports on small arms and the
Security Council, in order to control supply, has imposed numerous arms embargoes on states
involved in major conflicts featuring human rights abuses. It is conceded though that every
one of the thirteen UN arms embargoes imposed between 1996 and 2006 were seriously
violated. In January 2006, there were UN arms embargoes in place against Osama bin
Laden/al-Qaeda/The Taliban, Afghanistan, Cote d’Ivoire, Democratic Republic of Congo,
Iraq, Liberia, Rwanda, Sierra Leone and Yemen. They were often ‘ignored, poorly monitored
or inadequately enforced’ (Stohl, Schroeder and Smith, 50-53).

REGIONAL INITIATIVES
Although progress towards PoA implementation has appeared pedestrian, some activists have
been more positive about several advances made at regional level. Less restricted by the
consensus requirement that often obstructs the UN policy process, some regional agreements
contain provisions that go further than those contained in the PoA.

In particular, the Nairobi Protocol is a legally-binding instrument negotiated by East African
states in 2000. It includes all of the PoA’s content together with provision for strict
regulation of civilian possession and registration of firearms. A second African initiative is
the Southern African Development Protocol of Firearms, Ammunition, and Related Material
(SADC) 2004, designed to improve national controls on arms trafficking and possession.
Another African arms control agreement is that developed by the Economic Community of

In 1997 the Organisation of American States (OAS) adopted the Inter-American Convention
Against Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Explosives
(CIFTA). It urged member states to establish strong controls over manufacturing and transfer
of small weapons. The Convention lacks credibility as it has not been ratified by some
member states including the United States. Nevertheless it is considered as a model for
adoption in a global context (Small Arms Survey 2001, 258-260).

Other regional agreements have been developed by the Organisation for Security and Co-
operation in Europe (OSCE) 2000, the Pacific Islands Forum (Nadi Framework) 2000 and the
Wassenaar Agreement. In 2003 the Organisation for Economic Co-operation (OECD)
included arms control projects (e.g. collection and destruction) as counting towards a donor
country's targets for attaining its Millennium Goals (Peters 2006). Between 2001 and 2006
NATO members together with Australia and Japan provided substantial financial support to
many developing countries to improve stockpile security and institute weapons destruction
programmes (Small Arms Survey 2001, 252; Alpers and Twyford 2003, 108-117; Alpers
2006,11).

CONTROL OF MAN-PORTABLE AIR DEFENCE SYSTEMS (MANPADS)

One part of the small arms agenda that experienced co-operation and swift multilateral action,
was in the control of man-portable air defence systems (MANPADS). These surface-to-air
missiles were designed to be carried and fired by an individual or by a crew. They are capable
of being secreted in a car boot or in a golf bag. During the Cold War, thousands were
distributed to the Mujahideen in their war against the Soviet army. With the cessation of the
hostilities in Afghanistan, many ended up in the arsenals of pariah states and non-state actors.
It has been alleged that the weapons were transferred illegally to well-funded terrorist groups
such as the PLO, Lebanon's Hezbollah, the Liberation Tigers of Tamil Eelam (LTTE) and the
Revolutionary Armed Forces of Colombia (FARC). Soviet-made MANPADS were
transferred mostly illegally to some African states and they also appeared in the Balkan crisis
(Stohl, Schroeder and Smith 2007, 86-94).

A failed missile attack on an Israeli passenger plane as it left Mombassa airport Kenya, in
November 2002, galvanised the international community into action. In particular, the United
States, intransigent over PoA's multilateral initiatives, in contrast, moved quickly and led a
global campaign to eradicate the illicit trade in these weapons. In the wake of the attacks of
11 September 2001, the Bush Administration and other governments recognised that
MANPADS in the hands of terrorists constituted a serious threat to both civilian and military
aviation assets. Following the Mombassa incident, the United States' Congress passed
fourteen pieces of legislation addressing the threat and appropriated US$65 million to the
recovery and destruction of those weapons, originally distributed to the Mujahideen. The
Government also sponsored research and development programmes with the purpose of
equipping aircraft with anti-missile systems to counter possible threats (Bevan 2004, 89).

As the momentum for effective control grew, the United States crafted bi-lateral regulations
forcing recipients of US-made MANPADS to accept rigorous controls over the systems. In
2000 the Wassenaar Arrangement, agreed by 33 states, provided for comprehensive control over trade in MANPADS. Another multilateral agreement was signed in 2003 by 68 members of the Organisation for Security and Co-operation in Europe (OSCE) establishing a range of export controls on MANPADS to prevent them falling into the hands of terrorists. At the UN in 2003, the General Assembly approved a resolution adding MANPADS to its Register of Conventional Arms, to enhance transparency in future transfers (Bevan 2004, 93).

Other agreements specifically strengthening national controls on MANPAD production, export and stockpile security were forged by the G8 group of major industrialised democracies in June 2003 and also in that year by APEC's 21 member states (Chankin-Gould and Schroeder 2004, 1-4).

UN REVIEW CONFERENCE ON SMALL ARMS 2006

The 2006 UN conference in New York met for two weeks in June - July to review progress on the implementation of the 2001 PoA and to plan further developments. Some 2,000 delegates representing 192 member states and numerous NGOs attended. Despite strong support from African, European and Latin American governments for stricter control on the international arms trade, the conference failed to reach any agreement and no outcome document was issued. Using procedural tactics, a minority of states blocked progress and the conference collapsed. Prominent in opposing future action were Cuba, India, Iran, Pakistan and the United States.

The Bush Administration especially objected to a continuation of the UN's role in monitoring small arms control efforts. It argued that effective follow-up should be limited to national and regional action. Other states favoured the continuation of UN review conferences to assess progress. The proposal by some delegations to introduce human rights and development considerations into the Programme also militated against consensus. In essence, the US role in the deadlock at the conference, could be attributed to wider issues such as the slow pace of UN reform, US opposition to multilateralism as well as ‘entrenched notions of nation-state sovereignty and freedom of trade’ (McGaskie. 2007, 1-3).

The National Rifle Association (NRA) mobilised its members resulting in an avalanche of 100,000 letters being sent to Secretary General Kofi Annan and the conference chairman. Significantly, the United States delegation to the conference was comprised of representatives
from various government agencies together with three public delegates. The delegates, three politicians, were all strong NRA supporters (two being NRA Board members). NRA Vice-President Wayne La Pierre, in campaign literature, insisted that the UN was dedicated to passing a global treaty banning gun ownership. He claimed that the UN was attempting to take away the guns of civilians and posed a real danger to the rights of 80 million gun owning Americans (Coultan 2006, 8; NRA 2006, 1-2; Stohl 2006, 1-2).

Disappointed at the lack of progress at the conference, some like-minded states, including Australia, prepared a draft resolution to submit to the General Assembly's First Committee, requesting that negotiations be instigated to craft a legally-binding Arms Trade Treaty.

TOWARDS AN ARMS TRADE TREATY

On 26 October 2006, the United Nations' First Committee debated the draft resolution, sponsored by Australia, Japan and the United Kingdom designed to establish an Arms Trade Treaty (ATT). With intense lobbying from NGO activists, it was approved by 139 delegates out of 164 present, with 24 abstentions, including Security Council members China and the Russian Federation. The sole negative vote was cast by the United States. It was finally endorsed by the General Assembly by 153 member states. The resolution initially commits the UN to set up a group of Governmental Experts to ‘assess the feasibility, scope and parameters of a proposed Arms Trade Treaty’ and to report back by November 2008. It had been advocated for several years by NGO activists, promoted by the Control Arms Campaign and endorsed by the European Union in 2005. It is intended that the treaty would be a legally-binding instrument and would set common standards for the import export and transfer of conventional arms (Control Arms Campaign 2006, 1-2).

GENEVA DECLARATION ON ARMED VIOLENCE AND DEVELOPMENT 2006

The Declaration was originally adopted by 42 states (extended to 50) following a ministerial Summit in Geneva in June 2006. It commits the states to support assistance programmes that would reduce the impact of armed violence on economic, social and human development (Small Arms Survey 2007, 127).

CONCLUSION

Control of the manufacture and transfer of small arms is a complex and multi-dimensional
issue. The regulation of these processes cannot be treated in a vacuum, as it has economic, humanitarian, political and security ramifications. Proliferation and misuse of firearms can impinge upon such diverse questions as border controls, democratic governance, development, free trade, gender, genocide, human rights and public health (Peters 2006, 3). Politically, arms control is recognised as imposing multilateral restrictions on a state’s capacity to manufacture and sell weapons, impacting on its right to self defence, as contained in the UN charter. Such interference in the internal affairs of a state is deemed by some to compromise the nation-state sovereignty paradigm. Arms sales generate revenues and states do not readily surrender such market opportunities. Through sales, states forge alliances and can fulfil foreign policy objectives. For pariah states, subject to embargoes, an indigenous industry is a guarantee of a regular arms supply (Lumpe 2001, 10).

Small arms, unlike heavy weapons, are ubiquitous and durable. They are owned in all countries for legitimate purposes by the military, law enforcement agencies and by civilians. As 60 per cent of the totals are civilian-owned, this creates a problem for arms controllers. Unlike land mines or weapons of mass destruction, small arms cannot realistically be entirely eliminated. Attempts though can be made to limit the ‘negative consequences caused by their proliferation and misuse’ (Stohl 2005, 73).

It is acknowledged that most weapons ‘start-off life’ as legal commodities but that many are diverted into illicit markets. Unfortunately, arms control negotiators and many governments are reluctant to address the nexus that exists between legal and illegal transfers. This is considered to be one of the major flaws of the Programme of Action (ICRC 2001, 1; Lumpe 2001, 12). Another criticism of control efforts is there has been disproportionate weight given to the question of arms supply. Consideration of the reasons for the demand for weapons (however complex), has been invariably neglected. The question of banning transfers to violent non-state actors remains divisive and contentious with some governments pleading the sovereignty of the state and their autonomy in foreign policy. It is resisted by some of the major powers who have occasion to arm non-regular forces (Stohl 2005, 14).

Since the mid-1990s the UN has advanced the cause of small arms control through multilateral and regional efforts. It has promoted research, convened various conferences and committees and generally raised public awareness of the issue through greater media
coverage. Various regional initiatives have been instituted and civil society participation encouraged and sponsored. Destruction, demobilisation and re-integration programmes (DDR) have been incorporated into UN peacekeeping missions’ mandates. The UN experienced relative success (although under United States leadership) in the retrieval and destruction of MANPADS. Although the momentum for micro-disarmament continues, the implementation of the PoA, the centrepiece of UN efforts, has been very slow and piecemeal (Peters 2006, 4).

The 2006 UN Review Conference demonstrated the existence of cracks in the consensus negotiated at the 2001 conference. It was evident that some groups of states had different and conflicting objectives reflecting different priorities. They were unable to compromise to achieve a consensus on several issues. Some eschewed the multilateral approach and were content to rely on their own national laws to prevent the abuse of arms transfers. There were also robust objections to the forging of linkages between micro-disarmament and human rights as well as with development assistance programmes.

It could be argued that the UNs global influence on micro-disarmament has declined. The Geneva Declaration 2006, in part, was developed outside of the UN, indicative that there has been some erosion in the UNs contribution. Additionally, the disappointment felt by some states at the failure of the 2006 conference to decide on further action, led to the expeditious drafting and endorsement of the resolution in respect of the proposed Arms Trade Treaty (Small Arms Survey 2007, 127-128).

Although the regional initiatives can be seen as a positive outcome (where they are implemented and enforced) there is some danger of incipient fragmentation occurring. As they have a narrow reach they could militate against a future global control system with universal standards. Some claim though that investing resources and energy into the proposed Arms Trade Treaty, will divert attention from addressing episodes of localised violence that erupt in some of the Pacific Islands (Alpers 2006, 2 ; Small Arms Survey 2007, 127-128).

A positive development since the 1990s has been the growth of non-government organisations (NGOs) engaged in the cause of micro-disarmament. Using the Internet, they mobilise members and like-minded groups, publicise developments and conduct research. They also co-operate with and lobby UN and regional agencies. There now exists a broad coalition of interest groups focused on the micro-disarmament cause representing not solely
the ‘military-minded’ but inclusive of humanitarian, peace, public health, religious and women’s interests. The growth of pro-control organisations has galvanised, in reactive and defensive modes, some well-heeled anti-control groups including the powerful National Rifle Association of America (Goldring 1999, 85: Alpers 2006, 5: LaPierre 2006, 11-12).

Any future global developments will depend upon achieving consensus on micro-disarmament. It is acknowledged that there is a certain lack of political will on the issue on the part of the major arms-producing states including China, the Russian Federation and the United States. Currently they are alleged as being ‘lukewarm’ towards the proposed Arms Trade Treaty. It will also depend upon the prevailing nature of UN internal politics. Arms control initiatives have to run the gauntlet of the ‘bloc’ and ‘factional’ politics of the UN. The Programme of Action, rather than being seen as an ‘end in its self’ should be considered as a ‘starting point’ and the first steps in global efforts to restrict the illicit trade and misuse of small arms (Kytomaki and Yankey-Wayne 2000, 182).

REFERENCES


