Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse

The illicit proliferation and misuse of small arms and light weapons[1] ranks among today’s most pressing security threats. Tens of thousands of people are killed or wounded each year in conflicts that are fought primarily with these weapons and in crime-ridden areas outside of conflict zones. They are also the weapons of choice for many terrorists. Approximately half of the international terrorist incidents documented in the 2003 Department of State report on global terrorism were perpetrated with small arms and light weapons.

Governments will gather in New York during June 26-July 7 to address this danger and mark the five-year anniversary of the inaugural UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. That conference resulted in an international Program of Action (PoA) on small arms and light weapons, the first comprehensive global agreement on such arms. Despite its limitations, the PoA has boosted international efforts to stem the uncontrolled proliferation and misuse of these deadly weapons. These efforts include increasing the number of signatories to relevant treaties, drafting best practice guidelines, destroying surplus stockpiles, strengthening national laws, and heightening awareness of the issue. Progress has been pronounced in certain areas. Particularly noteworthy is the U.S.-led global campaign to eradicate the illicit trade in Man-Portable Air Defense Systems (MANPADS).[2]

Yet, there is still much more to be done. Reports of lost, stolen, and diverted small arms and light weapons are daily reminders of the continued prevalence of weak export controls, poor stockpile security practices, and inadequate or nonexistent border security. Particularly disheartening are arms shipments to war zones and dictators. Since 2001, UN investigators have documented numerous violations of arms embargoes on governments and armed groups in Liberia, Sierra Leone, the Sudan, the Democratic Republic of Congo, and Somalia.

Reining in the illicit trade requires a global recommitment to implementing the PoA. Thus far, implementation has been very uneven. Some countries have fulfilled most of their obligations, while others have yet to satisfy even the most basic requirements. The review conference is an opportunity to systematically assess implementation of the PoA to date, identify shortcomings in national and international implementation, and develop a road map—formal or informal—for addressing these shortcomings. Taking full advantage of this opportunity requires that member states avoid the pitfalls of consensus decision-making and follow through on commitments made during the conference.

A Growing International Awareness, 1995-2006

The UN Small Arms Conference

During the 1990s, the gruesome intrastate wars that ravaged many developing countries were fought primarily with small arms and light weapons. In Rwanda, nearly a million people were massacred in less than a month by genocidaires armed with machetes and protected by AK-47-wielding soldiers. In Liberia, a civil war lasting more than a decade and fought primarily with small arms and light weapons took the lives of 250,000 people and displaced nearly half the population. These and other equally horrific examples led to the convening of a 1996 UN Panel of Governmental Experts to develop an agenda for addressing the excessive and destabilizing accumulations of small arms. The panel produced a report and recommended that the United...
Nations hold an international conference on the issue.

A similar expert panel three years later developed a loosely coordinated UN agenda on small arms. As part of this agenda, the United Nations has taken up the issue of small arms proliferation at the UN Security Council and in the UN General Assembly. In addition, the UN secretary-general produces annual reports on small arms, and the Security Council has imposed arms embargoes, which include the prohibition of small arms and light weapons transfers.

Regional initiatives in the late 1990s also helped set priorities and develop standards and norms. Among them were the 1997 Organization of American States (OAS) Firearms Convention and the complementary Model Regulations, which seek to reduce small arms trafficking in the Western Hemisphere. In addition, the Organization for Security and Cooperation in Europe (OSCE) drafted a Document on Small Arms and Light Weapons in 2000 that contained export criteria for small arms transfers.

The most intense efforts came at the UN Small Arms Conference, which was held in New York during July 9-20, 2001. Its primary purpose was to consolidate and coordinate small arms initiatives and develop an action agenda. Negotiations at the conference were tense and at times acrimonious. Then-Undersecretary of State for Arms Control John Bolton set the stage with a forceful opening-day speech that bluntly outlined U.S. “redlines,” those issues that were off limits for discussion. Although every country has redlines, the tone and starkness of Bolton’s speech alienated many member states.

Particularly contentious were the issues of limiting arms to nonstate actors, norms and standards on civilian possession of weapons, restrictions on the legal trade and manufacture of small arms, and follow-up processes aimed at negotiating legally binding treaties. When the PoA was finalized, all references to nonstate actors, civilian possession, and legally binding treaties had been removed. The United States was the most vocal in its opposition, but it was not alone. China, Cuba, and other states silently supported the positions that the United States publicly advocated.

Although many debates were acrimonious, the member states were able to agree on a wide variety of issues. The resulting agenda for action contains recommendations for government action at the national, regional, and global levels. It is significant for several reasons, primarily because it establishes a global action plan on small arms that all UN members have agreed to implement. It also has several limitations. It is voluntary (politically rather than legally binding), has no enforcement mechanism, and is riddled with ambiguous language and vague requirements. For these and other reasons, implementation of the PoA varies widely. Below is a brief overview of the 10 “pillars” called for in the PoA and their implementation.

**National Points of Contact and Coordination Agencies**

Establishing agencies to coordinate policy and research on the illicit small arms trade and identifying points of contact to liaise between these national agencies is the most basic and the easiest to implement of the pillars. Yet, as of May 2005, only 143 out of more than 190 UN member states had designated national points of contact, and just 79 had established national coordination mechanisms. These numbers represent a significant improvement from 2003, but they still fall far short of the universal compliance that it is not unreasonable to expect five years after the UN conference. Furthermore, several entries on the United Nations’ National Points of Contact list are incomplete or out of date, reducing the utility of this list.

**Legislation, Regulations, and Administrative Procedures**

A clear, comprehensive set of laws, regulations, and administrative procedures that covers all aspects of the manufacture, transport, storage, transfer, and disposal of small arms and light weapons is a prerequisite to an effective national response to their illicit proliferation and misuse. Roughly three-quarters of UN member states have laws and procedures controlling the import of small arms, about two-thirds control production, and less than one-half control the transit of small arms through their territories. Because arms traffickers are experts at identifying and shifting their operations to countries with lax or nonexistent controls, these legal gaps are problematic.
Criminalization Regimes

Because governments cannot lock up gun runners if their activities are not criminal offenses, the PoA requires that member states outlaw the unauthorized manufacture, possession, stockpiling, and trade of small arms and light weapons. Yet, many countries still have not criminalized some or all of the activities identified in the PoA. Only about three-quarters of UN member states have laws and procedures that criminalize the illicit possession of small arms, and only two-thirds criminalize the illicit manufacture and trade of these weapons.[7]

Stockpile Management and Security

Proper management of national small arms stockpiles is also essential to curbing the illicit trade. Physical security and stockpile management practices vary significantly from country to country. Some governments go to great lengths to secure their small arms and light weapons, while the control exercised by other governments is tenuous at best.

Too little is known about many national practices to systematically assess progress in this area since 2001. Yet, anecdotal evidence from the press, government officials and UN reports, and data compiled by civil society suggest there is still much room for improvement. Since 2001, there have been several disturbing accounts of egregiously poor practices and a steady stream of reported thefts and diversions from government arsenals. Furthermore, the 2005 study found that only 99 governments have “standards and procedures for the management and security of stockpiles,” and only 64 claim that they conduct “regular reviews of stocks.”[8]

Internationally, concern over the dangers posed by poor stockpile management spurred the development of best practice guides and the establishment of several national and multilateral assistance programs. In 2003 the OSCE published a detailed guide to stockpile management and security and began providing advice and assistance on stockpile security and management to member states, starting with Belarus and Tajikistan. Some countries also provide assistance on a bilateral basis. Since 2000, a small team at the U.S. Defense Threat Reduction Agency has completed such assessment and orientation missions in more than 24 countries.[9]

Weapons Collection and Disposal

Stockpiles of surplus and obsolete small arms and light weapons are attractive targets for arms traffickers, who often acquire them from corrupt or unsuspecting government officials. The vast Cold War stockpiles in eastern Europe have been particularly exploited, as evidenced by recent transfers to countries under UN arms embargoes. For example, small arms shipments from Ukraine to western Africa in 1999 and 2000 added 180 tons of assault rifles, machine guns, MANPADS, anti-tank missiles, and ammunition to the arsenals of former Liberian president Charles Taylor’s rogue regime and the Revolutionary United Front, an insurgent group that gained control of Sierra Leone’s diamond mines through a campaign of rape and mutilation.[10]

Since 2001, donor states have teamed up with several countries in eastern Europe, Latin America, and elsewhere to destroy surplus stockpiles of small arms and light weapons. These programs rank among today’s most important and cost effective aid programs. In the past five years alone, NATO countries have funded the destruction of more than 4.5 million small arms and light weapons.[11] Similarly, a modestly funded State Department program has destroyed more than 800,000 surplus weapons, including 18,500 MANPADS, and 80 million rounds of ammunition.[12] Despite its obvious importance, the program received only $8.6 million in funding for the current fiscal year, which is little more than “decimal dust,” to use the words of Sen. Barack Obama (D-Ill.).[13]

Export, Import, and Transfer Controls and Regulations

Preventing illicit arms transfers requires the adoption of policies, procedures, and practices aimed at controlling their import, export, transit, retransfer, and end use. These controls range from arms export eligibility criteria—the factors considered by governments when determining whether to authorize a particular transfer—to post-shipment monitoring of exported items. Several spectacular
diversions of small arms to terrorists and war zones since 2001 are directly attributable to shortcomings in national transfer controls. In 2001, the Nicaraguan government’s failure to verify the legitimacy of a (fraudulent) Panamanian purchase order supplied by a crooked arms broker resulted in the diversion of 3,000 AK-47 assault rifles to Colombian narco-terrorists.[14]

There has been a flurry of multilateral activity on transfer controls over the past five years. Members of regional and international institutions have adopted several new multilateral agreements and have indicated their support for the creation of new agreements. At the global level, entry into force of the firearms protocol to the UN Convention Against Transnational Organized Crime in July 2005 was an important milestone in the campaign to universalize strong transfer controls. The protocol requires states-parties to adopt a variety of controls on the manufacture, storage, transportation, and transfer of firearms.

As of April 2006, 52 countries had signed the protocol, and 49 countries had ratified it. Also significant is the expansion of the UN Conventional Arms Register to include mortars between 75 and 100 millimeters in size and MANPADS. The register is a voluntary arrangement that increases transparency in the international arms trade by encouraging states to submit annual reports on their arms imports and exports, as well as their national holdings and procurement. Prior to the addition of mortars and MANPADS in 2003, the register only covered large weapon systems such as planes, tanks, and ships.

Also significant is the burgeoning international movement for a common set of arms export criteria, or global principles, that would elaborate states’ existing responsibilities under international law. The largest and most visible initiative is the Control Arms Campaign, the ultimate goal of which is an arms trade treaty that “would have at its heart a set of common core principles to regulate and control the international arms trade.”[15] The movement has been embraced by at least 42 governments and nearly a million individuals worldwide.

Although critically important, many of these agreements have significant limitations. They lack monitoring and enforcement mechanisms, leaving the identification, documentation, and punishment of noncompliance to individual member states. Implementation is also slowed by resource limitations. Effectively controlling land borders, seaports, and air space requires trained personnel and functioning equipment, both of which are in short supply in many developing countries. Finally, many states are not bound by the agreements, either because they are not members of the regional organizations through which the agreements were negotiated or because they simply have not ratified them.

**Brokering**

The term “brokering” refers to the myriad administrative, logistical, and financial activities associated with international arms transfers. These activities range from acquiring end-user certificates to arranging for the transport of the weapons to the recipient. Arms brokering is an underregulated area in the international community; only 40 countries have some form of arms brokering legislation.[16] The resulting gaps and inconsistencies are exploited by illicit arms brokers, who shift their operations to the areas with the weakest laws and the least oversight.

Regional agreements, obligations under the PoA, and pressure from civil society are all aiding in the development of national brokering laws and international brokering standards. For example, the European Parliament passed a resolution in 2001 calling for an international treaty on arms brokering and the appointment of a group of states to facilitate such a process. In 2002 it also adopted a common position on brokering that requires the development of legal controls on brokers and the establishment of penalties for violations of these controls. This was an important step in developing regional brokering standards and harmonizing national practices in Europe. Similarly, in 2003, both the Wassenaar Arrangement and the OSCE created guidelines and best practices on arms brokering, and the OAS developed its own Model Regulations for firearms brokers.

The PoA addresses brokering in its follow-up section, which calls for an exploration of ways to develop stricter international controls on brokering. A UN Group of Governmental Experts will begin a formalized process after the 2006 review conference. Meanwhile, some nongovernmental
organizations (NGOs) have called for a legally binding international convention on brokering that requires registration and licensing of brokers, criminal penalties for violators, and systems for international cooperation.[17]

**Marking, Tracing, and Record-keeping**

Without a universal system to mark weapons at the point of production, import, transshipment, and export, it is extremely difficult for law enforcement to track the route of black market weapons accurately and determine how to stop more weapons from following the same route. Thus, some states are seeking to develop marking and tracing regimes that require placing specialized markings on each weapon.

Regional and international institutions have attempted to develop marking and tracing regimes, but to date, little progress has been made. The marking of small arms is, to an extent, covered in the UN firearms protocol, but loopholes and the slow pace of ratification have weakened the effort to develop a single universal system.

The PoA required a feasibility study on the development of an international instrument on marking and tracing. Thus, in June 2005 a UN working group drafted a nonbinding document that established minimum standards for marking small arms and light weapons and an international procedural mechanism for tracing illicit weapons. However, the agreement is actually weaker than many national and regional standards. Some NGOs are calling for a legally binding treaty and have created a model convention on marking and tracing.[18]

**Disarmament, Demobilization, and Reintegration of Ex-combatants**

Effective disarmament, demobilization, and reintegration (DDR) programs are essential to limiting future proliferation and misuse of small arms and light weapons. When implemented properly, DDR programs reduce the number of illicit weapons in circulation and provide opportunities for former combatants to pursue a livelihood in areas other than soldiering. In many cases, programs provide incentives such as cash, goods, or skills training in exchange for weapons.

The PoA encourages states to develop and implement DDR programs that include small arms collection, control, storage, and destruction and, if states have the capacity to do so, to support DDR programs in other countries. The World Bank has a multinational program that coordinates DDR programs throughout the Great Lakes region of Africa, the goal of which is to develop programs for up to 350,000 ex-combatants in nine countries.[19] Since the 2001 conference, high-profile DDR programs have been established in Afghanistan and Sierra Leone. In Afghanistan, donor governments, such as Japan, helped to pay the $100 million tab for disarming approximately 63,000 former combatants, decommissioning 250 former militia units, and providing reintegration packages to 53,000 ex-combatants.

**Assistance and International Cooperation**

One of the major themes in the PoA is the need for cooperation at the national, regional, and international levels to develop best practices and strategies for addressing small arms proliferation and misuse. Without systematic cooperation, intelligence sharing, and assistance, the PoA and other small arms measures will not be effectively implemented, as the small arms problem is multifaceted and transnational.

As of May 2005, at least 22 states had provided financial or technical assistance for small arms projects in other countries.[20] As mentioned above, the United States provides millions of dollars each year to help countries secure small arms stockpiles and destroy surplus and obsolete weapons and provides substantial export control training and tracing assistance to more than 30 countries. Similarly, Australia, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, and the United Kingdom provide significant financial support for stockpile security and destruction programs. Also encouraging is the emergence of regional leaders such as Pakistan, Thailand, and South Africa, which have established programs aimed at, for example, the disarmament of ex-combatants in neighboring countries.[21]
Regional organizations and multilateral agencies have also provided support for the creation and implementation of small arms programs. For example, the UN Development Program and the Stability Pact established the South East Europe Small Arms Clearinghouse to assist countries in that region with border control, legislative and regulatory issues, the collection and destruction of illicit and surplus small arms, and stockpile management. Other regional organizations, such as the OSCE, the European Union, and NATO also have elaborate small arms assistance programs.

Review Conference

The agenda for this summer’s review conference is still being drafted. Negotiations continue on the scope and language of a proposed outcome document for the meeting, which is currently being prepared through informal UN consultations supplemented by a number of planned regional consultations.

Some states, such as members of the EU, hope that the conference will be an opportunity to supplement, elaborate on, or clarify the PoA while other states, including the United States, would prefer that the focus be limited to reviewing progress made on the PoA. These states often argue that adding to the list of obligations makes little sense when so few governments have met existing obligations. Many states agree on the need to clarify sections in the PoA that are seen as confusing by adding definitions and more concrete language. For example, they suggest defining precisely what is meant by “adequate laws, regulations and administrative procedures.”

It is still too soon to tell which issues will be addressed at the conference. Some issues that dominated discussion in 2001, particularly arms shipments to nonstate actors, will almost certainly be on the agenda. Other issues, such as national controls on civilian possession, are so contentious that many states object to even discussing the possibility of including them on the agenda. Finally, there are several new, potentially contentious issues that were not part of the discussions in 2001 that may make it onto the agenda. These issues include the relationship between small arms and development and the introduction of specific arms export criteria.

As for the form of a final conference document, states could adopt an addendum to the PoA that fleshes out existing obligations or develops new obligations at the national, regional, and global levels. Alternatively, states could adopt a declaration that simply reaffirms the principles already identified in the PoA. Delegates might also attempt to map out the future of the UN small arms process after the conference, which is currently ill defined. A potential obstacle to achieving any of these objectives is the common UN practice of decision-making by consensus, which in the past has stymied negotiations and allowed a few states to derail measures that enjoy broad support. Failure to reach consensus in a final conference document could be particularly detrimental as this document is likely to identify “next steps” for the UN small arms process.

Recommendations

Reducing the illicit proliferation and misuse of small arms requires a multifaceted approach pursued at multiple levels.

Controlling Supply

Curbing small arms proliferation and misuse requires that the legal trade in weapons be more effectively controlled because the majority of illicit weapons start out in the legal market. Currently, there is no internationally accepted set of controls on arms transfers, and national controls vary in scope and effectiveness. Existing agreements and obligations, such as arms embargoes, lack enforcement mechanisms and are often violated with impunity.

Internationally, the implementation and enforcement of national and international arms embargoes must be improved. Particularly important are UN arms embargoes, violations of which must be thoroughly investigated and punished by the international community. At the national level, those governments that lack authorization systems for the production and transfer of small arms and light weapons should establish them immediately, and countries with weak systems should take steps to
strengthen them. Many governments still do not require authentication of end-user certificates, review proposed exports against a list of eligibility criteria, or monitor the end use of exported small arms—the sine qua non of an effective transfer control system. These governments, with assistance from the United Nations, regional organizations, and donor states, should take immediate steps to strengthen their transfer controls.

**Securing, Removing and Destroying Weapons**

Destroying surplus and obsolete weapons stockpiles is a simple, cost-effective strategy for reducing illicit arms transfers. Donor states should increase funding for these programs, many of which continue to operate on shoestring budgets. Similarly, the international community should prioritize the improvement of national physical security and stockpile management practices. One possible approach is to convert existing best practices into an international agreement and push hard for universal implementation of its provisions. Finally, states should take additional steps to mop up the weapons already in circulation by expanding weapons collection and buyback programs in post-conflict situations. To improve the effectiveness of these programs, planners should take into account the context and conditions in each situation; complete planning for the program before the conflict ends, to ensure that the program begins immediately after the cessation of hostilities; and secure enough funding from donor states to ensure that adequate resources are available for the program’s duration.

**Curbing Misuse and Demand**

To ensure that weapons are used for lawful purposes, states should establish domestic ownership licensing and authorization systems that take into consideration the applicant’s history of violent behavior, mental health, age, and knowledge of the laws and the safe operation of weapons, among other criteria. In addition, those states that have not criminalized the unauthorized export, use, and ownership of weapons should do so immediately. Finally, those governments that are not already doing so should train their law enforcement personnel in the internationally accepted codes of conduct for firearms use and monitor their compliance with these codes.

States must also develop strategies that address the reasons individuals, groups, and governments seek weapons in the first place. Such strategies must reflect an understanding of the complexities of violence in conflict zones, crime-ridden countries, and countries recovering from war and should involve government officials, local community leaders, and NGOs. These strategies must be linked to other aspects of violence-reduction and disarmament programs, such as security sector reform, and build them into existing programs, such as DDR programs, by providing populations with ways to achieve security and power other than through armed violence.

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**ENDNOTES**

1. According to the UN, small arms and light weapons are weapons that can be transported and used by one person or a small crew. Small arms: revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns. Light weapons: heavy machine guns, handheld underbarrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars with calibers of less than 100 millimeters.


3. To date, the UN has adopted more than 30 UN small arms resolutions. These range from
addressing small arms in particular countries or regions to the provision of assistance to states attempting to curb small arms proliferation.


6. Ibid., p. 32.

7. Ibid.

8. Ibid., p. 31.


21. Ibid., p. 286.

22. Ibid., pp. 162-171.

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