
Essay

Small Arms and Light Weapons: Can They Be Controlled?

Dr. Herbert L. Calhoun

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

What are Small Arms and Light Weapons?

Broadly speaking, small arms and light weapons include a wide variety of lethal instruments, from handguns to man-portable air defense systems. While there is no universally accepted definition of *small arms*, the term is commonly viewed as encompassing man-portable firearms and their ammunition primarily designed for individual use by military forces as lethal weapons. A typical list of small arms includes revolvers and self-loading pistols, rifles and carbines, assault rifles, and light machine-guns.

The author is a Senior Foreign Affairs Specialist with the U.S. Department of State. He served as the US member of the 1996 and 1998 United Nations Group of Governmental Experts on Small Arms and has participated in several recent intergovernmental conferences on the small arms issue.

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

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

Why the Recent Increased Interest in Small Arms and Light Weapons?

Since the end of the Cold War, interest has turned to small arms and light weapons primarily as a result of the dramatic increase in the number, duration and destructiveness of intrastate conflicts, many of which called for costly United Nations peacekeeping missions. The change in the international security landscape from a few episodic large-scale interstate wars to frequent small-scale intrastate conflicts, has occurred at a time when international norms, export controls regimes, and

treaties to control or eliminate weapons of mass destruction are making substantial progress. At the same time, the proliferation and criminal misuse of small arms and light weapons are posing increasing threats to national and regional security.

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

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

Culture and the Control of Small Arms and Light Weapons

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

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

Supply and Demand

While small arms and light weapons play a significant role in exacerbating conflicts that exact enormous human and socioeconomic costs, the roots of such conflicts lie in political, economic,

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

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

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

ances supply-side and demand-side efforts and integrates them with programs designed to alleviate underdevelopment and other basic causes.

Legal or Illegal Transfers?

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

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

The Response of the International Community

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

Resolution 46/36 H of December 1991 called on states to curb illicit trafficking in arms by insuring better control over stocks and transfers, and by encouraging work at all levels to harmonize relevant laws and procedures. This resolution contained a list of indicative measures to be implemented at the state, regional and international level.

Resolution 50/70 B of December, 1995, requested the Secretary-General to establish a panel of governmental experts to prepare a report on the problems of small arms. A panel of 16 nations was established in 1996, and in July of 1997, issued a report which analyzed the nature and causes of small arms problems and provided a number of recommendations for action to address them. Resolution 52/38 J established a second panel of 23 members, convened in 1998, to review the implementation of the recommendations of the first, to suggest further measures, and to examine the feasibility of holding an international conference on the illicit trafficking of small arms, in all its aspects.

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

Resolution 54/54V of December 1999 decided to convene an international conference on the illicit trade in small arms and light weapons in all its aspects, during the summer of 2001. The resolution specified that the conference should produce a global action program as its primary outcome. Expectations are already high about the prospects for this conference. The first Preparatory Committee (Prepcom) met February 28-March 3 of this year to decide procedural matters related to the conference. A second Prepcom is scheduled for January 2001.

The UN Secretary-General in January 1995 sounded a clarion call to action in the small arms and light weapons area. In the supplement to "An Agenda for Peace," he noted the considerable progress made in dealing with weapons of mass destruction, and encouraged the international community to turn its focus to the weapons that are "actually killing people in the hundreds of thousands and that are being used in the conflicts the UN is actually engaged in, small arms and light weapons." In response to the Secretary-General's appeal, a groundswell of initiatives have been developed and continue to be pursued.

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

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

In July 1998, twenty-one nations met in Oslo, Norway at the behest of that government for the first international government-level conference

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

At the August-September 1998 Summit of Non-Aligned Nations in Durban, South Africa, the heads of state expressed concern over the illicit transfer and circulation of small arms and their proliferation as constituting a serious threat to national and regional security of many non-aligned nations. They urged Summit attendees to take steps to effectively deal with problems of small arms through administrative and legislative means, and called upon producers and nations with the largest arsenals to reduce significantly the production and trade in conventional weapons. The Summit welcomed adoption of the guidelines of UNGA resolution 46/36 H of September 1991 and the imminent establishment of the Mali-led moratorium in West Africa.

Following-up on the momentum created at the first Oslo conference, the Government of Belgium hosted an October 1998 first-of-a-kind conference on “Sustainable Disarmament for Sustainable Development.” Approximately ninety countries plus a large number of non-governmental organizations (NGOs) were represented in Brussels. The conference eschewed the idea that disarmament and development could be treated successfully in isolation from each other and called for nations to adopt an integrated approach. The

Brussels conference issued a “Call for Action” outlining in comprehensive detail activities that the international community should consider in addressing the problems of small arms and development.

In October 1998, the sixteen member states of the Economic Community of West African States, led by the President of the Republic of Mali, Alpha Oumar Konare, declared a three-year renewable moratorium on the production, import, and export of light weapons in West Africa. This was the culmination of almost five years of intensive efforts on the part of the government of Mali, the UN, and other governments, both in the region and beyond, to establish the first ever moratorium on conventional arms anywhere. An organizational mechanism has been established to implement and administer the moratorium, as a number of nations consider how best to contribute to its success.

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

The U.S. Response

In his keynote address to the 50th UNGA in October 1995, President Clinton acknowledged the need to focus more attention on the problem of small arms and on related problems of drug trafficking, smuggling, and increases in terrorism. The U.S. approach to small arms proliferation has been to address in a balanced way both demand-side issues, or root causes, and supply-side issues, such as illicit trafficking. In an effort to stem illicit

flows as well as better regulate legal flows, the U.S. uses the full range of its policy tools at all levels. U.S. demand-side efforts include those by the U.S. Agency for International Development to promote the establishment of democratic institutions and practices, continued emphasis on respect for human rights, adoption of an integrated response to complex transnational crises, implementation of a number of practical post-conflict disarmament and development measures, and support for establishing and enhancing regulatory and law enforcement capacities in threatened and war-torn societies.

On the supply side, the United States seeks to globalize “best practices,” such as: encouraging global adoption of model regulations on commercial arms transfers; imposition of controls on arms brokering and re-export transactions; conclusion of a global arms trafficking convention based on the OAS model; and promotion of the early conclusion of an international agreement to restrict man-portable air defense systems. In the fall of 1998, the U.S. launched a series of important policy initiatives directed primarily at the bloody nexus of arms flows and conflict in Africa.

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

At the special September 1998 UN Security Council Ministerial Meeting on Africa, the U.S. initiated a number of concrete measures which are in various stages of implementation:

- international commitment to full and timely disclosure of all arms shipments being transferred into regions or zones of conflict in Africa;
- international support for a voluntary moratorium on arms sales that could fuel inter-connected conflicts;
- meetings of governments and international and non-governmental organizations to exchange information on regional arms transfers and to explore further steps;
- increased international aid for capacity-building in Africa to monitor and interdict arms flows and strengthen sanctions enforcement;
- creation of one or more African centers for technical assistance and training, to build stronger law enforcement networks to fight uncontrolled small arms trafficking;
- development of a UN clearinghouse for technical information and for rapid exchange of data on possible sanctions violations;
- adoption of national legislation to criminalize violations of mandatory arms embargoes and other sanctions regimes;
- reaffirmed support for the early completion of the Firearm’s Protocol to the UN Convention Against Transnational Organized Crime, a global convention based on the OAS Convention against illicit trafficking;
- achievement of a multilateral agreement restricting the export of man-portable defense systems, also by the year 2000; and
- a study of the feasibility of establishing regional centers to collect and share information on arms transfers.

These initiatives complemented and reinforced a number of existing US initiatives directed

at ending violence in Africa. For instance, in 1994, the U.S. government enacted the African Conflict Resolution Act, which requires U.S. agencies to report to the Congress annually on their efforts to improve conflict resolution capabilities in Africa. At the March 1999 U.S.-Africa Ministerial called "Partnership for the 21st Century," President Clinton reaffirmed U.S. support for the African Crisis Response initiative and indicated that since 1993 the United States had contributed eight million US dollars to support it.

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

The United States participates in a wide range of international meetings, conferences and workshops that address the issue of small arms and light weapons. These include the UN Group of Governmental Experts on Small Arms, whose 1997 and 1999 reports made a number of recommendations which the United States has endorsed. The United States also participates in the UN Disarmament Commission's discussions of Practical Disarmament.

In addition to UN-sponsored meetings, the United States sent senior-level delegations to the Oslo and Brussels conferences and played a prominent role in negotiating the documents agreed to at each. The United States supports and participates in the consultations on small arms issues within the European-Atlantic Partnership Council and the Organization for Security and Cooperation in Europe.

The United States also participates in other fora that have small arms issues as part of their agenda, including the 33-member Wassenaar Arrangement on Export Controls for Conventional Arms, the Group of Six on Arms, the Firearms Subgroup of the G-8 Lyon Group, and the Southern Africa Development Community Forum. Within the Wassenaar Arrangement, the U.S. supports the expansion of the arms transfer information exchange to include several additional types of weapons beyond those covered by the UN Register of Conventional Arms, including small arms.

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

The international community has demonstrated energy and political will in its efforts to address the small arms and light weapons issue. Because of the severity and complexity of the problem, however, a long-term, comprehensive resolution is unlikely in the near future. Even to mitigate the most immediate and devastating negative effects in the short run will require creative, flexible, and multi-faceted approaches that cut across disciplines and address both supply- and demand-side aspects. The international community has made a good start, and the 2001 Conference should offer a unique opportunity for a global assessment and appropriate mid-course corrections.

[This page intentionally left blank.]