

# *Chapter 1*

## *International Initiatives on the Control of Weapons*

*Sarah Meek*

### *Introduction*

**T**raditionally, regimes to control conventional weapons have been negotiated through international arms control fora, the Conference on Disarmament for multilateral treaties, for example, or bilaterally and regionally among interested parties. Transparency measures, for instance the UN Register of Conventional Arms, also tend to be formulated from an arms control perspective. Firearms, especially those owned by civilians, have been in the realm of criminal justice systems, often law enforcement. However, the challenges posed in addressing the issue of light weapons necessitate an approach internationally that combines the expertise of the arms control community, those engaged in practical disarmament (peacekeepers) and those involved in domestic firearms control. The need for both the expertise and experience of these actors in formulating an approach to addressing light weapons proliferation cannot be underestimated.<sup>1</sup>

In addition to these, light weapons and the impact they may have on communities have also been explored by organisations involved in social and economic development and humanitarian issues.

This chapter has been prompted by the number and variety of governmental and organisational initiatives related to light weapons and cultures of violence. Its purpose is to describe current regional and international initiatives on these issues. The focus is thus on:

- The role of international organisations in weapons control, both governmental and non-governmental;
- International initiatives on light weapons; and
- International guidelines, model regulations and conventions.

## *The Role of International Organisations in Weapons Control*

The role of international organisations, both governmental and non-governmental, in weapons control depends largely on the function of each individual organisation. As will be seen in the discussion of recent initiatives below, some organisations are well-positioned to place the issue on the agenda of the international community and to make suggestions for further efforts without themselves undertaking to implement these. Others, the function of which is based more on the sharing of technical expertise and information, can assist countries in more practical ways. The issue of controlling light weapons differs from that of major conventional weapons systems. The latter is considered national in character but international in consequence, while the former is international in character and national in consequence. Thus the role of international organisations in light weapons control differs from that in conventional weapons control. *“The discussion of [the] reduction or control of the trade in conventional weapons is very politically charged since it touches on issues such as foreign policy, defence policy, economic policy and sovereignty. Because of its high level of political interaction, the problems of controlling conventional arms trade, more often than not, condition and hamper international co-operation among countries to find acceptable solutions. Unlike this, the discussion of how to control the flow of light weapons between borders – particularly the illicit [trafficking of arms] – actually encourages regional and international co-operation ... rather than constrains international action.”*<sup>2</sup>

The challenge to those organisations which have traditionally been active in arms control issues is to break out of thinking about light weapons as a political issue and to begin to address it as a technical one, with practical solutions. This is the approach used by those international organisations involved in law enforcement, identifying needs and supplying information, expertise and assistance to countries, as necessary for increasing their indigenous capacity to address current threats to security, light weapons and arms trafficking included.

Likewise, the role of non-governmental organisations can include activities such as facilitating interactions between national and regional actors, maintaining the profile of the issue internationally, as the International Campaign to Ban Landmines has done so effectively, and advocating

positions and policies for governments to adopt. The recent creation of the Preparatory Committee for a Global Campaign on Small Arms and Light Weapons (Prep Com) as an electronic network of interested organisations and individuals, which aims to work towards alleviating the problems associated with the global proliferation and misuse of these weapons, is one such approach.

## *International Initiatives on Light Weapons*

### *Arms Control Initiatives*

Issues relating to disarmament and arms control are central to the work of the UN. However, prior to the Iraqi invasion of Kuwait in 1990, the focus by the international community had largely been on weapons of mass destruction, which were seen to pose the greatest threat to peace and security. After 1990, there was a growing realisation of the role conventional weapons played in conflict. Gradually, a greater awareness of the particular types of weapons that were being used for killing, namely light weapons, arose. In 1995, the then Secretary-General, Boutros Ghali, released *A Supplement to An Agenda for Peace* which points to small arms as the weapons *“probably responsible for most of the deaths in current conflicts”*.<sup>3</sup> He reinforces the need for action in this area by stating: *“Progress since 1992 in the area of weapons of mass destruction and major weapons systems must be followed by parallel progress in conventional arms, particularly with respect to light weapons.”*<sup>4</sup> Today, as noted in the report of the Panel of Governmental Experts on Small Arms, *“virtually every part of the United Nations system is dealing with the direct and indirect consequences of recent conflicts fought mostly with small arms and light weapons”*.<sup>5</sup>

This political recognition of the problem acted as an impetus within the UN, prompting the First Committee of the General Assembly to pass resolutions on small arms and light weapons, in particular, and arms trafficking more generally. Specific initiatives that have emanated from the UN are discussed in Chapter 3, but are briefly listed here. In 1993 the government of Mali requested the assistance of the UN to determine the quantities and types of small arms circulating in the country. In response, the UN sent an Advisory Mission to Mali in 1994, and to surrounding countries in 1995.<sup>6</sup> In 1995 a resolution was passed, establishing the UN Panel of

Governmental Experts on Small Arms. The mandate of the Panel was to prepare a report on:

“... a) the types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations; b) the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade; and c) the ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict”.<sup>7</sup>

The work of the Panel was presented in a report of the Secretary-General released in 1997.

The UN Institute for Disarmament Research (UNIDIR) undertook a two-year project, *Disarmament and Conflict Resolution: Managing Arms During Peace Processes*. Developed from the assumption that weapons left after incomplete disarmament undermine post-conflict reconstruction and development, the project published eleven case studies of collective security operations which included demobilisation and disarmament components.

Regional organisations have also begun to focus attention on light weapons issues. During the Dutch presidency the EU began, in 1997, to discuss issues related to illicit arms trafficking. The ‘*EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*’ was adopted by the EU Council of Ministers working group, COARM, in June 1997. The Programme commits EU members to the strengthening of national efforts to prevent and combat arms trafficking, assist other countries in doing the same, provide assistance to countries affected by arms trafficking and illicit arms circulation, and ensure co-operation among national authorities. While broadly on conventional arms trafficking, it specifies a focus on small arms. Built into the Programme are also recommendations for further actions that could be taken by members of the EU to fulfil their commitments. These recommendations include:

- enhancing co-operation among intelligence, customs and law enforcement agencies, nationally and internationally;

- adopting stricter measures for enforcing export control legislation and providing for adequate numbers of trained police and customs officers;
- setting up national commissions against illicit trafficking of arms;
- setting up weapons collection, buy-back and destruction programmes;
- creating education programmes to promote awareness among local people of the negative consequences of arms trafficking; and
- promoting the integration of ex-combatants in civilian life.<sup>8</sup>

The EU Programme represents a framework for addressing light weapons trafficking. However, the current challenge to that body is to encourage countries to adopt these measures and engage in further discussions, as well as take action on the issue. Since Britain’s assumption of the presidency of the Council in January 1998, further steps have been taken, especially in the development of a code of conduct on arms transfers.<sup>9</sup> The code, developed from the eight EU criteria on arms exports agreed upon in 1992, requires members, when deciding to export arms, to take into consideration factors in the recipient country, for example, human rights and adherence to international treaties. In mid-1998, the code of conduct on arms transfers was agreed upon by the COARM working group, based on a draft code presented by the United Kingdom and France. The text states that the purpose of the code is “to strengthen the exchange of information relevant to the export of conventional arms with the aim of setting high common standards for arms exports from all EU member states”.<sup>10</sup> It is structured in two sections: guidelines governing arms exports; and basic procedures for notification and consultation between member states on granting export licences.

The organisation that emerged as the successor to the Co-ordinating Committee for Multilateral Export Controls (COCOM) is the Wassenaar Arrangement. Its thirty-three members exchange aggregate data on transfers and denial of transfers on dual-use technology and conventional arms. Currently, the information exchanged on conventional arms is derived from the seven categories of the UN Register of Conventional Arms. The Wassenaar Arrangement also makes provision for a forum where issues of concern (i.e., potentially destabilising arms accumulations) may be discussed among members. An important strength of the organisation lies in this consultative mechanism, always provided that it is utilised. Both the UN Register and the Wassenaar Arrangement have the potential to provide

early warning on potentially threatening arms accumulations, but with two limitations: identification of accumulations must be undertaken (i.e., the monitoring of trends); and both are effective only for those classes of weapons they currently cover.

Former Costa Rican President, Dr Oscar Arias, and other Nobel Peace Prize winners have also developed a code of conduct on conventional arms transfers which they hope to get countries to adopt. Aimed primarily at supplier countries, the code requests that they not sell weapons to undemocratic governments, countries that commit genocide, nations engaged in aggression and states that sponsor terrorism. The code was signed in May 1997 by various Nobel Prize winners, but, due to its focus on domestic legislation, initial plans to have it submitted to the UN have been suspended. Dr Arias has requested, however, that the permanent members of the Security Council adopt such a code within their own countries. A bill on a code of conduct has passed the United States House of Representatives as an amendment to a larger bill, but opposition by the Clinton Administration – it has stated that it does not support a code to regulate arms transfers<sup>11</sup> – makes it unlikely that it will become law.

### *Crime and Justice Initiatives*

As the arms control community begins to grapple with identifying the negative effects of light weapons and developing solutions, so the law enforcement community has been engaged in its own response. The two most significant organisations working on the latter aspect of the problem are the International Criminal Police Organisation (Interpol) and the UN Commission on Crime Prevention and Criminal Justice. The latter, part of the Economic and Social Council (ECOSOC) of the UN, has issued a report on firearms regulation which draws on the expertise and experience of law enforcement and intergovernmental agencies to produce a comparative view of firearms regulation and legislation globally.

The Crime Commission appointed an advisory group to develop and distribute a questionnaire for member states to gather information on legislation, regulation, use, trade and manufacture, trafficking, policy and public education initiatives. The focus of the Commission's report is on civilian-owned firearms, as opposed to the UN Panel of Small Arms which looked at military-style weapons (see Chapter 3). The main findings of the Commission's report include the following:

- the lack of effective firearms regulation in one country can undermine regulatory efforts and governance in neighbouring countries;
- import and export controls need to be combined with other measures for effective control over firearms smuggling; and
- the effective regulation of firearms necessitates the co-operation not only of government departments, but also business, media, law enforcement and citizens.<sup>12</sup>

Interpol has worked closely with both the Commission and member states on firearms issues, specifically the trafficking of arms. It has sent questionnaires to its members asking for information on firearm thefts and seizures, significant trafficking cases, the number of firearm manufacturers, bombing or attempted bombing incidents and the quantities of stolen and seized explosives. Many of the responses received were incomplete, as countries do not have the necessary legislation or keep statistics on these types of incidents. Other Interpol activities include participation in conferences on firearms issues, resolutions requesting the Interpol Secretary General to co-operate with the UN on transnational firearms issues, assistance to members in tracing weapons and exchanging information, and the presence of National Central Bureaux (NCBs), which either are local Interpol offices or sub-regional offices, such as the one in Zimbabwe mentioned below. The NCBs have recently been requested to establish firearm-tracing centres in manufacturing countries.

In 1994 the Group of Seven Industrialised States (G-7, now G-8 with the inclusion of Russia) met for discussions on the economic and social costs of crime. During these meetings, the issue of illicit arms trafficking was raised as an area requiring further study. In response, a working group on transnational organised crime was created. The Group's recommendations included the need to promote close co-operation between G-8 countries and relevant law enforcement agencies in other countries, to exchange scientific and technological information and to provide opportunities for joint training and exchange programmes.<sup>13</sup> Since that time, the issue of illicit arms trafficking has gained prominence and the Final Communiqué of the 1997 Denver Summit of the G-8 announced: “[W]e will combat illegal firearms trafficking, by considering a new international instrument. We will seek to adopt standard systems for firearms identification and a stronger international regime for import and export licensing of firearms.”<sup>14</sup> At the

G-8 summit in England, in May 1998, the proposed international instrument was discussed. The main points of the initiative are firearms identification, export, import and transit licences, record-keeping and the exchange of information through the Interpol crime database.<sup>15</sup>

In Africa, both the OAU and SADC recognise the importance of arms control in the region. The OAU has urged countries to participate in the UN Register of Conventional Arms, although there is no current effort to develop a regional arms register. Within SADC, the ISDSC indirectly includes light weapons issues on its agenda. The ISDSC is the forum at which ministers of defence, home affairs, public security and state security meet to discuss national and collective defence and security issues. Within its public security functions, the ISDSC identifies the exchange of experience and information on issues including illicit firearms smuggling. Likewise, SARPCCO, a forum in which police chiefs of SADC countries may discuss common issues, identifies arms smuggling as one of the priorities on its agenda. The secretariat of SARPCCO is also that of the Southern African Interpol office in Harare, Zimbabwe, which provides SARPCCO with easy access, not only to data collected by Interpol, but also to its infrastructure.

### *Development and Humanitarian Initiatives*

International relief and aid organisations are in close contact with those who have been maimed by light weapons. They also see the impact of armed conflict on economic, social and political development processes. It is not surprising then that these organisations have become involved in the light weapons issue.

The UN Research Institute for Social Development (UNRISD), as part of its war-torn societies project, published a paper on the effects of light weapons on social development. This paper approaches the issue of light weapons by examining their impact on societal norms, conflict and a culture of violence. The UN Development Programme (UNDP) is also addressing light weapons-related issues through its work in West Africa, notably in Mali. It has sponsored a socio-economic reinsertion programme for ex-combatants which has had over 9 000 participants (see Chapter 3).

The International Committee of the Red Cross (ICRC) has been closely involved in the efforts to ban anti-personnel landmines and recently has

undertaken a project, known as the SIRuS project, on the control of weapons which cause superfluous injury. In addition, it is conducting a study on the extent to which weapons availability is contributing to violations of international humanitarian law in armed conflicts. The preliminary findings indicate that the prevalence of small arms and light weapons in conflict (given the increased availability of automatic weapons) has exacerbated levels of suffering among civilian populations. These same weapons have led to an increase in the number of children (given the ease with which automatic weapons may be used) participating as combatants in armed conflicts. It also notes that the widespread availability of weapons can foster a ‘culture of violence’ which leads to economic and social insecurity and erodes traditional means of conflict resolution. The Council of Delegates of the ICRC and the International Federation of the Red Cross and Red Crescent Societies adopted a resolution, in November 1997, which voiced concern over the easy availability of arms and offered support for the work of the ICRC to document how weapons may contribute to violations of international humanitarian law. The issue of weapons and their role in conflicts remains on the agenda of the Council and is an on-going aspect of the work of the ICRC.<sup>16</sup>

### *International Conventions, Guidelines and Model Regulations*

In May 1996 the UN Disarmament Commission (UNDC) released its ‘Guidelines for International Arms Transfers’. These are a first attempt by the UN to address illicit arms trafficking, the negative effects of which, the Commission noted, “*can often be disproportionately large, particularly for the internal security and socio-economic development of affected States*”.<sup>17</sup> Although without legal status and not binding on countries, these guidelines do afford some guidance to those countries seeking to combat arms trafficking. The OAS has elaborated on the work of the UNDC in its signed Inter-American Convention Against the Illicit Manufacture, Traffic, Sale and Transfer of Firearms, Ammunition, Explosives, and Other Related Materials (discussed in detail in Chapter 4).

The Inter-American Convention was signed by twenty-nine countries, on 13 and 14 November, at the OAS headquarters in Washington, DC. Completed in seven short months, the Convention is the first of its kind: a regional

initiative to address the illicit trafficking of firearms. It has six main provisions:

- Import, Export and Transit Licences;
- Marking of Firearms;
- Criminalisation of Illicit Arms Production and Sales;
- Information Exchange;
- Law Enforcement and Regulatory Co-operation; and
- Technical Assistance and Training

The Convention will enter into force after the second ratification has been deposited. The OAS, within its Inter-American Drug Abuse Control Commission (CICAD), has recently finalised a further initiative to combat arms trafficking in the region through the creation of model regulations.

These regulations are not binding, acting rather as suggestions to countries on actions to take to combat the illicit trafficking of firearms, ammunition and explosives. They provide information on:

- Export, Import and Transfer of firearms and ammunition;
- Authenticating certificates; and
- Responsibilities of member states.

## Conclusion

As the focus of the international community shifts increasingly to the role light weapons can play in the outbreak of conflict and post-conflict peace-building, the number of programmes and actors involved continues to increase. The need for these cannot be undervalued. Their impact, however, can be augmented through effective co-ordination and co-operation. As other organisations, countries and regions begin to respond to growing concerns over illicit weapons in societies, it will become increasingly important that information be shared and that positive and negative experiences be highlighted. The need for a lessons-learned mechanism is as important in combating arms trafficking as it is in peacekeeping operations and other international efforts. Nor must the role and function of NGOs be overlooked. Although there has long been a tendency to distance them from international fora, gradually this trend is being reversed and organisations are learning to appreciate the depth of

knowledge and the expertise that researchers, academics and advocates can bring to discussions.

What has been reviewed in this chapter is only the beginning of what must become a long-term, co-ordinated effort at local, national, regional and international levels to combat the proliferation of light weapons. The challenge remains.

## Endnotes

- 1 For the definitions of *small arms* and *light weapons* as set out in the report of the UN Panel of Governmental Experts (A/52/298), see Introduction, p. 7 above.
- 2 V Gamba, *Background Paper: Towards a Holistic Approach to Light Weapons Non-proliferation*, ISS, Halfway House, 1997 (unpublished), p. 6.
- 3 B Boutros Ghali, *A Supplement to An Agenda for Peace*, UN, New York, January 1995 (A/50/60), para. 63.
- 4 *Ibid.*, para. 65.
- 5 UN General Assembly, *General and Complete Disarmament: Small Arms*, UN, New York, 1997 (A/52/298), p. 10, para. 20 (hereafter referred to as A/52/298).
- 6 Countries visited by the Advisory Mission were Algeria, Burkina Faso, Chad, Côte d'Ivoire, Mali, Mauritania, Niger and Senegal.
- 7 A/52/298, *op. cit.*, p. 7, para. 1.
- 8 Council of Europe, *EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*, Brussels, 1997 (9057/97), paras 1-3.
- 9 S Haydon, *Arms code of conduct will not be binding – Britain*, *Reuters*, 13 November 1997.
- 10 Saferworld, *Analysis of the proposal by the UK and French governments for an EU code of conduct on arms sales*, 12 February 1998, <www.prepcom.org> (16 February 1998).
- 11 D Isenberg, *Transparency in Armaments and Conventional Arms Control*, in *A Global Agenda: Issues before the 52nd General Assembly*, Rowman & Littlefield, New York, 1997, pp. 98-105.
- 12 UN, *Criminal Justice Reform and Strengthening of Legal Institutions: Measures to Regulate Firearms*, ECOSOC, UN, Vienna, 7 March 1997 (E/CN.15/1997/4), Annex 1.
- 13 British American Security Information Council, *Combating Illicit Light Weapons Trafficking: Developments and Opportunities*, BASIC, Washington, DC, January 1998, p. 19.
- 14 *Ibid.*
- 15 *Ibid.*
- 16 Council of Delegates, *Arms Transfers and International Humanitarian Law*, CD 97/6.4/1, Geneva, September 1997.
- 17 UNDC, *Report of the Disarmament Commission, Annex 1*, UN, New York, 1996, para. 7 (A/51/42).