Small Arms and Light Weapons: Towards Global Public Policy

Coping with Crisis
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Foreword

Terje Rød-Larsen
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The International Peace Academy (IPA) is pleased to introduce a new series of Working Papers within the program *Coping with Crisis, Conflict, and Change: The United Nations and Evolving Capacities for Managing Global Crises*, a four-year research and policy-facilitation program designed to generate fresh thinking about global crises and capacities for effective prevention and response.

In this series of Working Papers, IPA has asked leading experts to undertake a mapping exercise, presenting an assessment of critical challenges to human and international security. A first group of papers provides a horizontal perspective, examining the intersection of multiple challenges in specific regions of the world. A second group takes a vertical approach, providing in-depth analysis of global challenges relating to organized violence, poverty, population trends, public health, and climate change, among other topics. The Working Papers have three main objectives: to advance the understanding of these critical challenges and their interlinkages; to assess capacities to cope with these challenges and to draw scenarios for plausible future developments; and to offer a baseline for longer-term research and policy development.

Out of these initial Working Papers, a grave picture already emerges. The Papers make clear that common challenges take different forms in different regions of the world. At the same time, they show that complexity and interconnectedness will be a crucial attribute of crises in the foreseeable future.

First, new challenges are emerging, such as climate change and demographic trends. At least two billion additional inhabitants, and perhaps closer to three billion, will be added to the world over the next five decades, virtually all in the less developed regions, especially among the poorest countries in Africa and Asia. As a result of climate change, the magnitude and frequency of floods may increase in many regions; floods in coastal Bangladesh and India, for example, are expected to affect several million people. The demand for natural resources—notably water—will increase as a result of population growth and economic development; but some areas may have diminished access to clean water.

Second, some challenges are evolving in more dangerous global configurations such as transnational organized crime and terrorism. Illicit and violent organizations are gaining increasing control over territory, markets, and populations around the world. Non-state armed groups complicate peacemaking efforts due to their continued access to global commodity and arms markets. Many countries, even if they are not directly affected, can suffer from the economic impact of a major terrorist attack. States with ineffective and corrupted institutions may prove to be weak links in global arrangements to deal with threats ranging from the avian flu to transnational terrorism.

Finally, as these complex challenges emerge and evolve, 'old' problems still persist. While the number of violent conflicts waged around the world has recently declined, inequality—particularly between groups within the same country—is on the rise. When this intergroup inequality aligns with religious, ethnic, racial and language divides, the prospect of tension rises. Meanwhile, at the state level, the number of actual and aspirant nuclear-armed countries is growing, as is their ability to acquire weapons through illicit global trade.

As the international institutions created in the aftermath of World War II enter their seventh decade, their capacity to cope with this complex, rapidly evolving and interconnected security landscape is being sharply tested. The United Nations has made important progress in some of its core functions—'keeping the peace,' providing humanitarian relief, and helping advance human development and security. However, there are

reasons to question whether the broad UN crisis management system for prevention and response is up to the test.

Not only the UN, but also regional and state mechanisms are challenged by this complex landscape and the nature and scale of crises. In the Middle East, for example, interlinked conflicts are complicated by demographic and socioeconomic trends and regional institutions capable of coping with crisis are lacking. In both Latin America and Africa, 'old' problems of domestic insecurity arising from weak institutions and incomplete democratization intersect with 'new' transnational challenges such as organized crime. Overall, there is reason for concern about net global capacities to cope with these challenges, generating a growing sense of global crisis.

Reading these Working Papers, the first step in a four-year research program, one is left with a sense of urgency about the need for action and change: action where policies and mechanisms have already been identified; change where institutions are deemed inadequate and require innovation. The diversity of challenges suggests that solutions cannot rest in one actor or mechanism alone. For example, greater multilateral engagement can produce a regulatory framework to combat small arms proliferation and misuse, while private actors, including both industry and local communities, will need to play indispensable roles in forging global solutions to public health provision and food security. At the same time, the complexity and intertwined nature of the challenges require solutions at multiple levels. For example, governments will need to confront the realities that demographic change will impose on them in coming years, while international organizations such as the UN have a key role to play in technical assistance and norm-setting in areas as diverse as education, urban planning and environmental control.

That the world is changing is hardly news. What is new is a faster rate of change than ever before and an unprecedented interconnectedness between different domains of human activity—and the crises they can precipitate. This series of Working Papers aims to contribute to understanding these complexities and the responses that are needed from institutions and decision-makers to cope with these crises, challenges and change.

Terje Rød-Larsen

Introduction

Small arms and light weapons kill at least 300,000 people a year, in both conflict and non-conflict situations, and injure or disable thousands more. Small arms are the weapons of choice of warring parties—government armies, paramilitaries, rebel forces, or even terrorists—and in recent wars they account for between 60 and 90 percent of direct conflict deaths, depending on the nature and intensity of the fighting. In non-war settings small arms represent one of the leading causes of preventable death, and a major cause of mortality for young men—through, for example, armed violence, suicides, murders, and accidents.[1] In Rio de Janeiro the gun violence death rate is comparable to that of some war zones. El Salvador has a firearm death rate of thirty per 100,000, and Colombia suffers a rate of fifty-five per 100,000 people killed by gun violence.[2] The life expectancy of males born in Colombia in 2002 is reduced by more than three years as a result of the risk of armed violence. And in South Africa, homicides are the leading cause of death for males between fifteen and twenty-one years of age. Overall, the global burden of violence and violent conflict is one of the most important external causes of death and injury.

It is thus not surprising that small arms and light weapons have been described by the United Nations Secretary-General as "weapons of mass destruction in slow motion." Yet these tools of everyday violence only emerged on the multilateral arms control and disarmament agenda in the 1990s, beginning with the reports of two United Nations groups of governmental experts (1997 and 1999).[3] Together, these two reports played a central role in defining the problem and in setting some of its parameters (the distinction between illicit and licit transfers, the emphasis on the security of state stockpiles of weapons, surplus or post-conflict weapons destruction, the marking and tracing of illicit weapons). Interest from non-governmental

organizations (NGOs) and researchers also accelerated in the 1990s, resulting in the creation of the International Action Network on Small Arms (IANSA) in 1998.[4]

The immediate result was the convening in July 2001 of an international conference that agreed on a Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (hereafter "Programme of Action").[5] This politically-binding document is the normative and practical framework under which a diverse range of international efforts have been pursued, ranging from initiatives to destroy surplus stockpiles of weapons in East-Central Europe, to post-conflict disarmament, demobilization and reintegration (DDR) programs.

Perhaps not surprisingly, multilateral efforts to deal with the human, social and economic costs of armed violence have also been controversial, and the July 2006 conference to review the implementation of the Programme of Action ended without agreement on a final document. But in spite of this, the resources devoted to tackling the proliferation and misuse of small arms and light weapons have grown considerably: according to the best estimate, more than $600 million has been devoted to the issue since the late 1990s by a wide range of states and multilateral agencies.[6] While perhaps little relative to such global scourges as HIV/AIDS, this investment ensures that the issue of armed violence remains high on the international agenda.

This paper will show how and where this investment is making a difference by examining the small arms and light weapons *problématique* from several angles. The first section will discuss the different human security dimensions of the small arms issue, and highlight key points of debate or uncertainty. The second section will present briefly the contemporary policy challenges, dividing these into first generation and second generation measures. It will show how the

[1] Small Arms Survey, *Small Arms Survey 2005: Weapons at War* (Oxford: Oxford University Press, 2005), p. 230. Although there is no agreed definition, *small arms* include revolvers and self-loading pistols, rifles and carbines, assault rifles, and sub-machine and light-machine guns; and *light weapons* include grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, and mortars of less than 100 mm calibre.

[2] Debbie Hillier and Brian Wood, *Shattered Lives: The Case for Tough International Arms Control* (Oxford: Oxfam, 2004), p. 26.

[3] The first experts' group report is UN Doc. A/52/298 (1997); the second is UN Doc. A/54/258 (1999).

[4] Key contributions would include Jeffrey Boutwell, et al., *Lethal Commerce* (Cambridge, MA: American Academy of Arts and Sciences, 1995); Jasjit Singh, ed., *Light Weapons and International Security* (New Delhi: Indian Pugwash Society and British American Security Information Council, 1995); Christopher Louise, "The Social Impacts of Light Weapons Availability and Proliferation," *Discussion Paper 59* (Geneva: United Nations Research Institute for Social Development, 1995); the series of studies in the UN Institute for Disarmament Research project, "Managing Arms in Peace Processes"; Abdel Fatau Musah and Robert Castle, "Eastern Europe's Arsenal on the Loose: Managing Light Weapons Flows to Conflict Zones," *BASIC Occasional Papers on International Security Issues* 26 (London: BASIC, May 1998); Aaron Karp, "Arming Ethnic Conflict," *Arms Control Today* 23, no. 7 (September 1993): 8-13.

[5] United Nations, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, July 20, 2001, UN Doc. A/CONF.192/15.

[6] Kerry Maze and Sarah Parker, *International Assistance for Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects* (Geneva: United Nations Institute for Disarmament Research, 2006).

policy debate has evolved towards recognition that first generation measures—those that grow out of the traditional focus of the arms control community on negotiated and legally-binding multilateral instruments oriented towards the supply of weapons—have to be supplemented by second generation measures that are more programmatic or public policy oriented, and that focus on national or local implementation of measures or programs to address insecurity, the demand for weapons and armed violence prevention or reduction.

The third section will examine the institutional and multilateral capacity for tackling these challenges, again distinguishing between conventional diplomatic and public policy approaches. It will highlight the cross-cutting and complex positions states have adopted towards the challenge posed by the proliferation and misuse of small arms, allowing us to see beyond the simplistic North versus South (or European versus American) picture of the major positions or cleavages in the debate. Finally, the paper will offer some future scenarios, focusing in particular on the development and implementation of the first and second generation measures sketched in section two. Which scenario will prevail will depend of course on "political will"—that most elusive and undefined of all commodities—but also on whether the champions of the small arms issue choose to work together both inside and outside of formal multilateral processes, or to let the issue wither in the absence of a strong, top-down, normative and political framework.

Small Arms and the Human Cost of Armed Violence

Surprisingly little was known about the scope and nature of the proliferation and misuse of small arms before the mid-1990s. There were no reliable estimates of the number and distribution of weapons, the number (and distribution) of victims, the volume of production and transfers, or the socio-economic costs of armed violence. But a growing concern with human security—with achieving freedom from fear by removing the threat of violence from social, political and economic life—drew attention to these questions, and created a need for a knowledge base. Today, the broad contours of the problem can be summarized under four headings: the availability and distribution of weapons; the economics of small arms

production and transfers; the direct and indirect burden of armed violence; and the socioeconomic costs of armed violence.

Availability and Distribution

There are at least 640 million small arms and light weapons in circulation, or roughly one for every ten persons. However, the distribution of these weapons is extremely uneven—geographically, demographically, and institutionally. 55 or 60 percent of the world's small arms and light weapons are in civilian hands, with 35 to 38 percent in the hands of armed forces, 3 to 5 percent held by the police and other state forces, and 1 percent in the hands of non-state armed groups.

Weapons are also highly unevenly distributed between states. The United States—which has the greatest concentration of weapons in the world—has approximately 260 million small arms, or about eighty-plus per 100 persons. This represents about 40 percent of the global total, and perhaps two-thirds of the world's civilian-held firearms. There are approximately twenty-five arms per 100 persons in states such as Finland and Canada, forty per 100 in Yemen, about twenty per 100 in Kosovo, and perhaps as low as ten per 100 in Brazil—one of the countries most affected by armed violence.[7] And weapons tend to be differently distributed between urban and rural settings, between different age groups, and between different levels of wealth and education. One obvious conclusion is that there is no simple link between weapons availability and use.

Economics of Production and Transfer

More than ninety states and several hundred firms have the capacity to produce small arms and light weapons, ammunition or parts and components. Although new weapons production is concentrated in a small number of states (with the US, Russia, and China being major producers), small arms are a "mature technology" with the know-how widely distributed. In many parts of East-Central Europe (in particular the Ukraine) large surplus stockpiles exist, posing a greater proliferation challenge than new production itself, especially for military-style automatic weapons. Similarly, in some countries, such as Ghana, Pakistan, or Colombia, craft production of weapons by individual gunsmiths or small factories, usually copying international designs, is significant. This alone demonstrates that efforts to restrict the

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[7] Figures from various sources, as reported in the *Small Arms Survey* (Oxford: Oxford University Press, various editions). See also Rubem César Fernandes, et al., *Brazil: The Arms and the Victims* (Rio de Janeiro: Viva Rio, 2005).

global supply of weapons will be difficult to develop or implement unless they are relatively comprehensive in scope, since alternative sources of supply or production are plentiful.

In economic terms the global trade in small arms and light weapons is not particularly large. The market for small arms transfers is probably around $4 billion annually, with upwards of half of this accounted for by ammunition. This is around 10 percent of the global trade in major conventional weapons systems. The main exporters are Russia, the US, Italy, Germany, Brazil, and China, although lesser producers such as Austria or Belgium occasionally export significant quantities of (mainly civilian) weapons. In no case is the domestic economic impact of small arms production and exports (in terms of employment, export earnings, or a high-tech defense industrial base) significant, thus reducing the salience of economic considerations in policy formulation.

The Direct and Indirect Burden of Armed Violence

The human toll of armed violence, by contrast, is significant: approximately 300,000 people are killed by armed violence each year, roughly two thirds (200-240,000) in criminal or non-conflict contexts, the remainder in wars. This figure is almost certainly an undercount, since there is almost no reliable data for large parts of Africa and Asia, and the public health and criminal justice sectors in these countries do not have good figures on the number of firearms victims. One key policy challenge is therefore to increase our base of evidence on the direct victims of armed violence.

A second challenge is to develop a better means of assessing the indirect deaths from armed violence. As has been well documented by the recently published *Human Security Report*, the number of direct victims in war has likely declined since the early 1990s, perhaps even to historically low levels. But the number of indirect victims—those people, especially vulnerable groups, who die of preventable causes due to loss of access to food, water or basic care—is vastly higher than the 80,000-120,000 direct deaths from armed violence in war.[8] In some cases, such as Sudan or Democratic Republic of the Congo (DRC), more than ninety percent of the conflict deaths are attributed to indirect causes.[9] The various public health and epidemiological surveys conducted in the Democratic Republic of the Congo, for example, estimate the total of direct and indirect deaths from the conflict between 1998 and 2003 at 3.3 million. The number of violent deaths in zones experiencing fighting was probably around one-third of the total in these areas. From a human security perspective, however, a full accounting of the human cost must include direct and indirect victims of armed violence. More importantly, the proportion of indirect deaths seems to depend on swift access to clean water, basic health care and food, suggesting that rapid humanitarian responses play a major role in mitigating conflict deaths.

Socioeconomic Costs

Armed violence also imposes huge socioeconomic costs on states and societies, including direct medical costs, direct non-medical costs (policing and incarceration, legal services, and post-conflict reconstruction costs), tangible indirect costs (productivity losses, protection and security costs, insurance, and lost investment), and intangible indirect costs (quality of life). Each of these can be quantified, using costing models similar to those for tobacco use, HIV/AIDS, or traffic accidents. Using such methods, the Inter-American Development Bank has estimated that the direct and indirect costs of violence in Latin America amount to $140-170 billion per year, or up to 5 percent of GDP in Colombia, 4.3 percent in El Salvador, 1.5 percent in Peru, and 1.9 percent in Brazil. In developed countries such as Canada, the direct and tangible costs of gunshot wounds alone in the early 1990s amounted to more than 1.6 billion USD per year—including direct medical costs, mental health care costs, and lost productivity.[10]

More Than One Problem

What these rather chilling facts and figures demonstrate, however, is that small arms proliferation and misuse is not one problem, but rather a cluster of

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[8] See Margaret Kruk, "Global Public Health and Biosecurity: Managing 21st Century Risks," *Coping with Crisis* Working Paper Series, International Peace Academy, New York, April 2007; Andrew Mack, "Global Political Violence: Explaining the Post-Cold War Decline," *Coping with Crisis* Working Paper Series, International Peace Academy, New York, March 2007. Figures on DRC from B. Coghlan et al., "Mortality in the Democratic Republic of Congo: A Nationwide Survey," *Lancet* 367, no. 9504 (2006): 44-51.

[9] *Small Arms Survey 2005: Weapons at War*, pp. 229-265. This failure to count the so-called indirect conflict deaths is one reason for the widely divergent figures often cited. Most data sets only count direct victims. See Human Security Centre, *Human Security Report 2005* (Oxford: Oxford University Press, 2005).

[10] *Small Arms Survey 2006: Unfinished Business* (Oxford: Oxford University Press, 2006), pp. 189-213; Juan Luis Londoño and Rodrigo Guerrero, *Violencia en America Latina: Epidemiologia y Costos*. Documento de Trabajo R-375 (Washington: Inter-American Development Bank, 1999); Mayra Buvinic and Andrew Morrison, "Violence as an Obstacle to Development," *Technical Note 4: Economic and Social Consequences of Violence* (Washington: Inter-American Development Bank, 1999).

related issues. In some cases, arms are used and misused in civil and communal conflicts (Sudan, Liberia), in others state violence or repression is the main problem, in still others criminal violence or terrorism (domestic or international) are central (Colombia, Afghanistan, Iraq). In addition, armed violence is distributed unevenly within a state, with huge differences between rich and poor, urban and rural, men and women, and other socioeconomic or geographic differences. Taken together, these observations mean that the problem of small arms and light weapons proliferation and misuse is not susceptible to simple or easy policy solutions.

Three key unresolved analytic issues influence policy-making. First, there is no simple global or cross-national relationship between weapons availability and violence. The US has one of the highest rates of civilian weapons possession and one of the highest rates of gun homicide, but Brazil, with an equally high level of gun violence has a much lower rate of weapons ownership. Countries such as Finland or Switzerland have high numbers of weapons per 100 persons, but levels of armed violence comparable to their neighbors. The picture is less muddled when one parses the available data further to focus on which types of weapons in whose hands, and under what circumstances, result in violent outcomes. Where youth/criminal gangs are widespread, for example (as in Brazilian *favelas*), the availability of weapons is a clear factor that contributes to high levels of violence. Specific targeted measures to reduce weapons availability or possession among inner-city gangs or potentially violent spouses, for example, can have a measurable effect on death and injury rates; and when all other factors are controlled, weapons availability does appear to be a causal factor in specific kinds of interactions. What this also underlines is that weapons are part of a complex set of social interactions, and cannot be regarded in isolation.

At the international level, much the same can be said about the link between small arms availability and conflict: small arms do not *cause* internal or communal conflicts, but their easy availability can make the resort to violence less costly (in the broadest sense of the term), and can make other non-violent forms of dispute resolution less attractive, or less likely to hold. Evidence is again often anecdotal, but levels of violence and patterns of conflict between pastoralist communities in East Africa, for example, once tightly regulated and socially controlled, have escalated in intensity as military-style automatic weapons have diffused throughout the region. Similarly, the continued availability of large numbers of weapons in Central America (in particular Guatemala, El Salvador, and Nicaragua) has meant that the end of civil conflicts has *not* resulted in a concomitant reduction in armed violence, as the instruments of war now feed organized (and disorganized) criminal activity.

Finally, there is the question of the "substitutability" of arms for other means of violence. At the individual level, for example, suicide rates do not correlate with arms availability: high suicide levels in Japan, for example, occur with almost zero weapons availability. But although some substitutability exists (the genocide in Rwanda was committed mainly with machetes rather than small arms), small arms are much more often fatal instruments of violence, and the *costs* of treating gunshot wounds is at least double that of knife or stab wounds. Also, notwithstanding Rwanda, large-scale massacres are difficult to commit without using weapons to round-up individuals (or shoot those who try to flee). In most cases, the presence of small arms is a vector that accelerates the intensity, scale, or costs of violence. This in itself justifies attention to the many measures that have been proposed to reduce the global burden of armed violence, some of which are examined in the next section.

Tackling the Key Challenges: First and Second Generation Measures

Efforts to tackle small arms proliferation and misuse fit uneasily into traditional categories or concepts of formal multilateralism, with its emphasis on state-to-state negotiations of international (and often legally-binding) instruments. The effects of small arms proliferation and misuse are felt from the micro (individual) to the macro (inter-state, or even regional) level, and policy measures must operate at all levels of "governance"—from municipal to global—with measures to reduce weapons availability and misuse.

Simplifying somewhat, one can say that small arms policy and programs can be divided into first and second generation measures. First generation measures are oriented towards the supply side of the equation—including such things as the marking and tracing of illicit weapons or regulation of international arms brokering—and evolve out of the traditional (and UN-centered) model of multilateral diplomacy. They focus directly on those aspects of the small arms issue that involve collective action problems or negative externalities, and that therefore demand multilateral (if not universal) solutions to be effective. A collective

action problem is a situation in which all members of a group benefit if they act together, but incur a net cost if they act alone. The unilateral imposition of strict regulations on arms transfers, for example, seldom restricts supply to undesirable recipients unless others also adopt similar policies. A negative externality occurs when one state's actions (such as exporting surplus weapons to a conflict zone) creates costs for others (such as an increase in communal or criminal armed violence).

Second generation issues focus more on the demand side of the equation, and on the way in which weapons use is embedded in complex (and often localized) relations of power, wealth, violence, and insecurity. The measures that are promoted here, including violence reduction programs, legislative reforms, and security sector reform owe more to the logic of "global public policy" and its focus on practical problem-solving and programmatic measures than to formal negotiated diplomatic solutions.[11] They also only rarely require international agreement to proceed, and can be implemented with flexibility. Although the distinction between first and second generation measures is not chronological, first generation measures, which emerged from the initial arms control and international security logic in which the small arms issue was embedded, have received the greatest attention to date.

First Generation, Supply-side Measures

First generation measures include such things as marking and tracing of SALW; brokering (including the role of transport and financial agents); stockpile security and the destruction of surplus weapons; and export control initiatives.

Only the first of these—marking and tracing—has resulted in a politically-binding international agreement, although serious work on brokering began in late 2006, and momentum has built up around state-sponsored export control initiatives (in particular the UK-sponsored Transfer Control Initiative and the Arms Trade Treaty, which has been endorsed by forty-two states, including the EU states). All of these measures will likely receive significant attention in the next few years, but all face the twin challenges of winning broad agreement from the relevant core states

and developing effective mechanisms to monitor compliance with any negotiated agreements.

Marking, Tracing, and Record-keeping

Just as national police forces trace weapons in order to solve crimes and close down illegal supply circuits, an international instrument on the marking and tracing of weapons is intended to produce similar results at the global level. Effective and standardized marking and tracing of weapons allows law enforcement agencies to identify the sources and routes of weapons in case of their diversion or criminal use and to punish those responsible. This is especially important in conflict zones, since illicit weapons used by non-state armed groups almost always were originally legally produced or exported. The challenge is to find where in the chain from production to export and re-export the weapon slipped into illicit circuits. Such information would contribute to the enforcement of UN embargoes, and perhaps reduce weapons availability in conflict zones.

This logic gave rise to proposals in 2000-2001 for the creation of an International Tracing Instrument, which was successfully negotiated in June 2005.[12] The Tracing Instrument is a complement to the so-called Firearms Protocol (part of the UN Convention against Transnational Organized Crime), which focuses on illicit trafficking in weapons by individuals and criminal groups, and excludes state-to-state transfers. Although agreement on the instrument was reached by consensus, the fact that the instrument is politically, not legally, binding means there is no provision for ratification and no easy way to determine when states have met the requirements of the instrument, or can participate in tracing requests. Second, ammunition—the fuel to the fire of conflict—was not included in the agreement, a crucial omission for stemming the proliferation of weapons in conflict zones. Third, there is no mechanism to monitor state compliance with the Tracing Instrument, and no means by which states can be compelled to cooperate with a tracing request. Finally, there have to date been no (at least publicly disclosed) tracing requests; given the number of illicit weapons that are seized on a regular basis, this at least raises the question of whether the International Tracing Instrument is more than a piece of paper. Progress in

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[11] See P. J. Simmons and Chantal de Jonge Oudraat, *Managing Global Issues* (Washington: Carnegie Endowment for International Peace, 2001), pp. 3–17; Wolfgang Reinicke, *Global Public Policy: Governing Without Government?* (Washington: Brookings Institution, 1998).

[12] Its formal title is the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. See "Connecting the Dots: The International Tracing Instrument," *Small Arms Survey 2006: Unfinished Business*, pp. 95–117; Owen Greene, et al., *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons* (Geneva: United Nations Institute for Disarmament Research, 2003).

international tracing probably depends to some extent on the broader evolution of international crime control instruments.[13]

Brokering

There exists today no uniform or harmonized international legal framework to regulate arms brokering. Arms brokers engaged in illicit trafficking can take advantage of the absence of common standards and exploit weak national legal frameworks, avoiding prosecution by, for example, doing business in less regulated countries, or by sourcing arms from third countries in which they (and their business) are not domiciled. They may fly planes registered in Moldova, the United Arab Emirates, or South Africa, provide weapons sourced in former Soviet states, and transport them to buyers in Africa and Asia. While arms brokers operate covertly, some are easily identifiable to domestic and international law enforcement agencies, and over the past decade numerous United Nations and NGO reports have highlighted specific illicit brokering deals, even "naming names." Few criminal prosecutions for illicit brokering have resulted, usually because of lack of jurisdiction or proof.[14] Persistent evidence of violations of UN Security Council arms embargoes to places such as Somalia, Liberia, Rwanda, the DRC and elsewhere, and the clear role of arms brokers in every one of these cases, underlines the importance of international action in this area.[15]

But despite strong pressure from NGOs and an explicit recognition in the Programme of Action of the need to address illicit brokering, progress at the multilateral level has been slow.[16] Only about twenty-five countries have specific legislation dealing with arms brokering, and the lack of consistent and harmonized national legislation—dealing with such things as standards for licensing, extraterritoriality, registration and reporting requirements, and penalties—is a serious problem.[17] An expert group on brokering started work in November 2006, but whether this can lead to negotiations on an international instrument that is legally binding, comprehensive in scope, and includes all the major weapons producers or states with surplus stockpiles (at a minimum, all states in Europe and the former Soviet Union, plus other OECD member states) is unclear. At this stage, most European states support such an initiative, and the US has informally indicated support for a legally-binding instrument, although other countries—such as China, Russia, and Egypt—have signaled potential opposition.

Stockpile Security and Destruction of Surplus Weapons

Inadequately secured stockpiles and national arsenals are key targets of insurgents, criminals, and rebel groups. In 1997, for example, Albanian government arsenals were looted and more than 500,000 weapons were dispersed throughout the Balkans. In Iraq, unsecured weapons caches were prime targets for insurgents. Non-state armed groups in Africa and Asia also usually source their weapons locally, bribing corrupt officials, raiding storage depots, or capturing weapons (and caches) in combat. Consistent leakage from official stockpiles is thus a major source of small arms proliferation, and has highlighted the need for both effective management of legally-held stocks and the destruction of surplus and obsolete weapons. Countries such as Germany, the Netherlands, or South Africa have committed to destroy weapons surplus to national requirements, overcoming the argument that a weapon is still a valuable commodity that can be re-exported. In East-Central European states such as the Ukraine, however, where state budget constraints are severe and the stockpiles large (Ukraine has at least seven million surplus weapons), the argument is less easily made, and large-scale international assistance is required to cover the costs of collection, safeguarding, and destruction.

There are three different dimensions of the stockpile problem that warrant greater policy attention.[18] First, states should provide greater

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[13] On which, see James Cockayne, "Transnational Organized Crime: Multilateral Responses to a Rising Threat," *Coping with Crisis* Working Paper Series, International Peace Academy, New York, April 2007.

[14] *Small Arms Survey 2001: Profiling the Problem* (Oxford: Oxford University Press, 2001), pp. 95–139. Additional examples of brokering activities can be found in Brian Wood and Johan Peleman, *The Arms Fixers* (Oslo: NISAT, 1999); Amnesty International, *Dead on Time: Arms Transportation, Brokering, and the Threat to Human Rights* (London: Amnesty International, 2006). Available at http://web.amnesty.org/library/Index/ENGPOL300132006.

[15] See "UN Arms Embargoes: An Overview of the Last Ten Years," *Control Arms Briefing Note*, March 16, 2006, available at www.controlarms.org/find_out_more/reports/UN-arms-embargoes-final-13306.pdf.

[16] States agreed to "develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering," to "develop common understandings of the basic issues and scope of the problems related to illicit brokering in small arms and light weapons," and to "consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons."

[17] *Small Arms Survey, 2004: Rights at Risk* (Oxford: Oxford University Press, 2004), pp. 141–171; The Netherlands and Norway, Chair's Report, "Dutch-Norwegian Initiative on Further Steps to Enhance International Co-operation in Preventing, Combating and Eradicating Illicit Brokering in Small Arms and Light Weapons," Oslo, April 23–24, 2003, available at www.nisat.org/Brokering/Chairs'%20Report.pdf.

assistance to those countries with stockpile management issues. NATO's Partnership for Peace program, for example, promotes training in stockpile management and secure storage, disposal, and destruction of surplus stocks, as well as weapons collection and destruction. Second, states should make destruction of surplus weapons a regular feature of military and security assistance packages, and should seek pledges from partner states *not* to retransfer weapons that are obsolete or surplus to national requirements. Finally, all states should commit to greater transparency on official state weapons holdings, a measure that would reduce the concern that a foregone export opportunity for surplus weapons was taken up by another supplier, and help identify areas for collaborative action.

Export, Import, and Transfer Controls and Regulations

Beyond specific measures to deal with brokering or the tracing of weapons, robust export, import, and transfer controls and regulations can prevent the diversion of weapons from the legal market to the illicit market. Most states have national export control systems for small arms transfers, but in reality major gaps in export criteria and end-use monitoring frequently allows weapons that are legally transferred to make their way into the hands of countries and groups that would otherwise not be eligible to receive them. Two initiatives to correct this situation have been prominent.

The first is the UK-led Transfer Control Initiative (TCI) on small arms, launched in 2003 with forty-nine other states, as well as international organizations and NGOs.[19] This group developed fifteen guidelines, two of which enjoyed consensus support: basing export decisions on the risk of diversion, and ensuring consistency of export decisions with existing responsibilities of states under relevant international law; but

the thirteen others, including those concerning respect for human rights, require additional discussion.[20] The second initiative, the Arms Trade Treaty (ATT), is a more comprehensive proposal for a legally-binding treaty on all arms transfers that today enjoys the support of more than forty states, including all EU members, Norway, Switzerland, and many countries in the developing world.[21] It would impose comprehensive export criteria for all arms transfers, not just small arms, and therefore it implicates a wider discussion among major arms exporters.

In late 2006 the UN First Committee passed a resolution, with 139 positive votes and one negative vote, to begin work on an arms trade treaty through establishment of a group of governmental experts. Obtaining agreement on an ATT will be difficult, in part because of the opposition of some states in the Middle East and Asia to any transfer obligations. The content of such a treaty—which will attempt to restrict transfers to states that commit grave and persistent violations of human rights, that support organized or violent crime and terrorism, or that present a risk that the arms will be diverted or re-exported to states of concern—also will generate opposition from many potential recipient states in Africa and Asia.[22]

Aside from broad-based transfer controls, specific weapons or specific recipients have also come under scrutiny. Multilateral measures to restrict the transfer of man-portable air defense systems (MANPADS) that can be used to shoot down civilian airlines have enjoyed broad support. They are restricted under the Wassenaar Arrangement, and have been the subject of a joint Russian-American initiative as well as proposals from states such as Australia and Israel. Attention has focused on prohibiting transfers of MANPADS to non-state actors, on the principle that they have no legitimate use for such weapons.[23] Action

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[18] For details see Owen Greene, *Stockpile Security and Reducing Surplus Weapons*, Biting the Bullet Briefing 3 (London: BASIC, International Alert, and Saferworld, 2000); OSCE, *Handbook of Best Practices on Small Arms and Light Weapons* (Vienna: Organization for Security and Co-operation in Europe, 2003), at www.osce.org/fsc/item_11_13550.html.

[19] United Kingdom, Chairman's Summary, "Implementing the UN Programme of Action: Strengthening Export Controls," Lancaster House Conference, January 14-15, 2003, p. 3; Biting the Bullet/Small Arms Consultative Group Process, *Developing International Guidelines for National Controls on SALW Transfers* (London: Saferworld, 2006).

[20] United Kingdom, *Chairman's Summary*, 5–6.

[21] It developed out of an initiative of Nobel laureates led by Costa Rican President Oscar Arias. For the latest draft of the Arms Trade Treaty, see www.controlarms.org/the_issues/whats_wanted.htm.

[22] The most recent set of guidelines are contained in the Nairobi Conference on Transfer Controls, "Suggested Global Guidelines for National Controls Governing Transfers of Small Arms and Light Weapons," April 20-21, 2006, available at www.amnestyusa.org/arms_trade/pdfs/guidelines.pdf#search=%22%20Nairobi%20Conference%20on%20Transfer%20Controls%2C%22. During the 2006 Review Conference, however, the UK was able to gain agreement on general language from such states as Egypt, Iran, and Brazil, suggesting some scope for a concerted diplomatic initiative.

[23] The 40 participating states in the Wassenaar Arrangement (which includes the Russian Federation, Ukraine, as well as all NATO states) agreed in 2003 on "Elements for Export Controls of MANPADS," calling on members to export MANPADS only to foreign governments or their authorized agents and to take into account the potential for misuse of the weapons in the recipient country (Wassenaar Arrangement, 2003). Wassenaar states also adopted in 2002 "Best Practice Guidelines for Exports of Small Arms and Light Weapons," with guidelines for consideration by exporting states that included the risk of the transfer contributing to terrorism, prolonging or aggravating armed conflict, or of diversion to unauthorized recipients.

to prohibit all small arms transfers to non-state actors has, however, been blocked by states such as the US or South Africa, on the grounds that such transfers are often required for reasons of national security, and that measures that discriminate against legitimate liberation movements or struggles against oppressive governments should not be adopted. And attempts to include small arms ammunition—the essential element that turns small arms into lethal tools—in multilateral instruments or negotiations have also been launched, with Germany taking the lead on this issue.[24]

The balance sheet from these first generation measures remains limited. All measures are either in gestation or infancy; none enjoy a strong consensus among relevant states; none have yet developed any formal procedures for monitoring compliance. Clear norms are starting to emerge in these areas, and the relative newness of the issue means the potential for developing measures has not been exhausted.

Second Generation Measures

Second generation measures, in contrast to those discussed above, focus more on the demand side of the weapons equation, and implicate a wide range of stakeholders beyond the arms control community, including the development, criminal justice, public health, post-conflict, humanitarian, and human rights communities. The engagement of development or humanitarian stakeholders—in particular major international NGOs such as Oxfam, World Vision or Amnesty International, that were critical in propelling the small arms issue to the forefront—was based on the recognition that a failure to address small arms proliferation and misuse undermined broader peacebuilding and post-conflict development policies. Without a basic level of security and safety, development and reconstruction, good governance and respect for human rights are difficult to ensure. Some of the states that have been most active on the small arms issue, such as the UK, Canada, Sweden, Norway, and the Netherlands, have also promoted action on a number of second generation issues, often in collaboration with other international organizations or agencies.

The main second-generation issues include: Disarmament, Demobilization and Reintegration (DDR) programs; small arms and Security Sector Reform (SSR); national regulation of civilian possession; armed violence prevention and reduction programs. In each case, the arms themselves are part of a larger socioeconomic and political picture, implicating crime, development, poverty, marginalization and political grievances—all central human security concerns that go beyond traditional arms control and disarmament approaches.

Disarmament, Demobilization and Reintegration (DDR) of Ex-combatants

In the last decade, several hundred thousand ex-combatants from more than thirty countries have taken part in disarmament, demobilization and reintegration (DDR) programs in such places as Afghanistan, Liberia, Colombia, Haiti or Indonesia, and DDR is now regarded as a key component to promoting and establishing peace. DDR programs that meet both the needs and requirements of ex-combatants and of the broader community can make a contribution to limiting the proliferation and misuse of small arms and light weapons in post-conflict situations. Providing incentives to ex-combatants, such as cash, goods, services, or even skills training has encouraged ex-combatants to surrender their weapons, and has perhaps contributed to stabilizing peace processes.[26]

Recognizing this, several governments—in particular Sweden, Japan, Norway, and the US—have sponsored DDR programs in Afghanistan, Kosovo, or Colombia, and international and regional organizations have adopted DDR as part of their post-conflict or small arms work. For example, the World Bank has created multi-national programs to coordinate DDR across Africa's Great Lakes region, which allows for the development of a comprehensive DDR program for up to 350,000 ex-combatants across nine countries. Sweden has also taken a lead in working with various stakeholders to develop an improved framework for planning and implementing DDR, and UNDP's Bureau for Crisis Prevention and Reconstruction has led many DDR in-country programs.

Several challenges to effective DDR program-

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[24] See Stephanie Pézard and Holger Anders, eds., *Targeting Ammunition: A Primer* (Geneva: Small Arms Survey, 2006).

[25] *Small Arms Survey 2005: Weapons at War*, pp. 267–301; Escola de Cultura de Pau, *Análisis de los Programas de Desarme, Desmovilización y Reintegración (DDR) Existentes en el Mundo Durante 2005*. (Barcelona: Febrero 2006), at www.escolapau.org/castellano/programas/ddr.htm. For a critical view, see Jeremy Weinstein and Macartan Humphreys, "Disentangling the Determinants of Successful Demobilization and Reintegration," *Working Paper no. 69* (Washington: Center for Global Development, September 2005).

[26] UNDP, Practice Note: Disarmament, Demobilization and Reintegration of Ex-combatants (New York: United Nations Development Program, 2005); for the Stockholm Initiative report see www.sweden.gov.se/content/1/c6/06/43/56/cf5d851b.pdf.

ming have been identified, however, and to date the international community has only a weak evidence base on which to evaluate programs. All we really know is that a failure to disarm—such as in Central America after the civil wars—leads to persistent high levels of armed violence and hinders reconstruction and rehabilitation efforts. A more specific challenge concerns the difficulty in a post-conflict context of ensuring the reliable identification of combatants, determining who actually holds weapons, and providing benefits for the many non-combatants associated with fighting forces. The question of how to provide incentives for combatants to surrender weapons without at the same time (and in the eyes of the community) rewarding them for having taken up arms is not easy to resolve. DDR must also promote a sustainable livelihood if a return to arms is to be definitively excluded, and must proceed in parallel with broader reconstruction efforts that provide tangible benefits to the community as a whole.

One major dilemma here is the structural inability of the World Bank to engage in the disarmament aspect of DDR, thus creating bureaucratic and practical (resource) problems in post-conflict situations. Finally, DDR must also be linked to future-oriented security sector reform projects, in order to ensure that security for individuals and communities is provided as a public good for all. Each of these issues requires further comparative research and analysis.

Security Sector Reform (SSR)

Only recently has the link between small arms proliferation and misuse and the broader security sector reform (SSR) agenda been explored: as one report notes, "the relationship between dysfunctional justice and security sectors and the demand for guns in the population is not yet clearly understood."[27] In situations characterized by chronic violence and insecurity, individuals and communities often feel strongly about the need to possess weapons for self-protection, which can lead to the proliferation of weapons and potentially even their misuse. This is not surprising, and it speaks to the broader responsibility of states to provide security through accountable public security institutions that indeed provide security as a public good and do not themselves threaten the citizenry. In Kosovo, for example, nearly one-quarter of respondents to a recent household survey said they would eventually acquire a weapon, and more than three-quarters said that their main reason for doing so would be to protect themselves and their family.[28]

International action on small arms and SSR has focused mainly on the Organization for Economic Cooperation and Development's (OECD) Development Assistance Committee (DAC), and in country-specific programs in places such as Albania, Cambodia, or El Salvador. The OECD DAC, whose guidelines shape and coordinate the overseas development assistance policies of its member states, published its first guidelines on SSR and governance in 2005.[29] It underscored the impact small arms proliferation and misuse could have on good security sector practice, and noted that "small arms concerns and the SSR agenda intersect… in the areas of crime prevention and post-conflict demilitarization… developing and implementing legislation, regulations, and guidelines concerning the use of weaponry by official security forces and by private security firms all require the sort of institutional capacity within the ministries of defense, justice, and the interior, and the legislature that SSR seeks to develop."[30] In fragile states, states in transition, and post-conflict contexts, SSR—and therefore concrete action on small arms—has been acknowledged to be a central policy concern, yet it has not yet been fully incorporated into development or post-conflict policies and programs. This may be an especially significant issue for the future work of the UN Peacebuilding Commission.

National Regulation of Civilian Possession

Regulation of civilian possession of small arms was a red line issue for the United States (and a few other states) in the 2001 UN conference, the result of the domestic firearms lobby led by the National Rifle Association. No explicit reference was included to civilian possession in the Programme of Action and the U.S. made it clear it would oppose any initiative that might affect the rights of American citizens.[31] Nevertheless, the Programme of Action does call on

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[27] See Centre for Humanitarian Dialogue, *Missing Pieces: Directions for Reducing Armed Violence through the UN Process on Small Arms Control* (Geneva: CHD, 2005), p. 105; available at www.hdcentre.org; see also David Atwood, Anne-Kathrin Glatz, and Robert Muggah, *Demanding Attention: Addressing the Dynamics of Small Arms Demand*, Occasional Paper 18 (Geneva: Small Arms Survey, 2006).

[28] South-Eastern Europe Small Arms Clearing House (SEESAC), *SALW Survey of Kosovo* (Belgrade: SEESAC, 2006).

[29] OECD DAC Guidelines and Reference Series, *Security System Reform and Governance* (Paris: OECD, 2005). These guidelines are under revision to incorporate a stronger focus on the links between armed violence and development.

[30] OECD DAC, *Security System Reform and Governance*, p. 43.

[31] This did not stop, however, the National Rifle Association (NRA) from using the issue as a means to bash the UN. See Wayne Lapierre, *The Global War on Your Guns* (Nashville: Thomas Nelson, 2006).

states to implement measures to criminalize "the illegal manufacture, possession, stockpiling and trade in small arms." The reality for states such as South Africa, Brazil, Sierra Leone, and Cambodia is that armed violence has been tackled through reform of the national regulatory framework, targeting such things as specific types of weapons, registration, and licensing requirements, safe storage and appropriate use.[32] States such as Australia, Canada, and the UK have also amended their national gun control legislation as a result of public concern over armed violence.

Whatever one thinks about the politics of gun control, no comprehensive approach to small arms proliferation and misuse can ignore it, since strictly speaking all use of weapons by actors other than state agents—including non-state armed groups—implicates the regulatory framework for the civilian possession of weapons, and almost all states (including the US) have *some* regulatory framework in place. In practice, states have recognized this, with more than sixty of the national reports on implementation of the Programme of Action including reference to national regulation of small arms. Countries such as Mexico, which has tight national controls but a serious cross-border smuggling problem, have also made the issue of civilian possession a cornerstone of their policy. At the multilateral level, this issue has been tackled indirectly through the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, which is part of the UN Convention against Transnational Organized Crime.[33] A crime prevention rather than arms control instrument, the legally-binding Protocol does commit signatories "to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition" across state borders, and implies tighter domestic legal regulations. Further multilateral action, either regional or global, is not likely though in the medium-term.

Armed Violence Reduction Programs

The public health and criminal justice communities have gone beyond the weapons themselves to focus on the broader issue of armed violence prevention and reduction. This policy framing draws attention to the context for, perpetrators of, and circumstances surrounding armed violence. As the World Health Organization has pointed out, armed violence is one of the leading causes worldwide of non-medical death and injury, and a major cause of death for young males in places such as Brazil or Colombia. Young men die from armed violence at four times the global rate, and roughly half of all firearms deaths are of young men between fifteen and twenty-nine. Firearms injuries are also more severe than those from other forms of violence, and impose a greater burden of disability or health care costs on individuals and societies. The treatment of a single firearms injury is usually several times greater than the per capita expenditure on public health: for every firearms victim treated, several individuals could receive basic health care. In dollar terms, the hospital treatment alone of one victim can range from $35,000 in the United States, to $7-11,000 in Colombia, $6,500 in El Salvador and $3,500 in South Africa.[35]

The policy challenge is thus to integrate armed violence and small arms into the work of the development and public health communities. The lead multilateral actors in this have been the UNDP Bureau for Conflict Prevention and Recovery and the WHO through its Violence and Injury Prevention Program, alongside governments such as the UK, Switzerland, and the Netherlands. Such mainstreaming requires, however, an evidence-based approach to policy and programming that shows how specific measures directed towards small arms can have a measurable impact on reducing the incidence or costs of armed violence.[36] This involves first developing a broader global evidence base on armed violence (incidence, distribution, patterns, demographics, costs). Only in the US has such an effort been undertaken, and even here, the effectiveness of many programs is uncertain or unproven.[37] The second challenge is to design, test, implement, and evaluate targeted policy interventions, and to disseminate best practices. Borrowing models from other global public health challenges such as tobacco

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[32] See CHD, *Missing Pieces*, pp. 13-31; Derek Miller and Wendy Cukier, *Regulation of Civilian Possession of Small Arms and Light Weapons*, Biting the Bullet Briefing 16 (London: International Alert, Saferworld, and University of Bradford, 2003).

[33] United Nations, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its twelfth session, UN Doc. A/55/383/Add.2, March 20, 2001.

[34] World Health Organization, World Report on Violence and Health (Geneva: WHO, 2002), available at www.who.int/violence_injury_prevention/violence/world_report/en/index.html.

[35] Figures in 2003 purchasing power parity USD, from *Small Arms Survey 2006: Unfinished Business*.

[36] See for discussion of this the papers from the Armed Violence and Poverty Initiative at Bradford University's Centre for International Cooperation and Security, available at www.bradford.ac.uk/acad/cics/publications/AVPI/.

[37] National Research Council of the National Academies, *Firearms and Violence: A Critical Review* (Washington: National Academies Press, 2004).

control, traffic accidents, or HIV/AIDS, armed violence prevention and reduction strategies have perhaps the greatest potential to reduce the toll of armed violence in non-conflict settings.

Actors and Outcomes: From Multilateral Diplomacy to a Global Public Policy

The distinction between first and second generation small arms measures is also useful when mapping the actors and outcomes that have characterized the issue of small arms proliferation and misuse. The process evolved in three acts: 1) nascent and then stalled multilateral diplomacy within the UN framework; 2) the emergence of multilateralism beyond the UN; and 3) issue diversification within a global public policy framework.

Together these three overlapping phases of activity signal the emergence of a more sophisticated understanding of the nature of the challenge—and responses—to small arms proliferation and misuse, and an adaptive response to roadblocks. A brief examination of the three phases will highlight key actors (both champions and blockers) and the nature or lack of leverage. Simplifying somewhat, one can argue that the most effective responses have been those focused on practical and programmatic measures ("global public policy") rather than traditional multilateralism, and one can discern interesting signs that stakeholders are attempting to break out of the strictures imposed by the formal multilateral process.[38]

Traditional Multilateralism

Early policy and norm development on the small arms issue focused on the UN process associated with the 2001 conference, and owed much to three things. The first was a strong UN engagement, at the political level from the Secretary-General, and at the practical level with UN groups of governmental experts and field missions in places such as Mali or Albania. The second was a strong policy consensus among European states that this was an issue—especially in light of the Ottawa Treaty to ban anti-personnel land mines—worth pursuing in the UN framework. The third pillar was strong support from key African states affected by armed violence, such as Mozambique, South Africa,

Mali or Kenya, who legitimized and championed the Northern-driven initiatives.

The main accomplishment of the UN process, the 2001 UN Programme of Action, sets out a global normative framework and a road map for action. It is not legally binding, however, and its commitments are of the "where appropriate" variety that characterizes multilateral consensus-based agreements. The limits of this approach became clear by the 2006 Review Conference, which ended with no outcome document and an unclear path forward.

At least three reasons for this limited record can be highlighted. First, several states, most notably from the Arab League or the Association of Southeast Asian Nations (ASEAN) have been reluctant participants in the process. Key states such as Egypt, Iran, Pakistan, and the United States and, to a lesser extent, China and India, blocked progress on important issues. At the 2006 Review Conference, while there was wide agreement on some issues, there was also a major gap between the European Union and the US on the issue of future follow-up work, with the US opposing any continuation of the UN process beyond 2006. Of course, many other states had specific objections on one or two issues such as civilian possession, or the regulation of brokering, but together these do not seem to account for the stalemate. Second, the UN process proved uncongenial for NGO participation and influence, and although NGOs enjoyed good access compared to other arms control and disarmament forums, they were marginalized relative to the input and influence they have in areas such as human rights or the environment.[39] Finally, the UN small arms process could not transcend the general geopolitical context in which a wide array of global multilateral forums or negotiations are deadlocked. Champion states—such as the UK, Sweden, Norway, Switzerland, Canada, and Germany—have been unable to build a broad-based consensus on the small arms issue, and it has not been politically salient enough in national capitals to warrant high-level intervention in Washington or elsewhere. The prospects for this changing in the near future are limited, given the relative balance of power on this issue with neither the US, Russia, or China supporting strong measures, and the EU unable to build a strong cross-regional coalition for action. In this respect, the small arms issue mirrors the broader crisis of global multilateralism.

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[38] See Simmons and de Jonge Oudraat, *Managing Global Issues*, pp. 3–17; Reinicke, *Global Public Policy*.
[39] Around 20 states, for example had NGO representatives on the national delegations at the 2006 Review Conference. One exception to the low level of NGO influence was of course the influence of the National Rifle Association on the US delegation.

The picture is not all somber, however, since the UN process has served a norm-setting function, especially in focusing attention on the key policy intervention points detailed above, and on raising the profile of the issue in states and regions that have traditionally not paid attention to small arms and armed violence. It has also allowed champions to emerge on key issues: the UK on transfer controls; Germany on the regulation of ammunition; Switzerland on marking and tracing; Norway and the Netherlands on illicit brokering; and the US on stockpile management and security. More importantly, states have treated the Programme of Action as an "enabling" and not a constraining document. Given that the most important measures to deal with prolif-eration and misuse of small arms have to be adopted at the national level, omissions or less-well elaborated aspects of the Programme of Action have *not* prevented stakeholders from pursuing a wide range of policies and programs concerning such things as national legislation, stockpile security, destruction of surplus weapons, post-conflict disarmament, and armed violence reduction. The main approach has been "problem-solving," with the result that a great deal of practical experience has been accumulated—but not often well analyzed or disseminated—on different aspects of small arms and light weapons proliferation and misuse.

Multilateralism Beyond the UN

The main response to the lack of progress in formal multilateral processes has been a proliferation of "minilateral" processes involving cross-regional groups of like-minded states coming together to advance a particular issue. The hallmark of this was the Ottawa process that resulted in the treaty to ban anti-personnel landmines, and although no similar process exists in the area of small arms, at least three specific ongoing initiatives deserve to be highlighted.

The first set of initiatives has been the small arms related activities of the Human Security Network (HSN).[40] As early as 1999, the issue of small arms figured on the agenda of HSN ministerial meetings, with discussions focused on the humanitarian aspects

and on the possibilities for adopting coordinated positions on small arms in multilateral forums. Many HSN states took the lead individually in sponsoring practical work on small arms and in working closely with national and transnational NGOs active on the issue. Switzerland chaired the marking and tracing negotiations; Norway and the Netherlands took the lead in advancing the issue of arms brokering; Canada worked on demand and humanitarian issues; and Mali led on the question of non-state armed groups. These states could count on support from other members of the HSN for their work, thus generating the core of a like-minded coalition—but still not one strong enough to overcome resistance from major powers.[41]

The second initiative, concerning transfer controls (discussed above), has been led by the UK. The UK's engagement with the issues dates from 2003, when it sponsored a conference to build support among governments and NGOs on the issue. A subsequent meeting in Nairobi (2006) and wide informal consul-tations led to hopes that the issue would move forward at the 2006 Review Conference.[42] Immediately after the deadlock, the UK—with Kenya, Japan, Australia, Argentina, Costa Rica and Finland—put forth a resolution for the UN First Committee to establish a group of governmental experts "to examine the feasibility, scope and draft parameters for a compre-hensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms." While still within the UN system, the UK has also expressed its intention to advance this issue in all appropriate forums, and it has worked closely with the Control Arms NGO coalition on the issue.

The third initiative, led by Switzerland and UNDP, was a ministerial-level summit on armed violence and development. This initiative, supported by forty-four states, led to a declaration that pledged concerted action to "stem the proliferation, illegal trafficking and misuse of small arms and light weapons and ammunition, and lead to effective weapons reduction, post-conflict disarmament, demobilization and reintegration, and small arms control, including control of arms transfers and of illicit brokering."[43]

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[40] The Human Security Network, established in 1999, is a loose grouping of states led by Canada, Norway and Switzerland, and including Chile, Costa Rica, Jordan, Austria, Ireland, Mali, Greece, Slovakia, Thailand, South Africa (as an observer), and the Netherlands. They pursue common positions on human security in a variety of international and regional institutions, meet annually, and coordinate policy in a variety of formal and informal ways.

[41] Although some diplomats have noted that the HSN has been unable to agree upon a common strategy or common positions that genuinely transcend some of the divisions within the UN system.

[42] Details on the UK initiative can be found at www.fco.gov.uk/Files/kfile/SALWChairman,0.pdf, and an overview of UK policy at www.dfid.gov.uk/pubs/files/policysmallarmsweapons.pdf.

[43] Geneva Declaration on Armed Violence and Development, available at: http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/i_measur_pdf/o_%20measur/20060615_geneva_decl.pdf.

Work within the framework of this process continues through a Geneva-based core group of nine states, and Ministers have pledged to meet again in 2008 to review progress, including potential pilot and partnership projects.

That these flexible "minilateral" processes are seen as ways to overcome obstacles in the formal process can be seen by the call by Canada, at the close of the 2006 Review Conference, to convene an informal meeting of states in 2007 drawing upon the support of like-minded states and acting as a complementary forum for catalyzing diplomatic initiatives.[44] This proposal, which breaks out of the consensus-based formal UN process, has been supported informally by a number of governments, including the UK and Switzerland. It may contain the seeds of a parallel, and ultimately more effective, multilateral process, in which civil society may be able to play a more effective role. These "minilateral" processes appear to have greater potential for advancing the small arms and armed violence agenda than traditional or formal multilateralism.

Towards Global Public Policy

The third phase of the process has seen the emergence of initiatives that owe their inspiration to the global small arms process, but which are not directly tied to any formal multilateral mechanism. Such initiatives fit within the framework of "global public policy" characterized by multidimensional and transdisciplinary issues with diverse stakeholders; complex collaborative relationships between states, NGOs, and international organizations; and policies and practical measures that are pursued both between and within states.[45] Issues ranging from efforts to stem transnational criminal activity and financial crime to the implementation of international environmental agreements all fall under the global public policy rubric. Emerging efforts to treat the proliferation and use of small arms and light weapons as linked to security sector reform, armed violence reduction and prevention, and the national regulation of the civilian possession of weapons can clearly also be characterized in this way.

Several states and international organizations engaged in small arms work—in particular the UK, Sweden, Norway, Switzerland, and Canada, as well as UNDP and the WHO—have adopted a public policy perspective. Practical disarmament in places such as Sierra Leone, Liberia, Afghanistan, Colombia, South-East Europe, Mozambique, the Solomon Islands, El Salvador, and Brazil has also gone well beyond the limited scope of first generation measures concerned with the flow and use of weapons in "international space" and has reached deep into the domestic governance arrangements of states. In many cases, the result has been new alliances between local NGOs and governments, or between international and local actors. Major international NGOs such as Amnesty International and Oxfam, or more specialized NGOs such as Saferworld, the Small Arms Survey, the Bonn International Center for Conversion, the *Groupe de recherché et d'information sur la paix et la sécurité* (GRIP), the Norwegian Initiative on Small Arms Transfers, the Institute for Security Studies (South Africa), Viva Rio, and others have been active and influential at the national and regional level. Globally, they have worked in the context of the International Action Network on Small Arms (IANSA), the umbrella organization of more than 500 NGOs active on small arms issues. But gaining an overall picture of the cumulative effect of this myriad of local initiatives to address small arms and armed violence is not yet possible.

Conclusion: Three Future Scenarios

The interaction between multilateral diplomacy and global public policy will determine the range of future action to tackle small arms and light weapons proliferation and misuse. What is more difficult to discern is the emerging scope of the problem, since (as noted above) there is no simple link between increased availability or proliferation of small arms and greater threats of misuse. The level and scope of armed violence is mediated through many socioeconomic and cultural factors, some of which—such as demographic bulges, migration to cities, education levels, and economic opportunities—have little or nothing to do with the availability of weapons. But one can at least sketch a spectrum from a "worst case" to a "best case" scenario, then examine which of the policy measures noted above might help move from worst to best case, or keep one from sliding towards the worst case.

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[44] Canada, "Informal, Intersessional Programme of Work," statement by Canada to the Review Conference for the UN Programme of Action on Small Arms, July 7, 2006.

[45] See Edward Laurence and Rachel Stohl, *Making Global Public Policy: The Case of Small Arms and Light Weapons*, Occasional Paper 7 (Geneva: Small Arms Survey, December 2002); Keith Krause, "Facing the Challenge of Small Arms: The UN and Global Security Governance," in Richard Price and Mark Zacher, eds., *The United Nations and Global Security* (London: Macmillan, 2004), pp. 21-38.

The worst case scenario is one in which the greater availability and slow diffusion of ever-more lethal weapons—especially military-style automatic weapons—generates widespread insecurity and proliferation, and increasing levels of violence in "hotspots" where economic or political circumstances make the resort to violence attractive for individuals or groups. One can think of this as the "forest fire" scenario, in which the easy availability of weapons corresponds to an increasingly dry forest. The spark for any given violent outbreak might be random, accidental, or deliberate, and involve such things as state collapse, organized criminal activity, terrorism, gang warfare, or inter-communal conflicts. But the level of risk overall is clear and growing.

The best case scenario is one in which tight regulatory frameworks at key points along the chain that leads from production to transfers, retransfers, use, and misuse increase the costs of resorting to armed violence either individually or collectively. Other means of conflict resolution and prevention provide alternative means of resolving grievances, socioeconomic opportunities are good, and state institutions increasingly provide the public good of security to all, reducing demand for weapons and types of weapons to levels consistent with appropriate use by civilians. Overall levels of armed violence decline.

What impact would the different policy initiatives, and the multilateral diplomacy versus public policy track, have on these scenarios? A comprehensive answer would assess the impact of specific measures on shifting the costs and benefits of armed violence—something that we cannot provide here. But some tentative observations can be made to help guide future policy and research.

First, the existing multilateral process will by itself have little impact on avoiding the worst case scenario. The UN Programme of Action on small arms has set many global norms, but the absence of a strong mechanism for norm diffusion and implementation means concrete policies will be less likely to be internalized into state practice. Existing or planned first generation measures such as the International Tracing Instrument, an instrument on arms brokering, or enhanced transfer controls will increase the costs of illicit transfers and misuse of small arms, but with only limited impact. They do not remove weapons from society, reduce production, or destroy surplus stockpiles. They thus depend on other more concrete measures to be truly effective. The only bright spot is

that such measures, because they are designed to make it more difficult or costly to traffic in weapons or to retransfer them from one conflict or another, do not need to be universal to have an impact at the regional or subregional level. Even measures with limited scope, if the relevant producers and suppliers can be brought in, or neutralized through naming and shaming, will have some effect.

More likely to have an impact on reducing worst-case risks would be the systematic pursuit of some of the measures on the global public policy agenda, focusing not on just the "dryness of the forest" (which is difficult to change in the short term), but on hotspots where violent firestorms are more likely to break out. These include post-conflict disarmament (DDR) programs, SSR in states with weak security governance, and targeted armed violence reduction programs where it has reached epidemic levels. There is considerable interest and momentum behind DDR and SSR, and the effective integration of small arms and armed violence issues into post-conflict and development programming may result in the creation of a robust evidence-based policy framework that resembles what one finds in other areas of development programming. It is difficult, however, to see how a critical mass of stakeholders could be brought together, unless the EU were to take a strong overall leadership role beyond the specific issues that have been promoted by the UK (transfer controls), Germany (ammunition), Sweden (DDR), and the Netherlands (brokering).

The most optimistic long-term scenario is one in which both first and second generation measures are pursued in tandem. Effective legally or politically-binding agreements would be negotiated in areas where broad-based international action is required to overcome collective action problems and the negative externalities of arms transfers and proliferation (such as weak controls over arms brokering or exports of surplus weapons). International organizations would have a crucial role in norm-diffusion and in the dissemination of best practices for national legislation and regulation, based on the recognition that the most important practical measures are national policies and regulations, and that the regulatory framework governing small arms proliferation and misuse is weak in many parts of the world.[46]

Accompanying these measures would be the incorporation of a small arms and violence reduction component into humanitarian relief and post-conflict

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[46] An excellent example is the OSCE's *Handbook of Best Practices on Small Arms and Light Weapons.*

reconstruction and development programs, building on the extensive experience of UNDP and other organizations with post-conflict disarmament programs in places such as Niger, Albania, Cambodia, or the Republic of Congo. Beyond the tasks of weapons collection and destruction, much basic assistance needs to be provided to fragile states so that they can identify which arms, in whose hands, pose the greatest threat to the safety and security of their citizens. Research is also needed in order to design evidence-based policies, rather than just ad hoc diagnoses or programs. The full engagement of the UN and other international or regional institutions—such as UNDP, World Bank, OECD DAC, OSCE, African Union, OAS, WHO, and humanitarian agencies—would be required.

The past fifty years have witnessed the steady global diffusion of increasingly lethal instruments of violence into the hands of individuals and groups likely to misuse them. Stemming this process will take time, and until then we should expect that when violence does erupt, it will be more costly and difficult to contain. Although the number of armed conflicts worldwide has declined the number of victims of armed violence—both direct and indirect—remains shockingly high.[47] Ultimately, effective action will depend on how key states and institutions—or perhaps even key individuals—choose to frame the issue of small arms proliferation and misuse. The current stalemate in multilateral and UN-centered processes, whose roots are deeper than the policies of the current US administration, is not likely to be overcome soon, and the climate for formal, universal, legally-binding international instruments is bleak.

But such instruments are only one—and potentially not the most important—part of a coherent strategy to tackle small arms and armed violence. Small arms proliferation and misuse is a multidimensional, multi-level challenge, and durable reductions in the risk of armed violence, whether criminal or conflict-driven, is mainly achieved through accountable state institutions providing security as a public good. Although we are a long way from guaranteeing the safety and security of people in their homes, neighborhoods, and communities, there exists a wide array of practical and effective policy initiatives that can be implemented at various policy-making levels to address this urgent challenge.

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[47] See Andrew Mack, "Global Political Violence: Explaining the Post-Cold War Decline," *Coping with Crisis* Working Paper Series, International Peace Academy, New York, March 2007.

Further Reading

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> *Provides a comprehensive overview of different dimension of the problem of small arms ammunition production, transfers, procurement, diversion, destruction and control.*

Small Arms Survey, *Small Arms Survey*. Oxford: Oxford University Press, Annual Series 2001–.

> *This annual report provides new and updated information on issues such as small arms production, stockpiles and trade, and in-depth analysis of specific themes such as weapons collection, demand, and small arms and development. Each edition also includes case studies on specific states or regions.*

United Nations, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, UN Doc. A/CONF.192/15, July 20, 2001.

> *The key UN document establishing the normative framework for multilateral efforts to address the proliferation and misuse of small arms and light weapons*

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