

The UN Small Arms Control Process: What if this is as good as it gets?

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Despite the best endeavours of certain members of the entertainment industry, the world in 2006 appears as blighted by wars, poverty and corruption as it ever was. Development and humanitarian agencies, both government and non-government, have battled against seemingly endemic disasters for the world's unfortunate for decades now. Compassion fatigue set in years ago, as the pitiful images of starving children in tent cities on news footage and on development agency donation slips stopped tugging at heartstrings and bank accounts. As the Millennium Development Goals loom ever closer, reminding governments of their commitment to "eradicate extreme poverty and hunger" and "achieve universal primary education" and six other reasonable ideals by 2015,¹ governments and non-government organisations alike have come to look for new reasons why the global outbreak of peace and prosperity continues to evade so much of the developing world. And they think they may have found it. At about a metre long, and a nimble few kilos in weight,² the standard assault rifles of the world's armed forces are now ubiquitous in the subterranean conflicts across Africa, the Middle East, Central, South and Southeastern Asia and Latin America. Weapons designed for and by the Eastern and Western blocs of the Cold War era, and exported by the tonne to bolster Third World governments, or bring them down, are now in the hands of rampaging teenage gangs, used in organised and random acts of crime, and at the ready disposal of those taking up arms against the state. For governments, the unnerving reality is that the state's previous monopoly on the threat or use of force has been undermined, if not eradicated, paradoxically by the very weapons meant to uphold it. For humanitarian and development agencies, often also funded by states (or at least voters), the plague of small arms accounts for so many ills encountered in delivering aid and emergency programmes.

¹ See the United Nations Development Programme's webpage on the Millennium Development Goals available at: <<http://www.un.org/millenniumgoals/>>. (Accessed 24 May 2006).

² Weights range from just under or just over 3kg for an unloaded M16 (depending on the model), just under 4kg for unloaded AK Chinese-made variant known as a Type 56 or M22, to an unloaded AK-47 or HK G3 weighing about 4.3 and 4.5 kg respectively; 30 rounds of ammunition weigh approximately 700g for each magazine. See specifications of the firearms in Ian Hogg, *Jane's Gun Recognition Guide*. Glasgow: Harper Collins, 2002, pp. 295, 323, 345 (although the weight of the M-16 here is incorrect); also the World Guns assault rifle home page at: <<http://world.guns.ru/assault/as00-e.htm>>. (Accessed 28 December 2005).

Absolute figures remain impossible to calculate, but best estimates place the numbers of small arms worldwide at around 639 million.³ Not quite as alarming as it sounds, as most of these are legitimately owned by enthusiastic hunters and sporting shooters in North America and Europe.⁴ State armed and police forces account for around 40%, and perhaps most surprisingly, less than one percent (an estimated one million small arms) appears in the hands of “Non-state Actors”.⁵ This however is the demographic taking up arms against the state, facilitating personal fiefdoms, and contributing to the criminalised violence that is the hallmark of much contemporary conflict. These conflicts are also often protracted, or at least peripatetic, largely due to the prevalence of small arms and light weapons.

The United Nations Panel of Experts Report from 1997 notes how even “a small number of weapons can be destabilizing.”⁶ Indeed, “[M]easured by their results, even small rebel arsenals are of disproportionate importance.”⁷

The development issues and public health aspects of small arms availability and misuse concern a great number of government and other international agencies, as well as non-government ones. The security issues it raises are of increasing concern to security analysts and policy makers. But the compelling question is just how did so many Warsaw Pact and NATO weapons end up in the hands of civilians-turned-combatant in the developing world? Taking a different tack to the likes of U2’s Bono and Sir Bob Geldorf, March this year saw the Australian release of the Nicholas Cage gunrunning pic. “Lord of War”.⁸ It should be astounding that many of the scenarios depicted in the movie are based on fact. Huge shipments of former Soviet weapons with falsified documents did indeed get flown into embargoed countries and delivered to men of dubious character and with even more dubious remit to govern. Fear of the “domino effect” of countries across Southeast Asia falling to communism saw the United States transfer literally hundreds of thousands of small arms and light weapons and ammunition to South Vietnam, Laos and Cambodia, much of which was simply left behind after 1974.⁹ Chinese and Eastern bloc weapons were transferred to leftist governments and China at least supported regional communist parties

³ United Nations, *Report of the Secretary-General to the Security Council on Small Arms*, UN Doc. S/2002/1053, 20 September 2002.

⁴ Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, Figure 2.5, “Distribution of known global firearms, 31 December 2001”, p. 103.

⁵ Ibid.

⁶ United Nations, *Report of the Panel of Governmental Experts on Small Arms*, UN Doc. A/52/298, 1997.

⁷ Graduate Institute of International Studies. *Small Arms Survey 2002*, p. 83.

⁸ Andrew Niccol (Dir.), “Lord of War”, 2005.

⁹ See Edward C Ezell, *Small Arms Today*. 2nd ed. Harrisburg PA: Stackpole, 1988, pp. 440-444.

though arms transfers.¹⁰ Wars and insurgencies simmer on for decades as automatic rifles take years to wear out; all that's needed to keep revolutions and insurrections going is determination and ammunition. Minor wars can quickly turn into genocidal or criminalised carnage through the influx of foreign weapons. Pol Pot's Kampuchea for example.

Compact, durable and reusable, small arms and assault rifles in particular, from that conflict and others in Indochina continue to circulate in Southeast Asia today. Weapons left behind by US forces departing Vietnam even found their way as far afield as Honduras.¹¹ Many of the weapons ending up in the region's enduring intra-state conflicts come from older wars facilitated through the Thai black market.¹² The black market in arms adapts to vacillating supply and demand dynamics, varying risk factors and localised conditions including law enforcement, therefore the prices of weapons vary enormously, and can reap considerable profits for the gunrunners. A Kalashnikov type bought in Egypt for US\$500 and smuggled into the Palestinian disputed territories in 1999 was said to fetch a street price in Gaza of US\$2,500¹³ In Thailand, prices for weaponry being purchased by an Armed Group in 2003 were averaging just over US\$200 for a used automatic rifle and ammunition could be bought for around US 25c per bullet.¹⁴ Newer weaponry is often available, through what the literature refers to as "leakage"; essentially corruption, ineptitude or theft, from government stockpiles and armouries.

As the "high politics" of the Cold War gave ground to the "low" politics or "human security" issues in the 1990s - the International Campaign to Ban Landmines for example - governments started gathering data on small arms and light weapons. What arms were where, how they got there, and what problems this was creating led to several Panels' of Experts in the late 1990s, a UN Conference in 2001 and both interstate and regional follow up meetings. From 26 June to 7 July of this year, the UN basement in New York will have bustled with a major Review Conference (RevCon) of the process and progress to date. Non-Government Organisations (NGOs) and Governments came together to consolidate the key political process on small arms control known as the UN Programme of Action (UN PoA).¹⁵ The

¹⁰ See for example, Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*. London: Zed Books, 1999, pp. 228,229, 248.

¹¹ Ezell, *Small Arms Today*, pp. 194-195.

¹² There are numerous references to this. See for example, Smith, *Burma: Insurgency and the Politics of Ethnicity*, p. 100, also Andre and Louis Boucaud, *Burma's Golden Triangle: On the Trail of the Opium Warlords*. Bangkok: Asia Books, 1992, p. 57, and Anthony Davis, "Police interdict arms traffic to Aceh." *Jane's Intelligence Review*, April 2004, pp. 5-6..

¹³ Craig S. Smith, "Booming Business in Gaza: Tunneling." *The New York Times*, 24 January 2006.

¹⁴ Price conversion conducted by the author. Sources are documents in the possession of the author.

¹⁵ The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, often shortened to the UN PoA

PoA is principally concerned with the illicit small arms market, and identified a number of initial measures to do so, including black market trafficking, enhanced controls to prevent the diversion from licit to illicit markets, post-conflict weapons collection and destruction, and transparency and cooperation measures.¹⁶ The small arms control process is predicated on three key themes: firstly that small arms (mainly firearms) are ubiquitous; secondly that they cause a disproportionate amount of damage to humanity; and thirdly, that controls must be enacted with haste.

Prior to this year's RevCon, last July's Biennial Meeting of States on the PoA, the Programme confirmed itself as a controversial political process. The subject matter, the process and the agendas of various civil society interest groups continue to dog progress in implementing of the Programme, at times making the event almost appear to be working at cross purposes. For example the arms control NGOs, co-ordinated through IANSA,¹⁷ confused delegates by showing a presentation on machete victims, leaving its main adversary, the US National Rifle Association which represents the interests of sporting shooters and self-defence advocates, wondering if IANSA was re-visiting the definition of small arms that had been established eight years before. IANSA failed to take the opportunity to elaborate its position on small arms availability and misuse, instead spending most of the morning session pointing out to delegates that being shot is unfortunate and largely preventable, and that firearms can be used coercively. This told the conference nothing new, and many considered the presentation to be unhelpful.

At this year's Review Conference, a time when the PoA's core goals remained unconsolidated, IANSA took an entirely new approach, and set about raising new issues into the debate. Not only topics currently outside of the PoA's remit, they include two highly contentious ones at that; the issues of arming Non-State Armed Groups and the civilian ownership of firearms.

IANSA obviously enjoys a challenge; it would be difficult to find two topics closer to the heart of the United States' government. It has long been part of US foreign policy to transfer arms in what it sees at the time as its national interests, or for overwhelming humanitarian reasons. 'Irangate' may be the most infamous example.¹⁸ Further, the Second Amendment to the US Constitution permits the use of firearms for personal defence, upheld and promoted by a number of groups including the influential National Rifle

¹⁶ 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, 2001.

¹⁷ IANSA; the International Action Network on Small Arms.

¹⁸ Also known as the "Iran-Contra Affair". In the mid 1980s, the US by-passed Congress and covertly supplied weapons to Iran, then at war with Iraq, in order to gain leverage over Iran who was known to support the Islamist group Hezbollah in Lebanon which was holding US citizens' hostage. The monies raised from the sale went to purchase arms for the Nicaraguan 'Contra's' who were fighting the country's elected left-wing government.

Association noted above. John Bolton, then Under Secretary of State for Arms Control and International Security Affairs, told the Conference in 2001:

We do not support measures that prohibit civilian possession of small arms....We do not support measures limiting trade in SA/LW solely to governments...Violent non-state groups at whom this proposal is presumably aimed are unlikely to obtain arms through authorized channels...Perhaps most important, this proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government. Distinctions between governments and non-governments are irrelevant in determining responsible and irresponsible end-users of arms.¹⁹

The Non-State Armed Groups that the small arms control community has in mind are the de-socialised gangs that set up terrorising fiefdoms, illegally take over countries and run subterranean economies that feed back into the conflict. Groups such as the rampaging Lord's Resistance Army in Uganda, and the organised drug cartel of the FARC in Colombia for example. Such groups wield disproportionate power and operate with a chilling impunity.

It is suggested that civilian ownership is a major point of diversion for firearms to leak into the black market, and thus potentially misused in homicides and suicides and the pursuit of crime.²⁰ The "firearms community", referred to by IANSA as the "gun lobby", refutes that civilian owners are so universally irresponsible, and fear their sport and their members are in danger of being criminalised by diplomats and bureaucrats.

However, refocussing an already cumbersome and voluntary process onto two more contentious areas before it has even begun to consolidate its agreed-upon process, may well lead to it becoming even more arduous and less likely to be fulfilled. Even if the small arms control community succeeds in getting agreement on global norms to prohibit the supply of small arms to Non-State Armed Groups, (which seems highly unlikely), what would this mean for embattled and embittered groups fighting for heartfelt, political goals or for cantonments of territory in which to be safe from an oppressive central government? Groups such as the Karen National Liberation Army (KNLA), now almost sixty years into its struggle against the Burmese government, and whose plight only rarely makes the headlines. The KNLA sees itself as protectors of the ethnic Karen people, and abuses against the Karen by the Burma Army are well documented.²¹ A major Burma Army offensive in May this year displaced thousands more Karen. Moves by the international community to prevent the KNLA from getting arms would

¹⁹ John Bolton, "United States of America Statement." Paper presented at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York 2001.

²⁰ See for example, Philip Alpers and Conor Twyford. "Small Arms in the Pacific", Occasional Paper No. 8: *Small Arms Survey*, 2003, pp. 17, 19.

²¹ See for example documentation by the Karen Human Rights Group at: <<http://khr.org>> and the Free Burma Rangers at: <<http://www.freeburmarangers.org>>. (Accessed 5 June 2006).

probably have little effect in tangible terms, as they already reuse decades-old firearms and utilise homemade landmines. Much of their additional arms and ammunition comes from battle captures and the Thai black market.²² And one could question how effective supply-side embargo-type measures are in any case – there is arguments and evidence that it simply creates a burgeoning underground market.²³ However the political message it sends is quite clear: states are the sole legitimate recipients of weapons of war, and Non-State Groups taking up arms are illegitimate entities. This is disheartening news to those who see themselves as legitimate political forces, driven to taking up arms against a state they consider to be an aggressive invader. It worked for East Timor. And for the Free Aceh Movement.

Throughout the 1990s the human security agenda was powered by Non-Government Organisations and intra-state conflicts that clearly confronted the realist paradigm. Traditional security establishes the state is the sole referent object of security, to be defended against external aggression through the threat or use of armed force. Armed Non-State Actors are neither exogenous to the state nor easily deterred by the threat or use of force. The human security agenda promoted by NGOs focussed attention on non-traditional security; on communities at risk in conflict and the legacies of such, as well as on transnational natural and human-made disasters. Engagement with Non-State Armed Groups, was pioneered by the International Campaign to Ban Landmines,²⁴ institutionalised through Geneva Call²⁵ and has become the subject of scholarly debate.²⁶ The small arms control campaigns have also centred on the human cost of uncontrolled small arms proliferation. If however the small arms campaigns distance themselves from engaging with Non-State Armed Groups, and support states in their bid to make such Groups irrelevant, this reinforces the realist tenet of the paramountcy of the state, and may well be undermining the advances made in the human security agenda that NGOs had previously been promoting.

Parallel to the PoA has been the evolution of an Arms Trade Treaty, (ATT). Still in draft form, it has defied the cynics and gathered momentum, most significantly from major arms exporting countries in Europe. Australia has given “in principle” support, while New Zealand and Cambodia are the only

²² Documents in the possession of the author; also note 12 above.

²³ See for example Michael T. Klare, "The Subterranean Arms Trade: Black-Market Sales, Covert Operations and Ethnic Warfare." in Andrew J. Pierre (ed.), *Cascade of Arms: Managing Conventional Weapons Proliferation*, Washington D.C: Brookings Institution Press, 1997.

²⁴ International Campaign to Ban Landmines. *Landmine Monitor Report: Toward a Mine Free World*, Reports 1999-2005, particularly for example, chapters on Burma and the Philippines.

²⁵ Non-state Armed Groups can adhere to international humanitarian norms through a forum based in Geneva. See Geneva Call at: <<http://www.genevacall.org>>. (Accessed 5 June 2006).

²⁶ See for example, Claude Bruderlein, "The role of non-state actors in building human security: the case of armed groups in intra-state wars." Centre for Humanitarian Dialogue, May 2000.

states in the Asia-Pacific to make a clear commitment to it.²⁷ Seeking legally binding restrictions on arms transfers for humanitarian reasons, the ATT aims to codify existing international norms and laws into a single document.²⁸

In the meantime, will those in the small arms control community be happy enough with what it sees as lack of progress on factors it considers vital to address? In the existential words of Jack Nicholson in the film of the same name, "What if this is as good as it gets?"²⁹

The Free Aceh Movement in northern Sumatra engaged Indonesian forces in almost 30 years of conflict, yet it was a massive wave from the cauldrons of nature that provided a critical catalyst for peace negotiations.³⁰ Similarly, it was the Asian financial crisis that ultimately resulted in changes to the Indonesian Presidency and a new Indonesian administration that offered East Timor a referendum. Combat fatigue, like compassion fatigue, ultimately remains unquantifiable. Small arms availability and misuse all too often leads to avoidable human, state and regional insecurity. If there is a singular, identifiable vector for peace however, it remains elusive. Any small arms control measures that the international community decides to enact will only provide part of the answer.

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²⁷ Richard Baker, "Australia Backs bid for Weapons Ban." *The Age*, (Melbourne) 7 July 2005; Nik Kiddle, "Statement by the New Zealand Representative." Paper presented at the Second Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, New York 2005, p. 3 and Oxfam Great Britain Press Release, "Lib Dem leader joins push for Arms Trade Treaty: International Human Rights Day sees UK fall behind on arms control", 10 December 2003.

²⁸ See Amnesty International, IANSA and Oxfam International, "Towards an Arms Trade Treaty: Next Steps for the UN Programme of Action". Control Arms Briefing Paper, June 2005.

²⁹ James L. Brooks (Dir.), "As Good as it Gets", 1997.

³⁰ See Damien Kingsbury, "A Mechanism to End Conflict in Aceh", in *Security Dialogue* Vol. 1, No. 1 (2005), pp. 73-88. In this article the author also addresses the political, economic and military elements that were making resolution to the conflict imperative.